

ARC BRIEFING NOTE ON URBAN LAND IN AFRICA:

WEDNESDAY, 24 OCTOBER 2007

REPORT OF THE SIDE-EVENT ON URBAN LAND IN AFRICA

OPENING SESSION

In his opening remark, side-event Chair, Blessing Manale, Chief Director Planning, Department of Environmental Affairs and Tourism, South Africa, said that the majority of populations in African cities live in slums, and therefore urban and peri-urban land is central for any strategy to improve conditions and achieve sustainable development. Chair Manale said the side-event would elaborate on issues touched upon during ACSD-5 which are pertinent to sustainable urbanization. Chair Manale highlighted UN-HABITAT's Global Campaign for Sustainable Urbanization which he said addresses issues of security of tenure and good urban governance in many African countries. Turning to the issues for discussions, Chair Manale invited participations to pay attention to the following questions:

- What are UN-HABITAT approach and work in the area of land in Africa?
- How to improve security of tenure for all citizens, particularly for the poor?
- How to operationalize continuum of land rights (beyond freehold / title)
- How to improve land management?
- What are the best practices in land management in Africa?
- What are capacity building options for African countries?

Alioune Badiane, Director, Regional Office for Africa and Arab States, UN-HABITAT, stressed that there was no dichotomy between urban and rural development, and said that planning for urban and rural settlements needs to be mutually reinforcing. He said for the ordinary people who move from rural to urban areas, the urban areas are often seen as places for activities and development. However, he underscored that when land is scarce and it cannot sustain livelihoods and agricultural production, people migrate to urban areas. He said this has traditionally been the pattern of development in Africa. He highlighted the urgency of reversing the trend of looking at agriculture for agriculture's sake, and urged a broader focus on markets. Regarding the Millennium Development Goals (MDGs) he said there was a 'complete blindness' in the discourse, and too often the issues of slum upgrading and prevention are overlooked.

Joan Kagwanja, Food Security and Sustainable Development Division, ECA, provided an overview of the Joint AU-ECA-AfDB Land Policy Initiative. She said that the initiative aims to develop a land framework this is African conceptualized, owned and financed. She welcomed UN-HABITAT's involvement and activities related to the creation of benchmarks and indicators for the Initiative.

UN-HABITAT AND LAND

In his presentation, Remy Sietchiping, Land Tenure Specialist, UN-HABITAT, focused on how to secure land rights for the most vulnerable groups (continuum of land rights), improving land administration: Social Tenure Domain Model; and the Global Land Tool Network.

The United Nations Human Settlements Programme's (UN-HABITAT) side event on 'urban land in Africa' took place on Wednesday, 24 October 2007, in conjunction with the Fifth Session of the African Committee on Sustainable Development (ACSD-5) being held in Addis Ababa, Ethiopia, from 22-25 October 2007. The event discussed UN-HABITAT's perspectives and work in the area of urban land, particularly in Africa, as well as urban land challenges and opportunities for African countries.

BRIEF HISTORY

Africa is the world's fastest urbanizing region, with current trends showing that 90% of new developments in cities occur in slums. Considering that the majority of Africa's population lives in cities urban land is central for any strategy to improve conditions and achieve sustainable development. There is a wide recognition that urban lands are the most profitable, dynamic, contentious, valuable, sought after, and yet less regulated (informal land market) whereby vested interests are tapping into the niche at the expense of the poor and the public benefits. Evidence shows that rapid concentration and movements in African cities increase conflicts over lands.

UN-HABITAT is the United Nations agency for human settlements. It is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. UN-HABITAT's work on promoting 'Sustainable Urbanization' has two major goals, namely: promoting adequate shelter for all; and achieving 'Sustainable Urban Development.'

Land (particularly in urban and peri-urban areas) is central in UN-HABITAT's strategy to promote sustainable urbanization. UN-HABITAT adopts a holistic approach on land, particularly considering various aspects such as land policy, tenure security, land administration, land management, land tax and land re-distribution or land reform. For example, if a country wants to upgrade a slum area they would need a land policy as to how state land can be used for the urban poor and/or how private land can be acquired and/or expropriated. This aspect brings in compensation policies and issues of land tax. Also, to upgrade slums it would have to be decided what type of land tenures would suit the newly upgraded residents, and of course upgrading itself is a form of land management. Without adequate land administration systems giving information about where is the state land, private land, existing slums etc it would be difficult, if not impossible, to create a physical plan of the area for upgrading, including the resettlement of people who are occupying roads or railways or are in hazardous areas. Equally, without such information from a land administration system it would be difficult to service the area sustainably, both in terms of maintenance of infrastructure and for cost recovery purposes.

Regarding security of tenure, Sietchiping outlined several obstacles to tenure, including: centralized decision-making; inefficient use of urban space; public sector dominated approaches; rigid and costly regulatory frameworks; and poor land recording systems and centralized or limited information. He said that in many cases the path to property can be too complex for the large majority of people.

On the UN-HABITAT Global Campaign for Sustainable Urbanization, he underscored its primary objectives as: security of tenure for all; good urban governance; water and sanitation for sustainable urbanization; financing the urban poor; and combating forced eviction. He noted that UN-HABITAT was in partnerships with Cities Alliance to implement Plan of Action from Global Campaign, including Burkina Faso, Senegal, Nigeria, South Africa, Tanzania, Uganda, Ethiopia, and Kenya.

Outlining the 'land rights continuum', he stressed it contains a number of approaches, including: formal title to land; licenses permitting residential use of land; licenses to co-operative societies; leasehold titles through co-operative societies; supply of utility services; publicly issued personal documents indicating rights of residence; privately issued personal documents; and connections with local leaders and political parties.

Sietchiping then presented the Social Tenure Domain Model (STDM) as a means to operationalize the continuum of land rights. He said that the STDM was a joint -venture between UN-HABITAT, FIG, ITC (Kadaster, Delft University) and that work currently focuses on a concept model and the development of software and a prototype with real data (test in Kisumu, Kenya).

On the Global Land Tool Network (GLTN), Sietchiping highlighted that the Network aims to create a comprehensive global focus to move the land agenda, both rural and urban, forward. In terms of the GLTN mission statement, Sietchiping underscored the importance of: developing pro-poor gendered land tools; unblocking existing initiatives and adding value; researching, documenting and disseminating information; strengthen global comprehensiveness (Paris Declaration); improving security of tenure for the poor (Global Campaign on Secure Tenure); and meeting the MDG goals: indicators/benchmarks. He mentioned that the GLTN has six thematic focus areas, namely: land rights, records and registration; land use planning; land management, administration and information; land law and enforcement; land value taxation; and cross cutting issues.

BEST PRACTICES IN LAND AND CAPACITY BUILDING

In his presentation, Solomon Haile, CB Expert, Training and Capacity Building (TCBB), UN-HABITAT, provided an overview of best practices in urban land management, capacity building plans of GLTN, current capacity building plans, and what the TCBB can offer to member states.

Based on the Organization for Economic Cooperation and Development's conceptual framework, he defined capacity development as the ability of people, organizations, and society as a whole to manage their own affairs successfully, and that it is a process whereby people, organizations, and society as a whole unleash, strengthen, create, adapt, maintain capacity overtime. He identified knowledge and skills of individuals, the quality of their organizations, and the nature the enabling environment-the structures of power and influence and the institutions, as key elements of capacity development.

Haile identified a number of elements of best practice in good land management, including: good governance (transparency, organizational ethics, professionalism); a clear distribution of roles and responsibilities amongst land actors and within land sector institutions; genuine participation; normative framework for coordination of land issues adapted to local context and realities; efficient management of peri-urban and slum areas; a functioning decentralized land administration (LA) system associated with appropriate land information systems; and flexible and inclusive land registration and cadastral systems.

Regarding the GLTN capacity building strategy, Haile stressed that the strategy has an emphasis on human capacity building, focuses on partnerships with regional training institutions, value-added interventions, contains tools and guidelines, and includes diversified delivery and outreach. He also noted that thematic training modules were focusing on transparency in LA; gendered land tools, good land governance and grassroots mechanism; Islamic land tools; and land value capture/ taxation.

DISCUSSION

Opening the discussions, Alioune Badiane announced that UN-HABITAT will host a two-day expert's group meeting from 26-27 November 2007 for land administrators, and a Ministerial meeting in February 2008 to help African governments prepare of the sixteenth session of the UN Commission on Sustainable Development.

A participant stressed that rural and urban areas are extremely different, and said that the problem in Africa is failure to plan for the movement of rural to urban, and the failure to encourage people to remain in rural areas. She said there was an over-emphasis on urban slums, while the upgrading and prevention of rural slums remain neglected. Supported by several other participants, she requested further information on the concept of negotiated evictions.

Another participant questioned the dichotomy between urban and rural areas, and stressed that the best way to curb rural migration was to ensure sustainable land management in rural areas, including an emphasis on effective soil management. He cited examples of governments increasing rural based industries as a measure in stemming migration and creating employment. He noted that urbanization is increasingly driven by national growth, and conversion of peri-urban and rural villages to urban areas.

A participant said that one of the most important aspects in development is securing ownership, which he noted that without secure and ownership increasing investments for development will be impossible. He requested UN-HABITAT to provide information on how they are dealing with climate change and climate variability, particularly the impact of sea-level rise on coastal cities. He said there was also a need to ensure there is an environmental perspective included in issues related to land tenure.

A participant stressed the importance of more sustainable urban and regional planning, and underscored the catastrophic effects of unsustainable human settlements if a more holistic planning process covering urban, rural and regional areas is not urgently implemented.

A participant said that urban centers are becoming centers of high consumption of natural resources, and suggested a focus on ways to manage urban consumption patterns.

In response to the questions, Alioune Badiane clarified that the urban-rural dichotomy is an outdated paradigm and stressed that UN-HABITAT was looking at the complementarity between urban and rural areas and not necessarily the differences. On rural slums, he noted their existence, but said they are not the norm in Africa where urban slums proliferate. He said regional planning, must be based on urban planning and integration must be complementary, otherwise you will potentially end up with mega-cities.

Regarding negotiated evictions, he said it was a complex option, but noted that UN-HABITAT was opposed to any form of unilateral or forced evictions, and instead are promoting a process of negotiating and adequate resettlement. On climate change and the impact of coastal cities, he said UN-HABITAT where discussing establishing a joint programme with UNEP to address this issue, as well as the relationship between climate change and human settlements.

Additional Information

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