

SECURITY OF LAND TENURE TODAY

**Regional Seminar on Secure Tenure
Safari Park Hotel, Nairobi
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Excellencies, Distinguished Guests, Ladies and Gentlemen, I feel honoured and privileged to be giving a keynote address today on this ISK/CASLE/UN-HABITAT regional seminar on security of land tenure.

I would like to take this opportunity to address some of the most crucial issues for the urbanising world of today, for the UN Millennium Declaration and for issues within UN-HABITAT in general and Shelter Branch in particular.

With the world's population due to grow to 8 billion by 2025 and with an estimated 924 million people in urban areas without tenure security, effective management for sustainable urban development, including security of land tenure, is one of the critical items for the 21st century.

Without sustainable urban development there can be no sustainable development. How we manage and live in our cities and towns will determine our ability to reach the Millennium Development Goals and attain the full range of priority issues identified for the World Summit on Sustainable Development in Johannesburg last year: water, energy, shelter, health, agriculture and biodiversity.

Hopefully, your choice of focus for this workshop on security of tenure will bring us one-step closer the achievement of the Millennium Development Goals and the Habitat Agenda.

I was pleased to see that UN-HABITAT concerns were well reflected in the plan of implementation of WSSD and we were successful in including a reference to adequate shelter in the Johannesburg Declaration. The inclusion of Shelter alongside water, energy, health, agriculture and biodiversity has made it clear that shelter or “home” and the security of tenure is the basis for providing other basic needs.

Perhaps nowhere is the challenge more complex and demanding than in the rapidly growing African cities. With an average growth rate of five per cent per annum, Africa is the fastest urbanising region in the world today. Between 1990 and 2020 urban populations in Africa will rise fourfold. Of the world's total slum population of 924 million people, 188 million slum dwellers live in Africa. Slum upgrading will become a major instrument to achieve the MDGs.

The Cities Without Slums Facility for Africa was created specifically for Sub-Saharan Africa (SSA) to help address the underlying conditions for scaling up the attack on urban poverty in the region. The Facility will make available support to cities that wish to develop citywide approaches to slum upgrading and strategic development plans for poverty reduction, working with organisations of the urban poor, civil society, and the private sector. The Facility can also assist Cities Alliance members to support the efforts of SSA partners (national and local authorities, civil society) to design and implement programmes of action, in accordance with Cities Without Slums Action Plan.

The "Cities Without Slums" action plan was subsequently endorsed by the 150 heads of state and government attending the UN Millennium Summit in September 2000, and is reflected in the United Nations Millennium Declaration (A/RES/55/2), along with the other targets set under "Development and poverty eradication". The goal is: "to have achieved a significant improvement in the lives of at least 100 million slum dwellers by 2020 as proposed in the "Cities Without Slums" initiative", also referred to as goal 7 on slums.

The Facility will support cities committed to city-wide upgrading and to secure tenure, and that are prepared to set specific local impact targets in support of the Cities Without Slums action plan. The Facility will also support the efforts of organisations of urban poor and organisations of local authorities to build their capacities to be full partners in this development process. The Facility is primarily intended to help cities access longer-term support from the Cities Alliance and its members.

UN-HABITAT's decision to highlight the issue of secure tenure, not just in terms of shelter but also as an underlying cause of urban poverty, is informed by our broad experience globally. However, our partners have demonstrated that, for cities with a significant number of slums, some sorts of titling has little direct impact on access to finance, which is often used as the main justification for such a strategy. It is clear from our experience that the most important sources of financing for slum upgrading come from within a country, and are both public and private. A key lesson is the importance of developing long-term frameworks at the city, national and international levels that identify a mix of stakeholders, public and private, at the same time as you study best possible ways to achieve security of tenure for the urban poor.

A key aspect in achieving target 11 on slums is the provision of secure tenure to the slum dwellers. Therefore, a key challenge to the land industry is how to go about when giving tenure security to slum dwellers. To reach the target, new innovative tenure types will need to be developed which are affordable to the urban poor. Affordable, user friendly and transparent land administration and land management systems will have to be developed for city wide slum application. Slum areas that are not titled challenge existing land registration and cadastral approaches. In the slums there are little spatial information and the land use does not often fit the town plans. The land industry needs to think beyond conventional titling approaches as these will not be able to deliver fast enough or at a suitable scale and as they are generally not affordable to slum dwellers. To reach the MDG goal 7, target 11 on slums by 2020 we need to adapt the legal land regulatory framework and introduce innovative and affordable tenures and land information systems.

The legal system such as property rights and security of tenure are critical to sustainable approaches to upgrading. Most residents of urban slums live without any form of secure tenure, under constant threat of eviction, which obviates their ability to access credit and constrains their motivation to improve their homes and neighborhoods.

The transformation of a land administration system is a large undertaking in that it normally involves a number of separate agencies, it relates to power and patronage, and it requires extensive civil society debate at a national and local levels, it is cross-sectoral and considered key to poverty alleviation. It often takes 11 years or more, for a country to get from discussing land policy to the point of implementing it at scale. There are also a number of discrete pre-titling steps in this process.

The common characteristics in the new land laws being passed in Africa are based on a number of themes. The first theme is that a range of tenures are being introduced to give people tenure security, not just titling. These tenures include occupancy rights, anti eviction rights, adverse possession rights, a new role for customary tenure and local affordable forms of titling such as the Flexible Land Tenure System in Namibia.

The second theme consists of the characteristics associated with the PRSPs which have become cross cutting themes also affecting land namely: - poverty alleviation, decentralization, governance and transparency, service delivery, protection of women. The PRSPs are critically important to African governments, and their Departments of Lands, because of the large scale donor involvement in their budgets, and that a key covenant of most donors is poverty alleviation.

The PRSP characteristics when applied to land administration take the form of:

- decentralized local land administration offices
- cheap/free titles/rights and/or tenure protection for the poor
- information campaigns at national levels about people's land rights
- transfer of information about land rights during titling and how to obtain them
- adjudication procedures that also protect the occupants of the land not just those being titled or holding registered titles
- the adaptation of the conventional land registration system to accommodate the poor and other forms of legal evidence used by the poor to protect their assets
- the protection of women's land rights,

The third set of characteristics relate to dispute resolution. This aspect is often central to the discussions associated with the laws and their designs even if it is not always explicit in the law. This aspect e.g. became a significant cost factor for Uganda that led to an inability to implement at scale. An earlier draft of the South Africa's law was considered too expensive in terms of the institutional structure required to deal with this issue.

One of the most critical issues to be addressed in land administration systems' designs relate to the fact that the design has to have national application, be affordable to the poor, and yet not over-ride customary (local) tenure, including urban forms of customary tenure, where it is the tenure of choice, despite the fact that land titling has not been neutral and has often taken away the rights of occupants.

Women's rights to land are often nested in that of the family. In countries where there have been wars, genocide etc. women often struggle to obtain land rights when the men

in their families are deceased, because society understands their rights in terms of family/men's rights.

Gender aspects that ought to be considered could be:

- New gender friendly land law
- Procedures implemented in a gender friendly way
- Co-ownership and/or protection of women during the transfer of land
- Protection of women's land rights
- Adjudication procedures to protect women

To overcome conflict, adjudication must include participatory approaches, community meetings, report backs and a transfer of knowledge to the community, and it must be gendered. It is of utmost importance to involve local committees in adjudication processes.

UN-HABITAT is responsible for cities and other human settlements. And as the agency responsible for the Habitat Agenda and the urban dimension of Agenda 21, UN-HABITAT is now focused on Millennium Development Goal 7 on slums, to have achieved a significant improvement in the lives of at least 100 million slum dwellers by 2020.

Slum Upgrading consists of physical, social, economic, organizational and environmental improvements undertaken cooperatively and locally among citizens, community groups, businesses and local authorities. The actions included in slum upgrading are several: Installing or improving basic infrastructure, e.g., water reticulation, sanitation/waste collection, rehabilitation of circulation, storm drainage and flood prevention, electricity, security lighting, and public telephones.

Most of the housing structures in slums are sub-standard and do not comply with local building codes. Often, slum dwellers lack legal ownership or any other legal security of tenure. Most of these and the myriad other problems associated with slums can only be dealt with effectively at the local level. Local authorities, in partnership with national government and the private sector, are therefore the key players in achieving the targets set out for this goal.

As the chief of Shelter Branch within the Global Division at UN-HABITAT, I am responsible for the Global Campaign for Secure Tenure. The Campaign identifies the provision of secure tenure as essential for a sustainable shelter strategy, and as a vital element in the promotion of Housing Rights. The campaign is also considered as the most important tool together with the Global Campaign on Urban Governance to achieve MDG 7 on slums. The Global Campaign for Secure Tenure has carried out national launches in several countries around the world. In Africa there have been launches in South Africa and in Namibia. Every launch is combined with a concrete action plan for the practical implementation of security of tenure. On the African arena we plan to have campaign launches in Kenya, Uganda and in Burkina Faso within the forthcoming 6-12 months.

I am also pleased to announce that the Environmental Systems Research Institute (ESRI), based in California has contributed 15 million dollars to UN-HABITAT to put in place local urban monitoring mechanisms in 1000 cities around the world, using its GIS software technology. This initiative will not directly provide secure tenure to the poor in these cities, but this might help us in surveying spatial information for decision makers in the areas with lack of secure tenure and monitoring improvements more effectively.

I would like to conclude by making a fervent appeal to all of you here today to join the continuing effort of UN-HABITAT to support, what the world leaders concluded in Johannesburg as “humanity’s best investment to achieve development and sustainability”. I will repeat what was said: “We have the technology and talent. It is achievable. We have to act.”

We must act, and act now. I believe that the Global Campaign for Secure Tenure is the ultimate proof for this global effort acting for the urban poor in general and the slum dwellers in particular.

I thank you for your kind attention.

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