

# **Aide Memoire**

**AMCHUD 3**

**November 2010, Bamako, Mali**

**African Ministerial Conference on Housing and Urban  
Development**

## **Land in the context of sustainable urbanisation**

*There can be no sustainable urbanisation  
without sustainable land management*

*“Governments should strengthen their capacities to respond to the pressures caused by rapid urbanization . . . . Particular attention should be paid to land management in order to ensure economical land use, protect fragile ecosystems and facilitate the access of the poor to land in both urban and rural areas”<sup>1</sup>*

## **1. Background**

The issue of land is at the core of urban development in Africa. Almost every urban facet, in one way or the other, is linked to the land issue. The location of settlements and the modality of housing construction; distances between activities and mobility flows; the valorisation of assets deriving from agglomeration and contiguity; choices and options for location of economic enterprises; the potential for flora and fauna to thrive; and the utility of physical features including hills, valleys as well as shore lines and water streams are all components dictated by how the land issue is addressed. Indeed, land also provides a sense of place and identity. It permeates processes of planning and financing urban development. It exposes policy appropriateness as well as the effectiveness and capacity of governance institutions in urban settings. In some instances land can even become a source of conflict or healing.

It is no wonder that during the past two decades policy interventions for urban developments in Africa, in one way or the other, have been confronted by the land question. While relatively more attention has been given to the issues of ownership and tenure, and how these have been dealt with through administrative and management systems, the real challenge has been much broader than that. Modality and efficiency of use, imperatives for creating wealth and assets, environmental implications of use, its social bearing - in terms of fostering inclusion or exclusion, are all land dimensions that have a critical bearing on African urban development today.

Over the last 10 years, close to half of the African countries have undertaken major initiatives with respect to land issues either through land reforms, land policy development, land administration, and also legislative amendments. A rich experience has evolved whose exchange and broader dissemination could advance sustainable urban development in the continent. At the same time, the African Union (AU), working closely with the Economic Commission for Africa (ECA), as well as the African Development Bank (ADB) and with the participation of UN-HABITAT, has been promoting the Land Policy Initiative (LPI). It involves the implementation at country level of land policy development and the tracking of its implementation. The LPI is particularly important for partners and donors as they are adopting the LPI as the umbrella for any large scale land initiatives at country level. UN-HABITAT has been a critical partner in the LPI process ensuring that the urban agenda has been embedded as much as possible in the process, which to date has been driven by the rural sides of the AU, ECA and African Development Bank. To some extent urban issues, are embedded in the LPI final report which was accepted by the Ministers of Land and then by the African Heads of State in July 2009.

As the agenda of sustainable development acquires urgent priority, particularly in the context of Africa’s rapid urbanization, the primacy of the land issue also assumes prominence. Land, and the manner it is handled, provides the nexus for sustainable urbanization. The increasing productivity of African towns and cities, the capacity to provide for essential needs of the increasingly urbanizing population, and the ability to preserve the environment will also largely depend on policies and interventions related to the land issue. The compactness or sprawling of cities, the scale of its environmental

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<sup>1</sup> United Nations. 1995. *Population and Development, vol. 1: Programme of Action adopted at the International Conference on Population and Development: Cairo: 5-13 September 1994*, Section 9.1. New York: Department of Economic and Social Information and Policy Analysis, United Nations.

footprints, and the extent of inclusiveness in urban settlements are all derivatives of land management and governance.

The African Ministers for housing and urban development therefore need to underscore the importance of bringing land to the forefront in their quest for African sustainable development and urbanisation. All the three past AMCHUD conferences – from Durban, through Nairobi, up to the last one in Abuja in 2008 have acknowledged the centrality of land. The Government of the Republic of Mali is inviting other African Ministers of Housing and Urban Development, to attend a 3<sup>rd</sup> Ordinary Conference that will be devoted to the theme of LAND IN THE CONTEXT OF SUSTAINABLE URBANISATION.

## **2. Goal and Objectives**

The main goal is to follow up on the previous AMCHUD conference which focused on the theme of *“Implementing Goal 7 Target 11: Overcoming the Finance and Resource Challenges for Sustainable Housing and Urban Development*. This 3<sup>rd</sup> conference will address the critical factor of land which has a bearing on all past consultations on the African urban agenda. The specific objectives of the conference include:

- (i) to provide an opportunity for African Ministers to exchange experiences and come up with concrete collaborative actions on the various initiatives that are on-going related to land and urban development;
- (ii) to jointly explore modalities in which land management and the harnessing of its potential can provide stronger inter-Ministerial linkages in addressing sustainable urban development. The intention is to de-sectoralize the land issue – particularly away from its current rural and agriculture emphasis - and in the process foster an integrated approach to urban development;
- (iii) to initiate consultations which will be followed up with action plans on modalities of linking up with the African Union led Land Policy Initiative, which has a potential of mobilizing significant external resources that can also be channelled towards sustainable urban development programmes in the Continent.;
- (iv) to launch Africa’s preparations for participation at the forthcoming Rio+20 Conference in Brazil. The deliberations at this meeting will inform the preparatory process for the United Nations Conference on Sustainable Development (Rio+20), with particular emphasis on the role of land management for sustainable development and its contribution to the green economy
- (v) to provide an opportunity of consultations between African Ministers and representatives of international development agencies on the possibility of developing a partnership for using sustainable land management in promoting sustainable urban development.

## **3. Convenors:**

The conference is jointly convened by the AMCHUD Secretariat and the Government of the Republic of Mali, with the support of UN-HABITAT. It is a statutory meeting of the standing Ministerial conference being convened, as per the Durban Declaration, two years after the 2<sup>nd</sup> meeting held in Abuja Nigeria from 28 – 31 July 2008. It will be hosted by the Ministry of Housing, Land and Urban Planning of the Government of Mali which for the past number of years has been actively involved in fostering a closer linkage in the processes of

land management, urban planning and housing development in the country. The conference will enable the Government to share its experience and to learn from other countries.

On the part of UNHABITAT, Land is a key element in its mandate. At the first Habitat Conference in 1976, the *Vancouver Declaration* recognized land as one of the fundamental elements in human settlements. The focus was citywide and comprehensive and detailed recommendations were given on land management, the control of land use, the recapturing of land value increments, public ownership, patterns of ownership, the increase of usable land and land information requirements. At the Habitat II conference in 1996, land issues were mainstreamed throughout the *Habitat Agenda* and *Istanbul Declaration* and access to land was recognized as part of the right to adequate housing and to be promoted by enhancing and assisting access to land by all through the adoption of appropriate rural and urban land policies and land management practices are some of the prime causes of inequity and poverty. Poor land management also leads to increased living costs, the occupation of hazard-prone land, environmental degradation and the increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low-income people.

This mandate was reinforced by the decisions of other inter-governmental forums, including through Millennium Development Goal 7 Target 11, which included a specific indicator on security of tenure. This issue has also been taken up by the Environmental Management Group working on UN wide drylands issues led by the United Nations Convention to Combat Desertification.

#### **4. Conference Dates and Venue**

The conference will be held from 22 – 24 November 2010 in Bamako, Mali.

The high-level Ministerial segment to be held on the last day will be preceded by a two-day meeting of experts from Member States.

#### **5. Issues to be Addressed:**

The following issues among others will be discussed within the overall theme of:  
Land in the context of sustainable urbanisation

**The rapid urbanization** in Africa implies growing demand for urban land. It not only increases demand pressures on existing urban land that will therefore rapidly rise in value, but it also causes the spatial expansion of cities and towns in the peri-urban and adjacent rural areas. One of the key issues to consider here is the implications of urban sprawl on the access to and cost of urban infrastructure and services, including water, waste and mobility. Demand for land for residential and livelihood purposes close to urban economic opportunities is a major cause of the increasing number and size of urban slums in Africa. The current rapidly growing African urban slums pose serious challenges to sustainable urbanisation and overall development. Given the critical role of cities and towns in economic progress and the large share of cities in generating GDP, achieving sustainable development simply cannot be divorced from **sustainable urbanization**.

However, sustainable African urbanization will not occur through the *laissez faire* urban spatial, urban economic and urban social policies that allow unbridled proliferation of urban slums. Since urban slum proliferation is closely associated with the efficiency of urban land

policies, sustainable urbanization (and by extension achieving sustainable economic growth) requires deeper recognition of the critical role of the productive factor land.

**Security of tenure** is a critical element in achieving sustainable human settlements development (including broad-based access to adequate urban shelter, livelihoods and basic services). Human activities are anchored in land, where rights (e.g. ownership, transfer and use) must be closely guided and safeguarded. Security of tenure is a key factor in people's decisions to invest, to promote social harmony and protect the environment.

There is now a greater recognition throughout Africa that security of tenure covers much more than just freehold titling and individual rights. It can include: (i) tenancy agreements (such as temporary residential or occupancy licenses); (ii) written agreements or contracts witnessed by an authority; (iii) Flexible Land Tenure System and titles; (iv) customary land rights recorded by local land boards; (v) co-ownership; (vi) communal titles and communal governance (land management and administration); and (vii) land holding rights certificates.

Security of tenure based exclusively on registered rights and individual property titles does not necessarily constitute an efficient approach and is often not relevant to the actual realities. Since the majority urban poor cannot easily access formal urban land markets, they have to revert to informal markets, which often compromises their security of tenure. Given the massive scale of urban informality in Africa, the various informal tenure arrangements and practices need to be reconsidered for their merits. New and innovative approaches to formalization of informal processes should be considered because they suit the local needs, development objectives and strategies of the poor urban majorities and the public interest alike.

In Africa, formal **land markets** are distorted and skewed towards the minority high and middle-income earners at the exclusion of the poor urban majorities. The need for access to urban land by the poor majorities is not addressed by the formal markets and this is creating thriving informal urban land markets. Land developed through informal markets often encroach on ecologically fragile lands, including urban and peri-urban wetlands, urban peripheral lands and rural agricultural land with limited guidance from urban planning or other interventions. Protecting valuable environmental and agricultural land from rapid and unplanned urban expansion is a genuine concern for many African governments.

Poorly regulated land and housing markets negatively affect economic growth of cities. They not only make serviced land less available, affordable and therefore less accessible to the urban poor, but they also become obstacles to overall economic growth. Unregulated formal and informal land markets further contribute to municipalities' inability to implement effective land use planning while promoting land speculation. They also deprive municipalities from equitable land value capture and effective property taxation that lead to foregone municipal income.

Land transactions and property taxation can be key sources for financing urban development interventions. But for property transactions and taxation to flourish, urban land markets cannot be just left to the market forces. Regulation is required in the public interest and that can only be realized if good land governance is enforced through its components of **effective land management** based on rigorous **land administration** practices. Ineffective land management and land administration will in the long run lead to systemic failure that will be costly to address retrospectively.

**Ecologically fragile lands**, including wetlands, are often essential for human well-being. They deliver a range of benefits or ecosystem services including provisioning services, such as food and fiber which are essential for human welfare, and regulating services, such as

recharge of groundwater and protection from natural hazards, which are critical to sustaining vital ecosystem functions. They also have considerable aesthetic, cultural, educational and spiritual values and provide sustainable opportunities for recreation and tourism.

For the prosperity of future generations and the protection of biodiversity it is essential that society moves away from resource exploitation and adopts a more sustainable approach to urbanization.

The issue of **gender and land rights** is critical in Africa. Often in African countries, legislations and or practices undermine women right to land. Undervaluing women's land right (especially access and use) negatively impact of city's productivity and food security. This is so because women are often the main land users for small crop production such as urban and peri-urban agriculture. There is a need to improve gender sensitiveness, inclusiveness and mainstreaming at all levels, including land policy and reform formulation and/or implementation, capacity building and security of tenure, budgeting as well as in the regional and continental land related initiatives. There is obvious need to address gender equity, gaps and biases in land policy development and implementation. A gender mechanism could be a way to operationalise mainstreaming in land.

**Innovative land management** will play a key role in achieving sustainable urban development. In Africa, poor and ill-adapted land management systems and practices: (a) jeopardise investment into productive uses of land, (b) make land for social housing unaffordable and (c) hamper infrastructure and basic services delivery options . Inappropriate land management systems also hinder good governance while facilitating corrupted land administration, political patronage and inequitable wealth accumulation. Furthermore, inappropriate land management undermines: (a) long term regional and urban planning for balanced population distribution and investment; (b) distorts prices of land and services; (c) reinforces poverty and social exclusion in urban areas; (d) impacts negatively on slum dwellers, women and children; (e) contributes to the depletion of ecosystem services, and (f) creates conflict at community, national and regional levels. There are lessons to be learnt and shared from several African countries which have taken steps to address some of the challenges, particularly in introducing innovative land management.

**Rural-urban linkages.** The greatest challenges in providing secure land rights occur in urban, peri-urban areas, and the most productive rural areas. These areas face rapidly growing demand for land for housing, property development and commercial investment in agriculture. In rural areas, insecurity of tenure increases poverty and drives people off their land. For urban and peri-urban areas, a 'twin-track' approach is needed to increase tenure security in informal settlements wherever possible, while making additional land available to meet future needs.

**Land governance** is increasingly becoming an important issue in Africa. The multi-dimension (social, economic, institution and environment) of land governance calls for a speedy action to reduce conflict over land affairs, inequality on land access and use, economic growth and opportunities, reduce transaction cost, promote social and gender equality and equality on land matters. For instance, corruption in land administration is a serious impediment to access to equitable land services, making land services inaccessible and unaffordable for the urban poor and other vulnerable groups (often majority of the population). Poor land governance issues also often impact the occupation of hazard prone and ecologically fragile land.

Other issues to be addressed include – land use planning for sustainable urban development. The productivity of African urban centres and their overall contribution to the gross domestic product depends to a large extent on the location of factors of production. This

impinges on mobility patterns, but also on the stress exerted on housing in different neighbourhoods. In this respect the land use planning both in terms of process and outcome are critical issues to be addressed. Similarly, there has been a lot of debate on the issue of enhancing land values in the continent and the potential for using land as an asset for poverty reduction. There is a variety of experience in the Continent on approaches for balancing value enhancement and poverty reduction goals which in some cases discourages displacement of the poor in land sites which have acquired prime value.

Indeed, not to be left out is the acknowledgement that a number of African countries are coming out of conflict situations, both violent and non-violent. There are on-going initiatives on redressing the situation and putting in place systems that can prevent the recurrence of land related conflicts, but also for facilitating adjudication and reconciliation processes.

#### **6. Some of the specific questions to be discussed**

- (i) How can sustainable urbanisation issues be more strongly embedded in the AU, UNECA, African Development Bank land policy initiative?
- (ii) What should countries do to move the urban land policy agenda forward at country level, at regional level?
- (iii) How can countries improve their existing land management systems to also serve the poor and for sustainable urban development?
- (iv) How can countries improve their existing land administration systems to also serve the poor and for sustainable urban development in regard to land tax, land allocation, management of disputes and conflict, environmental management, for planning and servicing?
- (v) How can land markets be made more functional and able to contribute to sustainable urbanisation?
- (vi) How can land governance be improved to strengthen sustainable urbanisation?
- (vii) What are the key things that need to be implemented to gender land issues more effectively?
- (viii) How can land management be done in such a way as to upgrade slums and prevent slum formation?
- (ix) What capacity building approaches are needed to assist in land policy implementation at scale?
- (x) What post conflict land approaches can be taken by countries?
- (xi) What post natural disaster approaches can be taken by countries?

These questions will also serve to encourage dialogue at the conference and the development of follow up actions.

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