



## THIRD AFRICAN MINISTERIAL CONFERENCE ON HOUSING AND URBAN DEVELOPMENT • 22-24 NOVEMBER, BAMAKO MALI

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



# LAND IN SUPPORT OF SUSTAINABLE URBANISATION

## 1. SUMMARY

Sixty percent of many African cities are composed of slums, much of it on informal land arrangements. This can be directly attributed to inappropriate, inadequate or non-existent urban land policy, land administration and land management and a poor governance framework. This is made even worse in post-conflict countries, which are struggling to deal with emergency issues while at the same time dealing with slum and security of tenure issues. This cannot be resolved through piecemeal reforms and conventional slum upgrading projects alone. There is a need to develop new land policies and overhaul land governance and administration systems. Land policy is a means to achieve political ends (equity), economic ends (efficiency) and environmental ends (sustainability). Good land policies also need to be implemented to achieve these goals. Urban land policy development and implementation needs to be placed high up on the agenda of countries seeking to achieve economic growth and poverty reduction. The need to address land issues through comprehensive policies has gained an additional impetus in Africa with the adoption of the Land Policy Initiative (LPI): A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods - a joint initiative of the African Union, African Development Bank and United Nations Economic Commission for Africa. The LPI was adopted by African Heads of State in July 2009 in Libya, and shows the commitment of African Heads of State to the achievement of sustainable development through land policy development and implementation.

## RATIONALE

Democratization in Africa has been deepening as political leaders increasingly accept elections as legitimate means to come to, and retain, power<sup>1</sup>. Africa's economies are also on the rise. The upturn of the continent's fortune is accompanied by an unprecedented rate of urbanization. If urgent measures are not in place the quality and pace of urbanization that Africa is witnessing is likely to exacerbate inequalities, swell parallel economies, expand slums and eventually eat away the gains of political and economic development. It should be recognized that land issues hold the key to making Africa's urbanization sustainable.

Against this backdrop, it is vitally important that the African Ministerial Conference on Housing and Urban Development weighs up land policy, administration and governance issues in a bid to resolve the lingering challenges of housing and sustainable urban development, also in post-crisis environments.

Africa has been witnessing an unprecedented rate of urbanization which has resulted in rapid urban expansion beyond the control of local authorities and central governments alike. The outcomes are not always desirable. Many African countries have experienced rapidly increasing inequality, rising informality and mushrooming urban slums and informal settlements as well as low levels of quality of life. At the same time, the continent is experiencing vigorous and sustained economic growth. Much of this economic growth is riding on the back of the urbanization process, as cities are engines of growth and development in the continent.

Importantly, the rapidly growing cities and economies need to be strategically and actively guided to assure longer-term sustainability. To this end, good governance is a sine qua non and needs to find expression in policies and strategies that guide African development in desirable paths that are grounded in sustainability for today and tomorrow. Among the more urgent interventions is the need to address land use planning, land allocation, use and administration, in a bid to steer African nations towards sustainable urbanization.

<sup>1</sup> 'African Elections', 2010, *The Economist*, Volume 396 Number 8692, July 24-30th 2010, London

Through the “Land Policy Initiative (LPI): A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods,” a joint initiative of the African Union (AU), African Development Bank (AfDB) and United Nations Economic Commission for Africa (UNECA), the desire of African political leadership has been demonstrated that the time is now to begin to develop national land policies to facilitate a functioning land administration, good (land) governance, poverty reduction, sustainable urban development and economic growth, also in post conflict countries. These measures are critical as they underpin all other sector interventions such as infrastructure and service provision, environmental management, land tax and finance, transport, housing and community facilities.

## OBJECTIVES

The objective of this paper is to draw attention to the importance of developing and implementing comprehensive national land policies, appropriate land management and land administration systems within a framework of good land governance. This needs to be done both for developing and post conflict countries.

This paper therefore briefly outlines key land policy issues and processes, as well as some of the challenges and elements of appropriate land management and land administration systems, as a way of addressing sustainable urban development and the delivery of housing at scale. Reference is made to developing and post conflict countries, also identifying the situations and particular needs of the latter. Finally, the paper describes some good land governance approaches that are key to sustainable urban development, in both developing and post crisis countries.

## KEY CHALLENGES

Some African countries have initiated and/or are already implementing land reforms and policies. However, the land policies of many countries, particularly in post conflict countries, remain piecemeal and lack a comprehensive policy framework. Some countries have attempted to address land issues through sectoral reforms such as agriculture, infrastructure or the environment, but this has failed to deal with the underlying land systems that underpin the delivery of the sector policies through land rights allocation, land use planning and the land market. Even when countries have land policies, these are generally difficult, expensive and complex to implement, mainly because there are insufficient pro poor land tools.

Inefficient and ineffective land administration continues to prevail in Africa. There is generally less than thirty percent coverage of the country in terms of cadastral land records, which falls to less than five percent in Central Africa. Projects and pilots to create other forms of tenure and land administration are being tried in a number of countries, such as Namibia, Benin, Mauritania, Tanzania, but these systems have not yet been scaled up. The African Union Land Policy Initiative is encouraging African governments to develop more appropriate forms of land administration which fit with the African environment which includes a mixture of formal, informal and customary land allocation and use rights. Land administration and urban land management systems need to be developed which will be able to deal with increasing shortages of serviced and well located land; peri-urban sprawl (often on customary land); pervasive land grabbing; widespread informal land delivery; cumbersome and expensive registration procedures which are often relics of the colonial past; incomplete land records; under-resourced, inefficient, highly centralized land agencies; fragmented mandates involving several central and local government entities: inappropriate land allocation monopolies; gender exclusion; and poor public land management and corruption.

Many urban land managers are confronted with multiple land challenges when they try to address sustainable development issues. They find that in dealing with the land issues there are problems of over-regulation; ambiguous and inadequately defined rights; outdated legislation; outdated plans; a lack of information – there is either none at all or it is not in digital form; frequent and unrecorded land use changes; poorly monitored and implemented land use plans; a lack of effective development control; ambiguous land use plans; land conflicts; fraudulent valuations; land grabbing by powerful elites – access to urban land is a prime area of corruption; inadequate institutional capacity and a weak private land sector. Whereas urban land management needs to be systemic to produce sustainable development, urban land managers are constantly forced to undertake ad hoc non sustainable decisions about fundamental issues such as environmental concerns, climate change and the occupation of vulnerable and disaster prone locations.

Addressing land administration and sectoral issues on their own is not sufficient to ensure that land will become an economic driver of growth or contribute to poverty reduction. Instead, a land governance framework is also needed to ensure that those goals can be reached, including sustainable urban development. Land governance is about the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions. It includes state structures such as land agencies, courts and ministries responsible for land, as well

as non-statutory actors such as traditional bodies and informal agents. It covers the legal and policy framework as well as traditional and informal practices that enjoy social legitimacy. Fundamentally, land governance is about power and the political economy of land. Land governance challenges take various forms in regard to competition over land, disputes, corruption, and the eviction of people.

Land governance issues, including natural resources, are often at the heart of some of the worst and longest lasting conflicts in Africa.. Of the global total of 26 million IDPs, almost 12 million – or nearly 46% of all IDPs – are living in Africa. And, of these 12 million IDPs, 8 million are concentrated in the Great Lakes Region. Sudan alone is home to some 4,9 million IDPs; DRC to 1.4 million; Uganda to nearly 1 million and Central African Republic to 1.1 million. The numbers are similar on the refugee side, with 20 percent – or 10.5 million refugees – of the global total living in host countries in the Great Lakes Region. Many of these people are unable to return home, after conflict or disaster, in safety and dignity due to the lack of access to land for housing and/or livelihoods. In many cases the origins of the conflicts are related to competition over land and its resources. There is increasing international recognition of the need to address land and property issues as part of a national and regional development strategy, particularly for vulnerable groups such as IDPs and refugees.

The Global Corruption Barometer report of Transparency International for the first time in 2009 included land services in its survey and found out that land is the third most corrupt sector surpassed only by Police and Judiciary. The report further noted that while half of respondents [50%] in high-income countries consider bribery in land management to be serious, almost 8 in 10 [80%] in low-income countries held this view.

Governance issues also have a gender dimension. There are many gender equity gaps and biases in housing and urban development endeavours. Often there is no provision made for security of tenure and equal access to land for women, who often make up the poorest of the poor. Often women do not have either full or equal access to economic resources, including the right to inherit, transfer, use, access and own land and other property.

## **OPPORTUNITIES**

Many African countries (e.g. Algeria, Botswana, Burkina Faso, Egypt, Ethiopia, Ghana, Guinea, Kenya, Madagascar, Malawi, Sierra Leone, South Africa, Southern Sudan, Tanzania, Tunisia, Uganda and Zimbabwe), are engaging in land policy reform processes. Some of these are more consultative than others, which means that some will deliver better results than others. The Land Policy Initiative has created a renewed interest in policy development and implementation in Africa, also after numerous workshops were held throughout Africa to discuss the key issues, including urban issues. As Africa goes forward to implement the resolutions of the African Presidents, who supported this issue, there are new and emerging opportunities to share best practices and to move the land agenda forward.

A key element of the Land Policy Initiative process, which is enshrined in the Minister's reports and resolutions, are governance issues, to address the challenges of our continent. They note that there is a need "for strong systems of land governance rooted in principles of sustainability" and recommend to Member States that they should "strengthen security of land tenure for women which merits special attention" and "identify and resolve conflicts arising from contestation of land as a result of diversity of uses" and "ensure that land laws provide for equitable access to land related resources among all land users including women, the youth, and other landless and vulnerable groups such as displaced persons."

Individual titling is no longer prescribed as the only solution to all land problems. Empirical evidence increasingly shows that land issues are too complicated and diverse to address with this one size fits all approach particularly in Africa where there is a range of customary tenures, also in urban and peri-urban areas, informal tenure types and a wide range of formal tenures which are not based on freehold title. At the global and Africa level many actors have adopted a continuum of land rights approach, whereby land rights can be upgraded incrementally over time. This is a more flexible concept that also opens up opportunities to address security of tenure issues for the poor, for women and also for groups not just individuals.

African countries have realized that they do not have the resources (finance, human) to embrace costly and technology intensive conventional land administration tools. A key element of the Land Policy Initiative process which is enshrined in the Ministers' reports and resolutions relate to the promotion of a range of tenure rights approach as well as the development of new forms of land administration. They note that there is a need to "recognise the multiple types of land tenure and their complementarities in policy development" and "develop appropriate systems of documentation and securing land rights to facilitate ease of recognition and proof of access/ownership of land." This continent-wide perspective is an opportunity for countries to innovate and pilot new approaches rather than follow failed models, which rely on individual freehold titling alone linked to conventional parcel based land administration systems.

In many parts of Africa 'home-grown' land tools which are tailored to local needs are increasingly being piloted and scaled up with encouraging outcomes. These tools are making it easier to improve land management and realize land policy goals. The type of tools being implemented include: low cost, flexible, incremental and inclusive systems of recording land rights; operational land acts that ensure both social and statutory legitimacy; decentralized service delivery; joint titling; customer orientation and improved transaction processing through decentralized service delivery; and simple and community based systems.

With regard to post conflict countries, Africa is working hard on regional initiatives to strengthen the protection of land and property rights. This includes, for example, the African Union Convention for the Protection and Assistance of Internally Displaced People (IDPs) in Africa signed by Member States in October 2009 in Kampala, Uganda. A sub regional initiative has also been formalized through the adoption by the Member States of the International Conference of the Great Lakes Region of the additional Protocol to the 2006 "Pacte de Stabilité" related to Protection of Property Rights for IDPs and Refugees in the Great Lakes. These initiatives are a result of high-level recognition in Africa of the need to address land and property issues with respect to displacement and return, including its consequences in urban areas.

## EXAMPLES AND GOOD PRACTICES

Over 14 countries in Africa have introduced formal tenure types which are not based on individual freehold titling including Benin, Tanzania, Mozambique, Ethiopia and Zambia, with many countries having registered leases. Some countries have brought customary tenure into the statutory environment, such as Lesotho. Some countries have strengthened their laws to prevent the eviction of people in occupation of the land, such as South Africa. Some of these countries have also introduced forms of group rights such as Mozambique, Uganda, Ghana and South Africa. Other countries have introduced forms of co-ownership or co-tenancy so that women have equal rights to land, such as Tanzania.

The common characteristics in the new land laws being passed in Africa are based on a number of themes. The first theme consists of the characteristics associated with the PRSPs (Poverty Reduction Strategy Papers) 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, removal of land professionals from routine operations to management, incremental upgrades over time, 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, no systematic titling, no rigid boundaries in customary areas, avoidance/delay of adjudication of individual rights, and the development of spatial information systems as a public good for the delivery of economic and social services.

Numerous countries have undertaken policy processes, many of them taking years and being extremely consultative. These include Kenya, South Africa, Tanzania, Mozambique and Namibia. The types of issues which have been addressed during these policy processes include land reform and redistribution, particularly in Southern Africa, addressing historical injustices, land administration and land information management reform (Nigeria, Botswana, Zambia, Mozambique and Ghana), legal reform (Uganda, South Africa), dispute resolution (Uganda, Mozambique). In some parts of Somalia, informal round tables have been used to address particular urban policy issues with some success.

## ACTORS / STAKEHOLDERS AND ROLES

Land in Africa is not just an economic good. It is a spiritual asset and represents peoples' ancestral heritage. Governments therefore occupy a unique position in safeguarding and managing this resource. This means that the role of government goes beyond the classical public administration function. Due to this, the lead actor in land policy processes is government. It cannot outsource or delegate it to a non-public entity. However, non-state actors (private sector and civil society) have as much at stake as the public sector. The private sector has a key role to play in successful land administration and land management systems. The participation of, and buy-in from, non-state actors is vitally important in terms of creating consensus as well as ensuring delivery. Research and training institutions also play a major role in policy processes and good land governance frameworks. And in the end, the litmus test of any good land policy, land administration system and governance framework

in developing and post crisis countries is the extent to which the needs and wishes of citizens are taken into account. Finally, in many countries there is a key role for the multilateral and bilateral organizations who are development partners with government.

### **INITIAL QUESTIONS TO BE ADDRESSED**

1. In an environment where macroeconomic policy thinking and national development programs are still focussed on agriculture or rural development, how can national land policy in general and urban land issues in particular be mainstreamed?
2. What should be done to take forward the LPI and capitalize on African Heads of State goodwill demonstrated in endorsing LPI? How can urban issues be better embedded in the LPI initiative? What can African Ministers of Housing and Urban Development leverage for their portfolios out of the LPI?
3. The concept of sustainable land management has been driven in Africa by the rural lobby. What does sustainable land management mean in an urban environment in Africa?
4. The AU LPI calls for strong systems of land governance to be rooted in principles of sustainability. How can this be implemented? What are the elements of strong systems of land governance in urban areas? What principles of sustainability need to be considered in regard to urban areas?
5. Given that land is a national issue, yet urban issues occur at city and town level, how can the land issue at city level be better addressed by national, regional and local governments?
6. What are the immediate land reform and land administration activities that must be undertaken to tackle the growth of slums and to put in place systems for the prevention of future slum growth?
7. What are the key actions which need to be taken to address land disputes that emerge in a post conflict environment, particularly for urban areas?
8. How can the existing regional and sub-regional instruments for preventing conflict be strengthened in regard to urban areas?
9. What are the implications of large scale land acquisition on urban development, urban land supply and demand, housing, services and infrastructure delivery in African cities?

### **WAY FORWARD**

Governments should either start, and/or strengthen existing, land policy processes in their country, to address the range of issues that are key to economic development and poverty reduction for the country through a multi-sectoral approach including urban, rural, environment, housing, planning, infrastructure and service delivery, governance, finance, slum upgrading and prevention among other things. They should do this as part of the continental processes already underway led by the African Union including the Land Policy Initiative, and the International Conference of the Great Lakes Region convention on post conflict. To be able to address sector issues, governments will need to have policy processes in place, but they also need to undertake innovative land administration and land management reform, which is also appropriate for urban areas. The urban agenda therefore needs to be placed high up on the land policy, governance and land administration agendas.

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# LAND, HOUSING, DELIVERY SYSTEMS AND THE ENVIRONMENT

## 1. SUMMARY

This paper identifies some key land-related environmental, housing and service provision challenges that impact the livelihoods of poor and vulnerable populations in a rapidly urbanizing Africa. The challenges include land degradation, coastal pollution; marginalization of the poor in access to land; rising frequency and severity of extreme weather events (droughts, floods, and storms); coordinating the supply of land and land use planning approaches with the supply of infrastructure; unrealistic planning, building and land standards; urban sprawl, access to environmentally-sound housing, and de-densification of urban areas leading to increased greenhouse gas emissions from urban transport. The supply of urban land in adequate quantities and at an affordable price is vital to equitable housing provision and to reach a scale commensurate with the population growth rates in African cities. Land use needs to be planned and managed to ensure access to services and the achievement of sustainable development patterns. Governments need to address the increasing demand for urban housing, infrastructure and basic services. This paper reviews case studies, good practices and lessons learned. Furthermore, it identifies key opportunities, gaps and priorities for research, tool development, advocacy, resource mobilization, and coordination.

## 2. ISSUES AND RATIONALE

Urbanisation has become synonymous with slum formation in Africa. With the fastest rates of urbanisation and highest rates of slum formation in the world, African cities experience rapidly expanding informal settlements with poor basic infrastructure and sometimes life threatening living conditions. The future of African cities and the aim of sustainable development require a fresh initiative by the Ministers of Housing and Urban Development and their partners from the public, private, community and academic sectors. As issues of land use, infrastructure and the delivery of services become more complex under the impact of increasing urbanization, environmental degradation and climate change, and the need to promote partnerships and stakeholder engagement in devising appropriate solutions, will become more critical.

The deployment of land for urban development has to take into account many competing and complementary needs, including environment, investment, housing, infrastructure and service delivery concerns. This requires a robust coordinating and integrative framework from decision making to implementation. Urban planning can provide such a framework. Sustainable urbanization can benefit from rationalizing decisions and choices through urban planning, through for instance density, mixes of uses, typologies of housing and public spaces, transport modes and infrastructures, typologies of services, areas for environmental protection – particularly in terms of water basins and environmental services, etc. Failure to do so creates negative externalities (e.g. increasing emissions or reducing urban quality and social capital), and can lead to the destruction of the basis for sustainable provision of services (e.g. when water sheds are not protected, or polluted). In the context of sustainable urban development, land in cities is an asset only as far as it responds not only to individual but also to collective needs.

Governments need to regulate, facilitate and coordinate better the multiple institutions involved in planning, use and allocation of land for housing and service provision so that sustainable environmental management. This needs to take place across the whole range of institutional arrangements, including public and private sector, parastatals, central and local government, to ensure that all actors work together to address the issue of shelter and service delivery. Non-state actors have a key role, both the private sector which plays a key role in delivery, as well as civil society, which needs to hold governments to account in the achievement of public goals to ensure sustainable development. All these stakeholders need to be involved in a collaborative framework. Inadequate processes for collaboration and consultation have often led to problems where planning and land allocation have not been

sufficiently closely linked to ensure that service provision is sustainable. This has led to inadequate supplies of clean water, sanitation and drainage, and waste collection for the poor, thereby contributing to the slum phenomenon found in many African cities.

Also, poor land use planning has contributed to urban sprawl and an overdependence on motorized transport (with a lack of alternatives), a relative uniformity of housing options, and pedestrian-unfriendly spaces<sup>1</sup>. It is also critical to examine the transport of people and bulk goods as a prime area for energy reductions. The building sector is a large consumer of energy and a greenhouse gas (GHG) emitter. Encouraging the use of more energy-efficient and lower GHG emitting construction materials and technologies can provide a rapid contribution towards climate change mitigation from within cities.

A 2002/2003 comparison of slum incidence and indicators of human development<sup>2</sup> revealed that the higher the ratio of population living in slums, the lower the level of human development. Inadequate access to basic infrastructure services also creates health problems, particularly for women, who tend to be especially inconvenienced by inadequate sanitation and typically have to fetch water for households, and care for sick infants and children.

Three broad, but related trends are negatively affecting African land and the environment: rapid population growth, urbanization and climate change. Rapid population growth exerts intense pressures on land quality and access to housing, especially for the urban poor. Land degradation (deforestation, desertification, soil erosion, acidification, salinization and pollution) has become a key threat to Africa and is increasingly responsible for eco-migration. As a result of climate change, the increasing frequency and severity of weather events is also causing an inflow of new migrants in African cities. Coastal towns host 12 per cent of Africa's total urban population and many cities and towns are increasingly vulnerable to surge flooding.

Leaving urban land use and land allocation decisions to the markets or to the customary and informal delivery systems is not a sustainable policy option. A particularly important challenge for African city managers is to effectively address low-income urban residents' inadequate shelter whilst maintaining overall high urban density levels.

### 3. OBJECTIVES

The main objective of this paper is to identify the most important land-related housing, service delivery and environmental challenges that are impacting African cities in general and the poor and vulnerable urban majorities in particular. The aim is long-term sustainability, but in Africa this can only be achieved by addressing urban poverty which is a key element of the sustainability equation, and vigorously tackling the several supply bottlenecks hindering the delivery of land to sustain urban development including provision of infrastructure and services, affordable and sustainable building materials and housing finance. This paper identifies key opportunities, gaps and priorities for research, tool development, advocacy, resource mobilization, and coordination.

### 4. KEY CHALLENGES

The Istanbul Declaration and the *Habitat Agenda* together, by outlining the many principles and strategies in support of socio-economic development, have been described as a 'practical road map to an urbanizing world'. They promote a positive vision where all have adequate shelter, a healthy and safe environment, basic services and freely chosen employment<sup>3</sup>. Currently the MDGs provide a powerful organizing framework for the Habitat Agenda. Targets 10 and 11, on water, sanitation and human settlements (of the MDG 7 Goal on environmental sustainability), are important because of the impact they can have on the quality of life of the poor and their downstream effects on many other MDG targets.

Past policy responses to slums, and the related issue of land tenure and the provision of basic infrastructure services, have been largely ineffective and even though enabling approaches are now being adopted in many countries, aiming at maximising the contributions of all actors, there are still several constraints to the delivery of housing and services within a sustainable urban management framework. These include, among others:

- Weak urban land management and development processes leading to unplanned settlements/slums, often the response to inadequate planning standards and provisions, inadequate infrastructure and services, weak land administration systems and a lack of capacity at appropriate levels.

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<sup>1</sup> European Environmental Agency, 2006

<sup>2</sup> *The State of the World's Cities Report, UN-HABITAT, 2004*

<sup>3</sup> *Habitat Agenda, Para 21*



- Sustained political will commensurate with the dimensions and complexity of addressing the land, housing and basic infrastructure needs of the poor.
- Low rank of housing, land delivery and basic infrastructure services in PRSPs and hence gap between policy and implementation.

The current total housing needs in Africa are estimated at around four million units per year with over 60 per cent of this required to accommodate the urban demand. In many cities, weak implementation of planning measures is reducing access to amenities and services.

Access to land for urban development (and not just for housing) is one of the key blockages. The supply of urban land for housing and service provision, including urban facilities and transport, is hindered by centralised, cumbersome, costly, time-consuming formal land administration systems, many of which are paper based and have no appropriate land information management system. Formal delivery of land for housing is slow due to red tape and bureaucratic inertia characterised by numerous approvals, lack of transparency and often illicit allocation practices by administrators. This results in a buoyant informal urban land market in all African cities, existing side by side with a formal land allocation system. It seems that only informal markets are able to deliver land in significant volumes and with affordability to meet the housing needs of a broad range of low-income groups. The current urban land market is not delivering sufficient quality of land for the poor and for other uses (services and amenities, public and recreational spaces, and mobility spaces).

With a combination of innovative planning practices, urban development can foster more appropriate housing typologies, densities and function mixes. Urban Plans will gain in taking into account the whole metropolitan area, including peri-urban areas or smaller urban centres adjacent to large cities<sup>4</sup>. Minimal and/or standard plots for residential use enshrined in planning codes and building regulations throughout Africa typically vary from 300 to 700 m<sup>2</sup>. Such standards propel urban sprawl and are costly for housing consumers, local authorities and developers, also due to the associated infrastructure costs. This also fuels unsustainable land development patterns and a very speculative market in serviced land. There is a risk that when in the urban land development process, priority is given to housing (which has clear market and customers demand) land for other uses is either underestimated or becomes unavailable, thus reducing further the quality of urban development and its sustainability, and the relative value of the housing itself. For example, it may become very costly to live in a small serviced and equipped estate where ineffective location of collective functions generates more transport needs. It is therefore important to balance availability of land with appropriate planning of its use.

High cost of building materials is another major impediment to adequate affordable housing options for the urban poor. Construction costs relative to per capita income are particularly high due to building material prices, scarcity of skilled labour, transportation costs, and inappropriate standards. Building materials can account for up to 80 per cent of the total value of a simple standard house. Often, governments are responsible for the prohibitive costs of building materials through their building codes and regulations, many of which are a colonial heritage or have been adopted from foreign countries. These standards and regulations prevent the use of more appropriate, readily available local building materials and hamper local economic development. They also push households using local and traditional building materials into informality.

In regard to finance, low incomes and a lack of adequate and affordable housing finance continues to exclude large parts of the African urban population from access to finance for housing which hinders the functioning of the housing sector as a whole. Recent studies carried out in Botswana, Gambia, Ghana, Kenya, Malawi, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe reveal unequal mortgage finance availability, where 30 to 70 per cent of the population in these countries is excluded from formal finance, due to the risk-averse behaviour of financial institutions, orthodox loan and mortgage designs, a lack of government guarantees and a general lack of security of tenure<sup>5</sup>. This situation is exacerbated by exorbitant interest rates, lack of long-term finance and a low level of savings. This leads to a buoyant informal sector where low-income households find affordable housing solutions and access to land.

Finally, rural and urban areas have diverse environmental and socio-economic characteristics. The severity of environmental threats varies greatly across locations and so does the vulnerability of the people exposed to them. Addressing the impacts of environmental threats is often delayed until certain threshold levels of degradation or accumulation have been exceeded, passing on the problems to future generations who will be badly affected. Market imperfections as a cause of environmental problems are particularly severe in relation to land degradation and access to housing in developing countries and for medium-term threats like climate change. In any African city,

<sup>4</sup> Such as in the case of Nairobi, where formerly rural constituencies in the outskirts of Nairobi have today become some of the largest in the country – i.e. Juja – more than 500,000 inhabitants, 2010 census

<sup>5</sup> Centre for Affordable Housing Finance in Africa, 2010.

it is the combination of the relative location of land to trunk infrastructure, services and economic opportunities, and the nature of land rights (and the associated restrictions and responsibilities exercised through planning instruments) that determine the value of land and its contribution to wealth creation, both at individual as well as societal levels. Together with appropriate land and property taxation instruments, urban planning has a key role to play in shaping the value of land, local government finance and specific urban patterns.

## 5. OPPORTUNITIES

**International Frameworks.** Reducing emissions from deforestation and forest degradation aims to reduce greenhouse gas (GHG) emissions by providing incentives to individuals, communities, projects and countries. The United Nations Framework Convention on Climate Change (UNFCCC) laid the foundations for including reduction in emissions from deforestation and forest degradation as a key response to climate change. More emphasis needs to be laid on the wise use of urban and peri-urban forests and wetlands as a key resource in sustainable urban development and a response to climate change. UN-HABITAT, Convention on Biodiversity and the Ramsar Convention are working together to support cities to take this into account in urban planning and management policy and practice.

The Global Water Operators' Partnerships Alliance offers cost effective approaches for cooperation and mutual support among water operators and utilities, based on a not-for-profit basis. The Global WOPs Alliance (GWOPA) aims to scale up peer-to-peer support between water operators by supporting the utility networks with needed knowledge tools, capacity building, and financial resources. GWOPA has also launched the Geo-referenced Utility Benchmarking System (GRUBS) in March 2010. It is founded on a benchmarking exercise carried out by 134 utilities across Sub-Saharan Africa. Cooperative activities with partners for populating GRUBS with data from other regions are currently ongoing.

**Regional initiatives:** The African Development Bank is pursuing a policy to strengthen the banking and financial sector in the region that implies not only the regulatory framework to govern financial institutions but all the legislation to secure loans and financial transactions. These are essential conditions to develop a sound housing financial sector.

UN-HABITAT provides technical support to ministries of housing and urban development through the Housing Profiles initiative that help governments to disclose the functioning and structure of their housing delivery systems to play its role in economic development, poverty reduction and sustainable urbanisation. Housing Profile experiences from Africa (e.g. Malawi, Ghana and Uganda) are already demonstrating the importance of governments obtaining the fundamental information needed to start systemic reforms in their housing sector aiming at the production of a wide variety of affordable and adequate housing opportunities for all. The housing profiles are producing data and information to support national housing policy formulation and sustaining critical decisions to improve urban land delivery, promote reforms in the regulatory frameworks, revision of building codes and planning standards, in addition to establishing channels for stakeholders participation.

UN-HABITAT supports national and local authorities in their efforts to cope with the impacts of climate change. The Cities and Climate Change Initiative is currently working in seven African countries. UN-HABITAT and UNEP provide services to local and national governments in the field of urban environment through a Strategic Partnership Framework (2008-2013), which includes strong linkages with the interface between land and environment. The initiative is focusing on better integration of local and national planning in adaptation and mitigation strategies related to climate change, with an emphasis on participatory planning processes and the needs of poor slum dwellers who are particularly vulnerable and have very limited resources to protect themselves. Particular issues related to land management include the impacts of sea-level rise (Maputo, Mombasa, Walvis Bay) and the destruction of wetlands where this has led to increased flooding (Kampala, Kigali, Bobo-Dioulasso). Central activities include monitoring of climate change in selected cities and capacity building and knowledge sharing. The initiative also aims at raising the voice of local governments in national and international climate change debates to enhance funding for strengthen urban resilience.

Recently, UN-HABITAT supported the establishment of the African Planning Association gathering where 18 national Associations from as many countries in the continent were represented. The APA is mobilising planners to develop an urban planning agenda relevant for the continent and increase exchange of lessons and experiences. In particular, in 2010-11 work is being focused on reporting on the state of urban planning in the continent and comparing status of legislation in urban planning, with a view to furthering its relevance for guiding urbanization in the continent towards sustainability. In addition, policy review of urban planning legislation has been initiated (on issues of climate change, safety and local economic development). This would lead to better appreciation of urban planning as a tool for supporting sustainable urbanization in the target countries and beyond.

UN-HABITAT has been actively supporting governments in Africa in their efforts to improve the housing conditions through a variety of programmes. The Participatory Slum Upgrading Programme and Prevention (PSUP) is active in 30 African countries, promoting development and implementation of slum upgrading and prevention. UN-HABITAT is also involved in the development of housing sector profiles that aim at assessing housing delivery systems by developing knowledge about the structure and functioning of the housing sector, and producing data to support informed decision making on housing policies, land supply and regulatory reforms.

UN-HABITAT is further promoting affordable housing finance and the creation of innovative financial instruments to enable low-income households to access housing finance through the Experimental Reimbursable Seed Operations (ERSO). UN-HABITAT makes funding available to promote the engagement of commercial banks in housing finance for the poor and assists in the establishment of special purpose entities to channel funds to community-based organisations for housing improvements.

Finally, through the Global Land Tool Network, UN-HABITAT is working with governments on the development of land tools which can be used to address the issues raised above in Kenya, Benin, Ethiopia, DRC, Liberia, Botswana, Mauritania, and Tanzania.

## 6. TOOLS AND LESSONS LEARNT

Many countries have established (and some have closed down) national housing agencies responsible for housing development, loan provision and leading the national housing finance system like Zimbabwe's National Housing Fund, Tanzania's Housing Bank, the Housing Finance Company of Uganda, the Home Finance Company Limited of Ghana, Nigeria's Federal Mortgage Bank and National Housing Fund, and South Africa's National Housing Finance Corporation. Provident funds – requiring mandatory contributions from employees and employers serve as savings and guarantee to boost housing finance – have also been implemented in South Africa and Namibia. Kenya and Ghana have attempted to raise finance through the creation of secondary markets and securitisation of mortgage finance. As a result, guaranteed funds and micro-financing are becoming more available. Experience in Senegal, Ghana and South Africa shows that these can play a role in addressing the housing finance needs of the poor by targeting housing subsidies.

The challenge is to go beyond formal ways of funding housing and explore other instruments that may result in making housing financing available not only to deliver affordable housing options to low income households but also to expand the availability of serviced land as a prerequisite to boosting housing supply and eventually producing cheaper house prices and halting slum formation.

Given the constraints to urban planning due to lack of capacity and of adequate instruments (as well as legislation) UN-HABITAT is working with partners to develop urban planning tools that will assist city governments and national authorities to undertake city planning within the context of limited resources.

***Sustainable Land Use Management in the Limpopo River Basin:*** The Limpopo River Basin is an ecosystem with an unpredictable hydrological regime, subject to both floods and droughts. In recent years, there has been greater incidence of extreme events. The Basin is characterized by a complex historical and geographical setting and weak coordination amongst the riparian countries. A project funded by the Global Environment Facility, through UNEP and executed by UN-HABITAT, developed a basin management instrument focusing on sustainable land use planning for integrated land and water management for disaster preparedness and vulnerability reduction. The project also undertook institutional and community capacity development for participatory sustainable land use planning. As part of this initiative, user-friendly tools were developed that can be adapted for use in other parts of Africa.

***Ethekweni: Integrating biodiversity concerns into land-use planning:*** The Environmental planning and climate protection department of Ethekweni Municipality (Durban) has included a 'biodiversity layer' in its spatial plans. The municipality is also preparing "Green environmental by-laws" to protect the city's natural resource base and assist in the implementation of the environmental service management plan. It also has a land acquisition programme as a tool of last resort, to secure strategic sections of land with important biodiversity features, adjacent to protected areas.

Urban planning models that are too rigid (usually in the form of Master Plans) have proven to be ineffective in the face of rapid urban growth and limited local capacity. Strategic approaches that combine city vision and key projects with land use plans that identify spatial features are now being adopted in countries like Egypt (Strategic Plans for Small Towns) and South Africa (Integrated Development Plans and Strategic Spatial Frameworks).

## Other responses and instruments:

Some of the following measures and tools have been used to promote more environmentally sustainable land management.

- Payment for Environmental Service schemes are a way to create markets for threatened resources, their maintenance and improvement, and can become important policy tools in the future. However, they require innovative designs and careful testing before they are scaled up. The climate negotiations will also be instrumental for the design as well as funding of such schemes. It is obvious that the definition and enforcement of legal resource rights will play a key role in implementing schemes to achieve the desired impacts.
- Displaced urban dwellers tend to resettle on marginal and vulnerable sites. Upgrading and reconstructing degraded urban environments, including slums, should be considered in combination with resettlement from risk, disaster and flood prone areas. Preventing and containing slum growth, especially on vulnerable landscapes would provide long-term gains.
- Collective action may be relevant to protect and enhance environmental services. It is easier to promote collective action in small rural communities than large urban slum areas. Other forms of collective action may be promoted in neighborhoods when people enjoy security of tenure.
- A multi-faceted approach is required, including reform at various levels such as:-
- Reforming property rights regimes, laws and regulations to address the new threats with a view to minimizing irreversible ecological damage and to equitably protect the interests of different groups of society. Promoting efficient energy use for buildings (heating, cooling and lighting) is also essential.
- Strengthening and developing the capacities of national and local level institutions for the implementation of policies and local actions in response to environmental threats. Devolution of power and responsibilities to local institutions alone is not enough; there is also need to provide funding for implementation or to enable the local level to generate the funding itself. Both options require development of funds mobilization mechanisms, because successful adaptation to climate change depends upon technological advances, institutional arrangements, information exchanges and availability of funding.
- National governments can adopt larger scale development projects in collaboration with the local private sector and international stakeholders. To achieve better allocation of resources, cross-sector partnerships should be integrated in urban coastal planning policies for climate change mitigation initiatives which involve local people, land developers and urban planners. National strategic planning mechanisms should include provisions for vulnerable and displaced population groups.
- The links between climate change, land issues, access to disaster-proof housing and urban infrastructure, combating desertification, land degradation and droughts should be prioritized.

## Measures to enhance the provision of affordable housing options and bring them to scale:

- There is a need to promote well-informed housing policy formulation. In most countries, housing policy decisions are taken without adequate and reliable information. Lack of basic data, key indicators and information about the various components of the housing sector needs to be addressed. Also, Governments are encouraged to actively collect and maintain information about their urban slums, acquire knowledge about their residents and collect data about the land tenure regimes through which these settlements are built and consolidated.
- It is important to build a common understanding about housing among all stakeholders, including the public, private and community sectors and especially the financial sector. It is particularly important to understand the five interlinked key components of the housing sector: (1) infrastructure, (2) building materials and technology, (3) finance, (4) land and (5) labour.
- Governments need to radically restructure their land management systems and transform their land delivery into a decentralised, faster, reliable, efficient, affordable and transparent delivery system.
- The promotion of densification through appropriate legal tenure systems (e.g. condominium or apartments) which enable access to shelter to be separated from access to land is crucial for the next stage of urban development in African cities. The focus on access to land needs to be transformed into a focus on land for sustainable urban growth (for different uses and for higher densities) <sup>6</sup>.

<sup>6</sup> Recent studies from Durban demonstrate how low income housing schemes are less dense in terms of households per hectare than high income housing and gated communities (and also less endowed with services and amenities) are a vivid call for a much deeper reflection on the issue of space and land in urban settings and for the poor.

- Non-state actors need to be involved in the supply of affordable and adequate housing to go to scale. Governments should make space for community-based and grassroots associations to take part in public policy debate around land and housing, and slums and poverty reduction issues that affect them directly and establish a framework for their participation in policy implementation. Increasingly, private sector organisations, building firms and corporations are interested in contributing to finding solutions.
- There is a need to develop urban planning basic tools that assist city governments and national authorities to plan the future of their cities and to review national legislation to enable urban planning to play a more positive role, by simplifying and modernizing its provisions and tools. It is recommended that laws and regulations governing land sub-divisions and land-use planning are revisited, allowing for a well-informed public debate on minimum plot sizes, set-back norms, housing typologies (single, multi-family, low or high-rise, low or high density, mixed land use developments, etc.) and realistic planning standards.

## 7. QUESTIONS TO BE ADDRESSED

1. How does a government undertake a well-informed housing policy formulation process? What are the elements of such a process? How does a government build a common understanding about housing among all stakeholders, including the public, private and community sectors and especially the financial sector? How can non state actors such as civil society and the private sector engage in the process?
2. What are the key land blockages to the delivery of low income housing and the provision of services? What factors inhibit land use planning and land allocation and utilisation for basic infrastructure services?
3. What are the key regulatory and institutional blockages to low income housing and service provision at scale?
4. What are the steps needed to revise building codes and planning standards to facilitate the delivery of land, housing and services at scale to cover the whole city or town? What are the key codes and standards that need to be addressed? What is the infrastructure needed to support development (social, economic and environmental) in order to reach those without access?
5. What are the appropriate property regimes for environmental protection in coastal zones and for enhancing private and public environmental services?
6. How can land redistribution projects create win-win benefits, simultaneously reducing environmental degradation and enhancing equity?
7. What safety net programs can be developed to protect people from droughts, floods and heat waves?
8. Can the living environment for low income urban residents in informal settlements be improved whilst maintaining compact cities with high urban density levels?

## 8. WAY FORWARD

Cities are at the core of the sustainability equation. They are major contributors to greenhouse gases, solid and liquid wastes, pollution and over-use of scarce resources. Cities must therefore be at the core of the solutions as well.

Land-related environmental challenges threaten the livelihoods of urban populations. Important tools for enhancement of land rights of the poor and to avoid environmental degradation include low-cost land recording, registration, certification and land administration, low-cost land use planning and mapping; and sustainable management of rented land.

Countries need to embark on systemic housing reforms and adopt comprehensive policy responses that can bring the supply of affordable housing to scale. Policies should include institutional and regulatory reforms, review of building codes, support to the innovative use of local/indigenous technologies, incremental housing programmes and incrementally planned land development schemes. Strategies should focus on infrastructure development and serviced land provision, housing micro-financing and tailored construction material credits.

Ministers of Housing and Urban Development have a fundamental role in bringing this to pass and fostering sustainable urbanisation in Africa.

UN-HABITAT has the mandate and expertise to contribute substantially towards more equitable and sustainable land management by giving stronger focus to this in its core areas of competence related to land issues. UN-HABITAT can contribute by further developing low-cost approaches to land registration and administration that explicitly address the need to enhance sustainable land management.

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# URBAN LAND IN AFRICA: COMMON CHALLENGES, COORDINATED RESPONSES

## EXAMPLE OF THE AFRICAN LAND POLICY INITIATIVE

*“The process of urbanization is creating new and novel demands on land and land related resources for utilisation in more sophisticated economic activities such as the provision of recreation, entertainment and catering services irrespective of residential or urban settlement patterns. This new and emerging service economy is becoming an important contributor to the GDP of many countries <sup>1</sup>”.*

### 1. SUMMARY

Many African countries face similar land-related issues and challenges. Yet, opportunities to address land issues at the continental level exist. Addressing land issues through appropriate land policy is one of such joint strategies African governments have identified in their quest to achieve sustainable development. Clearly, sustainable development cannot be achieved without sustainable urbanization, land management and provision of adequate housing for all. This paper demonstrates how the African Union-led Framework and Guidelines on Land Policy Initiative provides the means for advancing sustainable development in Africa, particularly in housing and urbanization. The Framework is presented and the importance of sub/regional synergies is highlighted. The roles of key stakeholders such as the African Ministers in charge of lands, housing and urban development are covered. The paper also makes reference to other sub/regional initiatives that are essential for strengthening regional collaboration, especially when exploring solutions to common problems.

### 2. ISSUES AND RATIONALE

In Africa, as in many other places, land is an economic and environmental asset as well as a social, cultural and ontological resource. Additionally, land has a strong geo-political dimension that often goes beyond countries' boundaries. These multiple facets of land, therefore, require clear directives and principles that will govern how land and its resources are owned, accessed, used, managed, administered, transferred, etc. To effectively address these diverse functions, a land policy should aim at enhancing land productivity and contribution to national development, particularly its social, economic, environmental and political endeavours. Without a comprehensive land policy, sectoral reforms will not go far enough to create the sustaining development African countries desire. It is within this context that the continental land policy initiative (LPI) was put in place.

The LPI is a joint initiative of the African institutions namely the African Union Commission (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB). The LPI process started in 2006 and has culminated in the development of a Framework and Guidelines on Land Policy in Africa, which has been endorsed by the African Heads of State and Governments in 2009. The Framework and Guidelines was launched in Lilongwe, Malawi in October 2010. The Initiative will aim at: (1) supporting national and regional processes for land policy formulation and implementation to strengthen land rights, enhance productivity and secure livelihoods; (2) providing guidelines for policy formulation and implementation, the LPI will undertake programmes to facilitate lesson sharing and peer learning; and (3) promoting progress tracking in land policy reform and implementation on the continent.

<sup>1</sup> African Union, African Development Bank, United Nations Economic Commission for Africa, 2009, *Land Policy Initiative: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods*, Addis Ababa

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The Framework and Guidelines was launched in Lilongwe, Malawi in October 2010. The Initiative will aim at: (1) supporting national and regional processes for land policy formulation and implementation to strengthen land rights, enhance productivity and secure livelihoods; (2) providing guidelines for policy formulation and implementation, the LPI will undertake programmes to facilitate lesson sharing and peer learning; and (3) promoting progress tracking in land policy reform and implementation on the continent.

### 3. OBJECTIVES

The main objective of this paper is to demonstrate how the Land Policy Initiative can play a catalytic role in providing a framework under which all land policy reforms and policy can be developed and implemented. In doing so, the paper underscores the central role of land policy in achieving sustainable urbanisation. The paper also outlines the linkages between urban issues and land policies. This paper highlights the relevance of a continental land initiative to the issues of housing and urban development. The role the AMCHUD in the implementation is also examined.

### 4. KEY CHALLENGES AND OPPORTUNITIES

This section focuses on areas where the African Land Policy Framework and Guidelines respond to the African housing and urban development needs. Not all aspects are reported here. The land question facing Africa has its origins in geo-political, economic, social and demographic factors more recently compounded by emerging global and strategic imperatives. Some of the emerging issues and opportunities affecting land, housing and urban development in Africa are discussed below in relation to the LPI.

The LPI and its Framework and Guidelines recognizes **demographic changes and urban development** as some of the emerging challenges that need to be urgently addressed through land reform and policy. The regional assessment reports undertaken during the development of the Framework and Guidelines, acknowledge that in most African countries, the full potential of land as an engine of growth (including social, economic and environmental sustainability) is yet to be realized.

A few selected African countries have initiated and/or are implementing land reforms and policies (e.g. Algeria, Botswana, Burkina Faso, Egypt, Ethiopia, Ghana, Guinea, Kenya, Madagascar, Malawi, Sierra Leone, South Africa, Southern Sudan, Tanzania, Tunisia, Uganda and Zimbabwe). However, most African countries still do **not have a land policy**. Some countries have approached land reform and policy through enactment of legislations without clear policies. For other countries which have embarked on land policy formulation and/or implementation, common issues encountered include lack of resources (financial, technical and human) to implement, the level of comprehensiveness of reform or their sectoral approach (often overlooking the urban dimension), the weak State's capacities for initiating, planning and implementing land policy, failure to account for emerging issues, particularly urbanization and climate change. The Framework and Guidelines will provide a robust umbrella framework to address various interwoven land needs and dimensions.

The Framework and Guidelines recognise that in Africa, land issues are not longer limited to one country. That is, land-related conflicts, migration, urbanization are becoming more cross-borders issues. As a consequence, African city regions, mega urban regions and huge urban development corridors (e.g. Lagos to Accra) continue to emerge or become increasingly apparent throughout Africa. These cross-boundaries urban entities are re-engineering the way in which cross-urban land is managed and governed. This new approach may consider synchronizing and harmonizing various national policies and practices. Developing land policy in silos will not support sustainable urban development in Africa. Therefore, a continental framework and guidelines for land policy is critical to ensure that African governments develop a common standard to respond to shared challenges such as rapid urbanization and migration.

Another important dimension is the demographic implications on sustainable management. The Framework and Guidelines take note that rapid population growth, migration and urbanization in African countries require new ways in which land can be effectively used and managed, particularly made available for future generations. In West Africa for instance, over 50% of the populations live on about 25% of the national land along the coastal zones and megacities, leading to much higher densities in these areas. With urban growth rates exceeding 3.5% per annum in many countries, this trend is likely to exert severe pressure on land to accommodate future urban and peri-urban infrastructure and services.

A selected number of African countries have initiated and/or are implementing land reforms and policies (e.g. Algeria, Botswana, Burkina Faso, Egypt, Ethiopia, Ghana, Guinea, Kenya, Madagascar, Malawi, Sierra Leone, South Africa, Southern Sudan, Tanzania, Tunisia, Uganda and Zimbabwe).



**Gender** is another important area where the Framework and Guidelines recommends particular attention from African governments while developing policies. Policy reforms will have to address these issues.

#### GENDER AND LAND POLICY

*A persistent phenomenon in the urban areas is the systematic discrimination against women in education, housing, access to land and opportunities to pursue basic livelihood skills despite the existence of formal gender-neutral laws. Much of this is as a result of social realignments in urban politics and economy and the primary perception of women's roles as being mainly dependants. Although there are indications that many women are beginning to take advantage of opportunities and challenges presented by urbanization, progress towards active participation in urban politics and economy remains relatively slow.*

*F&G, 2010, PP 9-10*

The Framework and Guidelines also makes a clear connection between **land, climate change and cities**. Climate change is affecting land use systems in African cities. For example, the direct impacts such as reduced availability and scarcity of water, saline intrusion, floods, increased temperatures, biodiversity loss and desertification as a consequence of more frequent droughts, will have and are directly affecting urban centres and their citizens e.g. migrations, poverty. In as much as the African continent contributes least to green house gas emissions (GHGs) which are primarily responsible for global warming, the overall impact of climate change on the continent's ecosystems, particularly on coastal cities will continue to be disproportionately severe. Land policy reforms will need, therefore, to pay particular attention to the design and implementation of mitigation and adaptation measures, including the mobilization of capacity to manage long-term implications of such change. For coastal countries, evidence already indicates that rising sea levels will require relocation of populations, innovative land use planning and massive land acquisitions accompanied by large scale infrastructure and service delivery, not to mention the costs associated with the flow of "climate refugees" into the contiguous urban areas.

The Frameworks and Guidelines note that the potential of **urban land and property markets** in Africa is yet to be exploited. A good functioning market will support urban development, housing, infrastructure and services delivery in African cities. For the potential to be realized, it is important to create or improve an enabling environment for the transfer and exchange of land and property rights through documented transactions, practices, intra-family or community arrangements. Promoting the development of robust land rights transfer systems and markets offering various types of rights (whether primary or secondary) will expand opportunities for the acquisition of land resources for financing housing and urban development in Africa. Properly regulated land and property markets will add value to those whose land rights are precarious, especially women and people living in informal settlements. A good functioning land and property information base will support services infrastructure, particularly low-cost credit facilities, which will enable such groups to take full advantage of the market.

The Framework and Guidelines place particular emphasis on the critical role of **land in secondary sector development** in urban areas in Africa. The provision of land for Africa's growing manufacturing sector often involves expansion at the expense of urban agriculture and other land uses, including settlement in peri-urban zones. This usually involves compulsory acquisition of peri-urban land held under indigenous tenure and its conversion to statutory regimes with or without compensation. Such expansion also involves relocation of centrally located informal settlements far from economic opportunities. In addition, manufacturing can be a stationary source of air and water pollution and the discharge of solid and liquid wastes which are hazardous to the environment. Land policy must address these issues if a proper balance is to be struck between investment in manufacturing and the requirements of human health and safety, and environmental protection.

The Framework and Guidelines recognise the role of urban planning in land policy development and implementation. The fact that Africa is in the process of rapid urbanization presents special challenges requiring systematic **urban planning**, provision of housing (or shelter), and service delivery. A key goal, therefore, is to work towards interventions involving, inter alia, the provision, in properly planned communities, of affordable and legally secure land and housing (or shelter) rights, and access to complementary services including water and electricity, irrespective of tenure and structure status. This will entail a range of interventions designed to respond to the variegated nature of African urban settlements, rationalize public sector management, lower entry costs, and improve the overall quality of life, such as the design of flexible development control requirements, introduction of property taxes (where appropriate), and good and socially inclusive urban governance. These interventions will be critical not only within metropolitan boundaries but also in peri-urban areas where the greatest unplanned change takes place often on high potential agricultural land.

**Tourism** is an important revenue earner for many African countries. The development of this industry is however, complicated by the fact that the facilities which are required are often located in coastal and dryland areas, which are already host to significant human settlements. In addition, tourism is a delicate industry which requires systematic land use planning and service infrastructure to avoid ecological and other forms of environmental damage, and adverse social and cultural impacts. Today, many African countries are engaged in the implementation of principles of sustainable tourism, including eco-tourism, community participation in wildlife management and revenue sharing. These developments have the potential of reducing some of the conflicts arising from contestation over land between the industry and other social, cultural and economic uses. They also require extensive investments for the benefit of local communities if the participation of such communities is to be meaningful and mutually beneficial.

The Framework and Guidelines recognise, nonetheless, that most countries regard proper **land management** as an important factor in development and ensuring or preserving peace and security. This is evident in the fact that a growing number of African states have embarked on land policy reforms with a view to addressing prevailing land issues in the context of sustainable national development. Significant diversity is apparent however in the drivers that compel states to embark on these reforms, the level of comprehensiveness, the capacities for initiating, planning and implementing them and, consequently, the extent to which they have been achieved. The Framework and Guidelines recognises further that to date, these reforms have proceeded in the absence of any articulated continental guidance or national consensus on the vision which should inform such reforms. In addition, limited exchange of information and sharing of experiences and best practices have taken place across member states even where land and associated resources are shared by two or more states.

Finding sustainable **funding to support land policy formulation and implementation** remains one of the main challenges facing African countries. Indeed, the Framework and guidelines note that financing land policies and management is a real challenge. Some governments are short of funds to implement schemes for land management, enforce laws and plans for land use, etc. One of the ways to meet this challenge is to acknowledge property rights and secure tenure to achieve economic growth, social equity, and protect, regenerate and conserve the environment. Securing tenure can lower inflation rates, set land values to real market prices which avails credit to landholders to finance their businesses; and increase government revenues that can finance schemes for land management and development. Further, mismanagement and inefficient use of land resources are direct outcomes of malfunctioning land market mechanisms. One of the reasons for market malfunctioning is insecure, unacknowledged property rights. A fundamental condition for the efficient operation of land markets is to have well-defined, exclusive, secure, transferable and enforceable property rights over land. Financing land policies and management is central to these processes.

The relationship between **land and urban reduction poverty** is clearly noted in the Framework and Guidelines. Clearly, equitable distribution and effective use and management of land can be instrumental in eradicating poverty. Securing land tenure, redistributing land to those in need, improving access to land resources and spreading land related services can also contribute to poverty eradication. This will require a number of specific policy strategies, including enabling greater access to the majority to land for their own needs, introducing innovative land and property taxation to support less privileged urban dwellers. Many African countries perceive an apparent contradiction between the pursuit of pro-poor strategies of land development on the one hand and market-driven options on the other. Mainstreaming land issues in poverty reduction strategies requires that these apparently inconsistent objectives be engaged and rationalized. In particular, there is need to ensure that adequate measures are put in place to ensure that increased market-driven policies of land development do not expose vulnerable groups, particularly women, to further marginalization through speculation and costly land rights transfer systems.

**Security of tenure** for urban areas is an important objective of land policy. This importance of security of tenure is highlighted in the Framework and Guidelines. Land policy processes that enable secure access to land through various forms of tenure will facilitate economic opportunity and livelihood security for all land users. As the majority of African urban dwellers live in informal settlements with insecure tenure, tenure reforms and policies can go a long way to improve access to land and confer security for vulnerable groups, especially women who constitute most of the urban poor. Addressing the issue of tenure security is particularly important if the cycle of dependency and systemic and institutional poverty among urban poor is to be terminated. Many African countries can build and learn from their customary and other practices. For example, traditional systems of land tenure have been successfully implemented in some countries such as Madagascar, Botswana and Tanzania. Tanzania has also relied on the village set-up to implement land policy reforms and land administration.

## 5. ROLE OF STAKEHOLDERS (PARTICULARLY POLICY MAKERS) AND PARTNERSHIP

Developing and implementing land policies can be a long and costly process that requires various supports, including technical, financial and lessons sharing. A **sustained partnership** is therefore critical. Several African countries have used existing national institutions to undertake and implement land reforms. In most cases, development partners have supported the process. For example, the World Bank, the Department for International Development (DFID, United Kingdom) and the European Union (EU) have supported several countries in Africa.

The United States Government (through the United States Agency for International Development, USAID), for example, has funded a Customary Land Security Programme operating in Juba/Southern Kordofan and Blue Nile states in Sudan, whereby tribal communities delineate the precise boundaries of their respective communal domains using global positioning system (GPS) technology. Each community is establishing a Community Land Council to hold the root customary title of the domain and administer interests on its behalf. The Southern Sudan Government has drafted a Southern Sudan Land Bill (2007). USAID has funded the Customary Land Tenure Programme of Sudan (2006–2009) which aims to ensure that customary rights to land and resources are protected and formalized. Further, the European Union is supporting the LPI process, particularly its implementation. Countries which are taking into consideration the Framework and Guidelines in their land reform and policy process stand to gain from the support of the LPI Secretariat.

The South African Development Community (SADC) Land Reform Technical Support Facility is another example of the importance of (sub)regional **coordination of land policy**. Lessons from this initiative suggest the importance for African countries to pay particular attention not only to the development but also to the implementation of land policy within their respective (sub)regions, while learning from developments in other parts of the continent and working with continental institutions to explore solutions. While these need to be attuned to the specific conditions prevailing within each country, they also need to be discussed as regional concerns.

## 6. SELECTED QUESTIONS TO BE ADDRESSED

Some of the key questions participants will address include

1. What role can the African Ministers in charge of Housing and Urban development play in facilitating the development of land policy in their respective countries
2. What can AMCHUD do to facilitate the implementation of LPI Frameworks and guidelines
3. What mechanisms exist to share lessons and build partnerships for implementing both the Framework and Guidelines and address housing and urban challenges in Africa?

## 7. WAY FORWARD

Embarking on a land reform or land policy process with the view to optimise land use, management and administration is very important to support sustainable urban development efforts. Clearly, piecemeal reform of land-related laws is inadequate since other sector laws must be addressed as well. A generic framework such as a land policy is the way forward for sustainable urbanization to take place.

The LPI has identified the tracking systems as an important component for assisting member states learning from the progress made on developing and implementing land policies at local, national and regional levels. Moving ahead, African governments including their respective departments in charge of Lands, Housing and Urban Development will benefit from the LPI process, particularly by enabling them to (i) make timely re-adjustments to policy processes; (ii) take appropriate measures to ensure the effectiveness and efficiency of land policies; (iii) learn from past successes and failures; (iv) disseminate local good practices for use at the national level; (v) improve the quality of knowledge and building capacities for further monitoring and evaluation; (vi) secure and consolidate the participation and commitment of all stakeholders and development partners; and (vii) manage emerging issues and other incidental developments in the land sector in an organic and systematic way, particularly those that cross boundaries. Of course, this process is expensive.

Developing and effectively implementing land policy is long, costly and cannot be shouldered by a single institution. Not only are land issues connected to various governments departments' mandates, the process cannot afford to overlook the role of donors. Therefore, land policy for sustainable urbanization should capitalise on the interest development partners have in land reforms. In so doing, countries should attempt to know development partners' agenda and institutionalize the land reform by budgeting the cost of the reform. Definitely, relying on foreign support for developing and implementing land reforms can undermine sustainability. Public consultation has been found necessary, involving communities, professionals and non-state actors from policy formulation to implementation.

Considering the above, the Ministers in charge of Lands, Housing and Urban Development will play a key role in facilitating the assessment of land policy on livelihoods, economic growth and sustainable urban development and use of natural resources. The Ministries in charge of Lands, Urban development can play an active, collaborative role between different institutions. A forum such as ANMCHUD provides an ideal platform for networking so as to keep the momentum and sharing lessons from various countries.

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## THIRD AFRICAN MINISTERIAL CONFERENCE ON HOUSING AND URBAN DEVELOPMENT • 22-24 NOVEMBER, BAMAKO MALI

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



# AN OVERVIEW OF URBAN LAND ISSUES IN AFRICA

*“Access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas. It is also one way of breaking the vicious circle of poverty. Every Government must show a commitment to promoting the provision of an adequate supply of land in the context of sustainable land use policies. While recognizing the existence of different national laws and/or systems of land tenure, Governments at the appropriate levels, including local authorities, should nevertheless strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women and men related to land and property are protected under the law. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of 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 (Habitat Agenda, 75).*

## 1. SUMMARY

This paper outlines how land can be efficiently utilised and managed to provide adequate housing and support urban development in rapidly urbanising Africa. Key urban issues and challenges are described. Opportunities and ways in which land challenges can be overcome are also presented. The paper cites good practices in the land sector from the region which can serve as lesson sharing for promoting housing and urban development across the continent. More importantly, the paper identifies key land stakeholders that can support housing delivery and urban development. The paper also suggests questions that would help the reader reflect on the way forward. The paper ends with some key references for those who would like to know more.

## 2. ISSUES AND RATIONALE

Land is critical for achieving sustainable urban development. Indeed, policies, laws and practices governing the use, administration and management of land ultimately control housing and urban development outcomes. Therefore it is important to take a holistic approach to land, particularly considering aspects of tenure security and access, land administration, land management, land re-distribution and land reform. Viewing land as an asset, tool and/or means to manage cities will provide an enabling framework to undertake the necessary regulatory and institutional reforms and implement policies and strategies that will lead to the betterment of African cities, societies and environment. Addressing land in the context of MDGs is important in intersecting with a number of MDGs, especially Goal 7: Ensure Environmental Sustainability: Target 3: Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation and Target 4: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.

The rate of change of urbanization in Africa is the highest in the world. The region is in its early stages of urban transition with an estimated 38% of people classified as urban. Africa is therefore expected to have the highest urbanization growth rates in the world for several decades. By 2025 half of Africa's population will live in urban areas. This means that Africa will have 1.2 billion people living in urban areas, one quarter of the world's urban population. Another key feature of this urban growth is the importance of the capital cities, where over 10% of the urban population often resides. However, small African cities also have some of the fastest growth rates in the world in recent times. This urban growth is driven by large scale migration from the countryside, as a result of a search for improved quality of life, and as a result of poverty, famine, drought, disaster, conflict and other factors which are driving people off the land.

6  
5  
4  
3  
2  
1  
0  
(World Population in Billions)

1200

Urbanization in Africa will continue to be linked with informal settlement development. Over 60% of city residents live in informal settlements. This inequality of access to resources dominates urban development patterns and this is starting to have an increasing impact on social stability. This is critical for national economies, as cities, and especially the capital city, are key drivers of the economy.

Therefore, sustainable urban development is vital to both national economic growth and poverty alleviation, and an equitable urban land use and management system is key to this. Large scale inequalities within cities, reflected in the land ownership structure and in the existence of vast informal settlements, can lead to conflict and social instability, which in turn can have negative impacts on the national economy.

The current ad-hoc approach to the **delivery of urban infrastructure, services and shelter** is not sustainable. It is evident that rapid urbanisation has overwhelmed the capacity of local authorities to provide the urban population with adequate urban services due to the multi-faceted challenges facing cities such as increasing poverty, unemployment, poor access to land, energy, basic infrastructure and services. These problems have accentuated the vulnerability of low-income families, who increasingly find themselves in life threatening livelihood conditions. It needs to be recognised that the face of poverty in many African countries is changing, and a new urban character is emerging, one of extreme deprivation making social safety nets like land critically important. This requires the adoption of a proactive comprehensive integrated approach to land, with a medium to long term perspective, so that small steps can lead to the overall improvements of cities. This requires a fresh examination of the ways in which urban management instruments such as urban planning, land tax and land policy implementation has been undertaken in the African context, by also critically examining the role of municipal governments, to learn from innovative practices that are working. Whilst acknowledging that there are commendable initiatives towards decentralisation in most African countries, the weak administrative and fiscal autonomy has made it extremely difficult for municipal government to execute sound management of cities. The whole range of financial and investment instruments needed for sustainable urban development need to be re-examined also for use by local authorities such as budget assistance by central government and development partners, grants, loans, land tax and cost recovery for services, cross subsidies, bonds, savings groups and tapping into the savings of urban residents themselves.

As the agenda of sustainable development acquires urgent priority and action, particularly in the context of Africa's rapid urbanization, the primacy of the land issue also assumes prominence. Land, and the manner in which it is managed, provides the underpinning for sustainable urbanization. The increasing productivity of African towns and cities, the capacity to provide for basic infrastructure and services of the increasingly urbanizing population, the increasing threats of climate change, managing cities in the situation of (post-) crises and post-disasters, and the ability to preserve the environment, will also largely depend on land-related policy interventions. The compactness or sprawl of cities, the scale of their environmental footprint, and the extent of inclusiveness of urban settlements (also for women), all derive from, and are linked to, successful land management and governance.

### 3. OBJECTIVES

The main objective of this paper is to outline some of the regional and critical land related challenges, opportunities and solutions to strengthen the capacity of the African Ministers in charge of Housing and Urban development to effectively carry out their mandate. The paper examines land at the national and regional levels and stresses the importance of developing adequate policy, regulatory and institutional frameworks that will enable the various government agencies dealing with land and urban matters to work effectively. Some urban related issues are well known (e.g. slums), while others are emerging (e.g. climate change). The paper also emphasises sub/regional collaboration to deal with common threats (e.g. Great Lakes collaboration). While the paper identifies issues and challenges, its major focus is on innovative practices, tools, lessons and opportunities which could be useful for various countries.

### 4. KEY CHALLENGES AND OPPORTUNITIES

Although African cities face constant challenges such as climate change, conflicts and disasters, there are also opportunities to (re)build and operate better and make the African cities work for their citizens. This section identifies selected priority issues and potential options for improvement.

Land is at the core of housing and 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. Ultimately land is in the critical path of sustainable urban development.

With over 50% of Africa's population expected to live in towns and cities by 2025, there is expected to be more pressure on land resources (e.g. water, timber and fibre), environment and shelter. The complexities of inadequate land, low agricultural productivity, poverty, war and natural disasters and search for employment will continue to fuel rural-urban migration. It is also highly likely that increasing number of people will be pushed into slums of fast growing cities and towns. This challenge will also be compounded by the fact that informal settlements are often not recognised by the states and are therefore often excluded from access to basic social services. Essentially, **urbanisation** has not been matched with a corresponding increase in provision of services to the majority of the urban poor. As a result, the informal settlements have no basic services such as water, solid waste management, sewerage, schools, health and information centres. As African countries' population continues to increase critical food crisis and shortages will emerge exerting inordinate pressure on available natural resources. This has witnessed increasing pressure for agriculture production and consumption chains as well as acquisition of land for large scale agricultural production. This is expected to affect populations both in urban and rural areas with evictions expected to cater for this emerging demand. Food riots always happen in cities and towns. Promoting policies that will boost food security without compromising the land rights of the poor is critical. Similarly, urban population growth and pressure also means competition over water use, land clearance for fibres, timber and wood products. Governing natural resources tenure cannot afford to ignore the growing urban demand, changing consumption patterns on renewable and non renewable resources.

In **rapidly growing urban areas**, access to land is rendered increasingly difficult by the potentially competing demands of housing, industry, commerce, infrastructure, transport, agriculture and the need for open spaces and green areas, and the protection of fragile ecosystems. One of the principal difficulties associated with the provision of housing is land supply, including associated costs. Currently, the high population growth in cities is seen to create pressure and competition for land related resources, which has also caused upward pressure on land values, particularly in peri-urban areas. Clearly, not enough attention is paid to developing solutions to the expansion of cities in peri-urban areas and the challenge this is causing in regard to the delivery of sustainable land management, services and governance, Failure to create an enabling environment to safeguard and secure land rights for all citizens continues to undermine housing provision and urban development. For example, without conferring tenure security, slum upgrading initiatives will not necessarily generate longer term or sustainable improvements in living conditions as witnessed in some countries such as Kenya, Lagos, Namibia, Democratic Republic of Congo, and Central African Republic. Inadequate urban planning (land use, social, strategic, statutory, participatory, integrated, etc) has also led to the inability of African cities to serve the needs of the majority, who are often poor and live in slums. The full potential of using appropriate land administration, planning processes and urban management tools (such as land banking, land pooling, land readjustment, land recording) to make cities the real engine of growth is yet to be realised in most African countries.

The use and management of land for urban development has to manage many competing demands and needs including environment, investment, shelter, infrastructure and service delivery concerns. These contradictory, yet complementary needs require a robust coordinating and integrating framework with long time horizons, right from planning to decision making to implementation. Urban planning can provide such a framework. Without rationalising decisions and choices through **urban planning** (e.g. density, mix of uses, typologies of housing and public spaces, transport modes and infrastructures, typologies of services etc) it would be difficult to achieve sustainable urbanisation. Strategic Planning offers a platform for land as a basis for reform, to integrate policies and actions which include aspects of improved urban governance, democratisation, gender, environment, HIV/AIDS and, conflict resolution, amongst others. In the absence of the strategic framework that planning provides it would also be difficult to even manage land in a sustainable way, without creating negative externalities (such as increasing emissions or reducing urban quality and social capital). In the context of sustainable urban development, land in cities is an asset only as far as it responds not only to individual but also to collective and public needs. Therefore, the promotion of densification through appropriate legal tenure systems such as condominiums or apartments, or forms of housing associations or cooperatives is crucial for the next stage of urban development in African cities.

In any African city, it is the combination of the relative location of land to trunk infrastructure, services and economic opportunities, and the nature of land and housing rights, that determine the value of land and its contribution to wealth creation and poverty alleviation both for individuals and the country as a whole. Together with appropriate land and property taxation instruments, urban planning has a key role to play in shaping the value of land, local government's financial basis and specific urban patterns, both formal and informal. Without an appropriate land administration and land record system it will be very difficult to undertake city wide delivery, and given that most cities are around 60 percent informal (or outside the land records) it will be necessary to

develop a road map to merge the formal and informal over time. Ultimately it is about creating and integrating sustainable urban systems such as land records, planning, governance, services and infrastructure in the short, medium and long term and thereby moving from small scale slum upgrading to slum prevention as well.

Strong **political leadership and political will** is required to undertake urban reforms. Also, the efforts of African governments to reach the urban poor have been limited because of the lack of clarity around responsibilities, contradictory mandates between local authorities and central government and poor inter-departmental coordination. The limited capacity of central government institutions, in terms of operational structures and systems as the driving force of action for reform in the urban sector, continues to pose a challenge. The urban poor are acutely vulnerable to poor governance in all its forms. In most cases the governance of many urban centers remains deeply deficient due to the complex and inadequate institutional, policy and legislative framework at city level and the fact that the urban sector continues to be under prioritized and under resourced in the national development agenda. Also, collaboration between various stakeholders has often been sporadic and poorly coordinated. Compounding all this is the fact that government functions remain highly centralized, particularly in regard to land.

**Gender** is another important dimension to consider. Often in African countries, legislations and/or traditional practices continue to undermine women's right to land, access to property and housing. Undermining women's land right (especially access and use) negatively affects the productivity of the urban economy, including food security and housing delivery, as this is equivalent to blocking at least 50% of the productive population from socially and economically beneficial ventures. Also, women are often the main land users who generate considerable household income from urban and peri-urban agriculture and small informal trade. Besides, women tend to spend more time in the house than men. This usually translates into incremental improvements in the family house and well-being. All this means that the condition of women needs to be recognized and enhanced by promoting gender sensitive and inclusive processes and outcomes in land, urban policy, the formulation of reforms and its implementation, capacity building and budgeting, both for country level and regional land related initiatives. There is a need to address gender equity, gaps and biases in housing and urban development endeavours. Provision should be made for providing security of tenure and equal access to land to all people, including women and those living in poverty. This may require undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inherit, transfer, use, access and own land and other property. Such legislative frameworks and reforms will be key foundations for the improvement of urban development and housing.

In many African cities the **urban land market** is skewed against the poor. The rising costs of urban land and other factors prevent poor people and other vulnerable and disadvantaged groups from gaining access to suitable land, which does not pose economic, environmental or health risks to the residents (e.g. proximity to polluting industrial facilities, inappropriate geographical conditions or susceptibility to natural disasters). Bringing the development of urban areas into harmony with the natural environment and the overall system of settlements is one of the basic tasks to be undertaken in achieving a sustainable urbanized world. The tools for achieving a physically more balanced development include not only specific urban and regional policies and legal, economic, financial, cultural and other measures, but also innovative methods of urban planning and design and of urban development, revitalization and management. Some African Governments are renewing their interest to (re) consider land and property taxation to fund urban development and infrastructure. Investing in appropriate land and property taxation could kick start sustainable urban development, particularly when governments come to realise how prominent are land and housing assets. Investing in land and housing taxation instruments has a multiplying effect on investment (trade, services, land markets commerce, industries, infrastructure and services), urban development and the construction industry (housing, infrastructure). In Benin for example, local urban governments are using the Urban Land Registry (Régistre Foncier Urbain-RFU) as one of the main means for improving municipal finances, often up to 90% of local budget.

**Housing** is becoming an increasingly expensive commodity in all countries. Between 1997 and 2004 average housing prices grew by 195 percent in South Africa. Further, the cost of a dwelling can often be 2.5 to 6 times the average annual salary. In Ghana the average cost of a decent low-income family house is more than 10 times the average annual salary of most key workers in Ghana. In Algeria the cost can be as high as 12 times the annual salary. Access to land is not only a pre-requisite for housing, it also constitutes one of the major shares of the cost of creating a house. Also, given the number of steps linked to the delivery of serviced land for housing, land is also one of the major impediments to the delivery of formal housing, particularly low income housing – it generally takes so long to undertake all the steps that the land is invaded by slum dwellers before formal titles are conferred. This has considerable implications also for the success of mortgage instruments.

During the past four decades policy interventions for urban development in Africa, in one way or another, has been confronted by the land challenge. While relatively more attention has been given to the issue of ownership



and tenure, and how these have been dealt with through administrative and management systems – through land sector programs and investment also by development partners, the real challenge is much broader. Land aspects which have not been addressed which are key to housing delivery include the modality and efficiency of land use, imperatives for creating wealth and assets, the environmental implications of use, the social factor - in terms of fostering inclusion or exclusion and supporting livelihoods in cities, and the land information system which facilitates overall land management which is based on land records, all of which have a critical bearing on African urban development today.

## 5. ILLUSTRATIVE EXAMPLES, CASE STUDIES, GOOD PRACTICES, TOOLS AND LESSONS LEARNT

There are many ways to address the above challenges and tap into the range of opportunities available to several African countries. This section provides a few illustrative examples, good practices, and tools which some African governments have used. Links are also made to lessons that can be learnt, especially in terms of improving adequate housing and urban development in African cities.

Over the years, it has become clear that building on the **range of tenure systems**, and not just individual titles or deeds, has several benefits for housing delivery at scale and urban development. Over 14 African countries have such a range of tenures and many urban and peri-urban areas in African cities have various types of formal, hybrid and non-formal tenure arrangements and practices. Each serves a market segment with a discrete impact. Most people live at some point on a continuum, in which they may be the recognized owners of the land, but they have constructed a house in an area that is not designated for residential use, or they may simply have failed to conform to official regulations or procedures either in terms of planning permits or building permits, or land titles. Within these categories are other people, such as those renting land, buildings, rooms or even beds, with or without contracts, but yet all of these give some kind of rights. In some cases, there may even be more than one legally acceptable system operating, such as statutory, customary and religious systems (as in Islamic countries). It is therefore vital that the full range of formal, religious, customary and non-formal tenure categories be taken into account. This should preferably be done in discussion with representatives of each group including men and women, using those types of land tenures. Such an approach would make it possible to develop policies that anticipate impacts on each group, and protect the poor and vulnerable.

In Tanzania for example, the Land Act recognized the tenure rights of slum dwellers. In principle at least, all land rights (including customary, formal, intermediary and licenses) can be identified and recorded and maintained by the land allocation authority. Such flexibility enables local governments to develop and implement participatory local urban land use planning.

Another important area is the need to develop land policies to enhance the potential of the land in regard to the social, economic and environmental benefits. Seizing the opportunity, over the last 10 years, close to half of African countries have undertaken major initiatives with respect to land issues, either through land reforms, land policy development, land administration reform and/or legislative amendments. A rich experience has evolved whose exchange and broader dissemination could advance sustainable urban development in the continent. Land related policies and regulations should aim at supporting the integration of national, sub-national and local urban policies and programmes. In this regard, the principle of the incremental approach, stipulated in the Rio Declaration on Environment and Development, should be widely applied by Governments according to their capabilities, and the use of environmental and social impact assessments is desirable.

It is in this context that the African Union (AU), working closely with the Economic Commission for Africa (ECA), as well as the African Development Bank (AfDB) 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. Urban land plays a key role in this process. To some extent urban issues are already embedded in the LPI final report, also through the work of UN-HABITAT which has supported the process. The LPI report was accepted by the Ministers of Land, and then by the African Heads of State in July 2009 in Libya. Resources available within the LPI could benefit several African governments who are currently developing or implementing land policies.

**Land, tenure and information** are linked and all important. Land is a critical element in achieving sustainable human settlements development (including broad-based access to adequate urban shelter, livelihoods and basic services) for two main reasons. Firstly, security of tenure is a key factor as human activities are anchored in land, where rights (e.g. ownership, occupation, 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 systems and land documents; (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. In many countries in Eastern Africa, the governance of the range of tenure regimes is at its infancy but is very promising. A good example is the Ethiopia land certification programme which has had far reaching effects in conflict management. The second reason why land is a critical element in achieving sustainable human settlements development is that city management at scale needs land information covering the whole city, and this information is generated and aggregated from the land records of individuals and groups. Botswana has developed a land inventory system that can be used to serve multiple purposes including security of tenure, managing customary tenure, land use planning, and urban development.

**Land and shelter** is a prime concern in situations of displacement due to disasters (natural or man-made), conflicts and evictions. Land has not only remained the artery of the mainly agrarian economies in Africa, but has also become the axis about which ethnic-based conflicts increasingly rotate. Many cases of conflicts over land have negatively affected housing and urban development. Sound and adequate arrangements for the provision of land and shelter for vulnerable groups, such as refugees and internally displaced people, is vital. There are almost 12 million internally displaced people (IDPs) in Africa. Of these 12 million IDPs, 8 million are concentrated in the Great Lakes Region. Sudan alone is home to some 4,9 million IDPs; DRC to 1.4 million; Uganda to nearly 1 million and Central African Republic to 1.1 million. The numbers are similar on the refugee side with 10.5 million refugees living in host countries in the Great Lakes Region.

Many of these **IDPS and refugees** reside in urban and peri-urban areas. They need food and water, temporary and permanent shelter and resettlement areas that provide safety, a home and the provision of land for long term sustainable livelihoods such as for agriculture, livelihoods, environmental safety standards and socially stimulating space. Ongoing and violent family, ethnic, tribal, national and regional conflicts are often land-related, particularly the struggle for access to, and control over land and its natural resources. Preventing and managing land related conflicts requires securing land rights for all beyond only supplying property rights. In many societies control over land rights is a means of accumulating and dispensing political and economic power and privilege through patronage, nepotism and corruption. Addressing these issues through an appropriate governance framework is critical, but will require considerable commitment from decision makers and practitioners. The role of government is to manage land in the public interest. Its own performance as land owner and regulator is critical to governance. In practice, government owned land is often managed in unaccountable and inefficient ways, and is often subject to appropriation by political and/or economic elites. This has been the case in Kenya where patronage, land grabbing and irregular attribution of public land have contributed to recent conflicts. The Peace Accord that emerged from the post election violence of 2007 identified land reform as one of the key 5 reform agendas required to limit the emergence of new national conflict.

## 6. ROLE OF STAKEHOLDERS (PARTICULARLY POLICY MAKERS) AND PARTNERSHIP

Urban development issues have increasingly become a priority in Africa. The growing number of stakeholders in the urban sector provides an opportunity to rethink approaches and strategies for urban development that should be bottom-up in approach and include innovative public-private partnerships. Land policy processes which have already taken place in Africa including in Namibia, Mozambique, Kenya, South Africa, and Tanzania, have shown that it is key to involve all stakeholders to ensure sustainable outcomes. The range of stakeholders include central and local governments, civil society, the private sector, research and training institutions and where appropriate, development partners including the multi-lateral and bilateral. Attempts also need to be made to clarify the respective roles and responsibilities of different ministries involved in urban development such as Lands, Water, Public Works, Physical Planning, Environment, Housing, etc.

African Ministers in charge of land, housing and urban development have the opportunity to support a common land policy framework through the role of the Land Policy Initiative, a joint initiative of the African Union, United Nations Economic Commission for Africa and the African Development Bank,. This framework is intended to foster partnership on the land issue amongst African states and is an opportunity to advance the urban agenda. Partnership and collaboration within regions and across countries is essential to share good practices. As we have seen in the Ivory Coast and South African experiences, addressing urban land issues will need to go beyond country specificities. African governments will also gain by reviewing their regulatory and institutional frameworks to align with policies that are conducive to improve urban land systems (e.g. policy implementation, management and administration).

## 7. INITIAL QUESTIONS TO BE ADDRESSED

Some guiding questions based on the discussion are given below. These questions are not meant to exhaust all the main land challenges facing housing delivery and urban development in Africa but are merely examples which can be used to guide policy makers working on land as they explore possible actions and interventions that best suit their context. Some of these illustrative questions include:

1. How can sustainable urbanisation issues be more strongly embedded in the AU, UNECA, African Development Bank land policy initiative?
2. What should countries do to move the urban land policy agenda forward at country level and at regional level?
3. How can countries improve their existing land management systems to also serve the poor and for sustainable urban development?
4. 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?
5. How can land markets be made more functional and able to contribute to sustainable urbanisation?
6. What are the key opportunities and threats that need to be addressed?
7. What are the key things that need to be implemented to gender land issues more effectively?
8. How can land management be done in such a way as to upgrade slums and prevent slum formation?
9. How can decentralised approaches be enhanced to promote urban development and cities development?
10. What capacity building approaches are needed to assist in land policy implementation at scale?
11. What post conflict land approaches can be taken by countries?
12. What post natural disaster and post-crisis situations and approaches can be taken by countries?
13. How can lessons learnt and best practises be embedded in promoting sustainable housing and urban development?

## 8. OPTIONS FOR THE WAY FORWARD

In the context of sustainable development and rapid urbanization in Africa it is essential that land be managed in such a way that security of tenure can be guaranteed for the existing and forthcoming growing urban population. Also, using the land records and land information, it should be managed so that the systems which underpin sustainable cities can operate including planning, service, infrastructure and housing delivery, environmental, solid waste and transport management, the development of community facilities and the governance framework which makes it all possible. All these are critical for the improvement of the quality of life of the cities' citizens. Slum upgrading at scale, slum prevention, including the supply of planned, legal and affordable for land for housing and basic services (including building vertically) to meet present and future demand needs to have operating land and urban systems, including for peri- urban areas

It is also critical that urban planning and building regulations facilitate the prosperity and equity of cities, by for example revising standards and administrative procedures, reducing entry costs and accelerating the supply of new legal developments. Options may include reducing the proportion of land allocated to roads and public open space, relaxing restrictions on plot use and development, simplifying administrative procedures, and allowing more relaxed building standards. It is also important for African governments to consider introducing and collecting land and property taxes on all urban land, whether developed or not. This should be linked to other financial instruments such as a mix of grants, loans, cross-subsidy and cost recovery. In addition, permitting the incremental development of land tenure, housing construction and service provision should be considered. Urban households' access to basic infrastructure services should be considered as fundamental rights.

Access to urban land is fundamental to sustainable urban development and improving the performance of the housing sector. Improving access to land can enable the housing sector to play its role in economic development, poverty reduction and employment generation. Secure land rights for all are best achieved where they are nested

within coherent governance frameworks – for instance, through joined-up delivery of land, basic services, credit, marketing and business support – and which build accountability and stronger participation. More specifically, it is important that while introducing reforms, African governments commit to providing legal security of tenure and equal access to land to all people, including women and those living in poverty. Finally, land has strong national and local underpinnings. Therefore, supporting the integration of national, sub-national and local policies and programmes is very important.

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