



accessing land, accessing a future

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POLICY BRIEF

07

AFRICAN
URBAN
RESEARCH
INITIATIVE

Initiative Africaine de Recherche Urbaine

**THE URBAN POOR
NEED LAND TO ACCESS
SHELTER, BASIC
SERVICES AND LIVELIHOOD
OPPORTUNITIES.**

**BUT WITH LAND
INCREASINGLY TREATED
AS A COMMODITY RATHER
THAN A PUBLIC GOOD,
HOW CAN LOCAL
AUTHORITIES IN RAPIDLY
GROWING AFRICAN
CITIES ENSURE EQUITABLE
ACCESS TO AFFORDABLE,
DECENT LAND?**

SOUTH AFRICA	Angola	60.0	36.8
	Mozambique	62.5	33.3
	South Africa	85.0	47.4
	Zambia	75.0	37.5
	REGIONAL AVERAGE	75.5	37.26
EASTERN AFRICA	Ethiopia	2.5	0.0
	Kenya	85.0	22.2
	Tanzania	62.5	36.8
	Uganda	77.5	25.0
	Rwanda	50.0	38.5
	Sudan	30.0	30.8
	REGIONAL AVERAGE (without Ethiopia)	51.25 (61.0)	26.88 (32.26)
WESTERN AFRICA	Burkino Faso	50.0	31.6
	Cameroon	55.0	52.6
	Ivory Coast	75.0	47.4
	Ghana	85.0	30.0
	Liberia	15.0	28.6
	Mali	5.0	28.6
	Nigeria	67.5	50.0
	Senegal	75.0	50.0
	Sierra Leone	30.0	26.3
	REGIONAL AVERAGE	50.8	38.3
	SUB-SAHARAN AVERAGE	58.5	41.3
GLOBAL AVERAGE	70.6	33.9	

AVAILABILITY AND ACCESSIBILITY OF LAND INFORMATION IN SOUTHERN AFRICA

(based on main cities | 100=fully available or fully accessible)

EXECUTIVE SUMMARY

Urban land and its use is a contentious and complex issue, particularly in Africa's rapidly growing cities, where lack of access to affordable, decent land has resulted in expanding informal settlements. Land is not just a prerequisite for housing, it is also vital to the ability of the urban poor to create livelihood opportunities and escape poverty. However, with land increasingly viewed as a commodity rather than a public good, a shift in thinking is needed to ensure that land is treated as a human right.

A shift in national policy and legislation is needed which will empower local authorities to increase access to land through simplified regulations and greater control of financial resources for city infrastructure. In addition, reliable and up-to-date public records of land rights and transactions must be established and made available to the poor.

Public planners need a better understanding of the way the market functions so they can negotiate meaningfully with private-sector investors on behalf of the public. Inclusive planning frameworks that focus on reducing barriers to land and increasing the supply of serviced, affordable land, especially through regularising informal settlements, are essential if Africa's cities are to become drivers of sustainable development.

Defining upgrading in an urban context

What do we mean by formalising or upgrading of slums? Slum upgrading consists of physical, social, economic, organizational and environmental improvements undertaken cooperatively and locally among citizens, community groups, businesses and local authorities. Slum upgrading benefits a city by:

- **Fostering inclusion.** Slum upgrading addresses serious problems affecting slum residents, including illegality, exclusion, precariousness and barriers to services, credit, land, and social protection for vulnerable populations such as women and children.
- **Promoting economic development.** Upgrading releases the vast untapped resources of slum dwellers that have skills and a huge desire to be a more productive part of the economy, but are held back by their status and marginality.
- **Addressing overall city issues.** It deals with city issues by containing environmental degradation, improving sanitation, lowering violence and attracting investment.
- **Improving quality of life.** It elevates the quality of life of the upgraded communities and the city as a whole, providing more citizenship, political voice, representation, improved living conditions, increased safety and security. Providing shelter for the poor. It is the most effective way to provide shelter to the urban poor at a very large scale and at the lowest cost.

In addition, in-situ slum upgrading is:

- **Affordable.** Slum upgrading costs less and is more effective than relocation to public housing. Developing land with basic services costs even less.
- **Flexible.** It can be done incrementally by the city and by the residents at a pace that is technically and financially possible for both.
- **Viable.** The poor can and are willing to pay for improved services and home



RECOMMENDATIONS

Policymakers and government officials need to:

- Develop a multipronged, holistic approach to urban planning systems and land use that involves all levels of government and governance over the long term.
- Adopt a human rights-based approach to land that enables local government to increase the supply of and access to affordable, serviced land for housing, basic services and infrastructure.
- Develop well-functioning, regularly updated land information systems.
- Better understand the formal and informal land markets to identify barriers and opportunities to access to land for marginalized urban communities
- Develop city-level inclusive planning frameworks to reduce barriers to accessing land and housing, and ensure a supply of serviced, affordable land. This includes regularising existing slums.

¹ IISD 2007: 1

² UN-Habitat 2011: 4

³ Ibid.

⁴ Ibid.

⁵ IISD 2007: 1

⁶ McGaffin & Kihato 2013: 28

⁷ UN-Habitat 2011: 5

⁸ Mansion & Rachmuhl 2012: 14

⁹ UN-Habitat 2011: 4

¹⁰ McGaffin & Kihato 2013: 29;
UN-Habitat 2011: 9

¹¹ UN-Habitat 2011: 9

¹² McGaffin & Kihato 2013: 29

¹³ Mansion & Rachmuhl 2013: 21

¹⁴ Ibid.

¹⁵ UN-Habitat 2011: 6

¹⁶ IISD 2007: 2; UN-Habitat 2011: 7-8

¹⁷ Mansion & Rachmuhl 2012: 14

¹⁸ IISD 2007: 1

¹⁹ UN-Habitat 2011: 40

²⁰ McGaffin & Kihato 2013: 22

INTRODUCTION

Africa's urban land is contested, valuable, profitable, dynamic and largely unregulated.¹ The urban poor struggle to access affordable, secure land and housing, which is why the continent's informal settlements continue to grow rapidly.² Land also acts as a financial safety net in times of hardship³ and is inseparable from a household's ability to lift itself out of poverty.⁴

With the world's fastest urban growth rate⁵, African cities are under pressure to find land for housing, infrastructure and social services. The urban land market determines land availability and the means by which people acquire, own and trade land. These land transactions also significantly influences a city's social, political, spatial and economic structure.⁶ As such, the increasingly dominant view of land as a commodity to be bought and sold rather than a public asset for social good⁷ threatens the idea of sustainable and inclusive cities.⁸ It further undermines the poor urban majority's ability to survive, much less thrive.⁹

In many parts of Africa, a mix of customary, common and religious laws dictate land use and rights.¹⁰ This results in complex and sometimes contradictory regulatory systems,¹¹ which are further complicated by the many land transactions that occur outside the legal system.¹² Because of the inaccessibility of decent, secure and affordable land in the formal system, about 500 million Africans live in slums or informal settlements,¹³ where land tenure, housing and services largely function outside official systems.¹⁴ Across African cities, illegal subdivision of both public and private land is the most common way urban land becomes available for development.¹⁵ The rigid, expensive and complex regulations¹⁶ characterising national legislation and land policy fail to address the dynamic reality of urban land use.¹⁷

A HOLISTIC, LONG-TERM APPROACH TO LAND

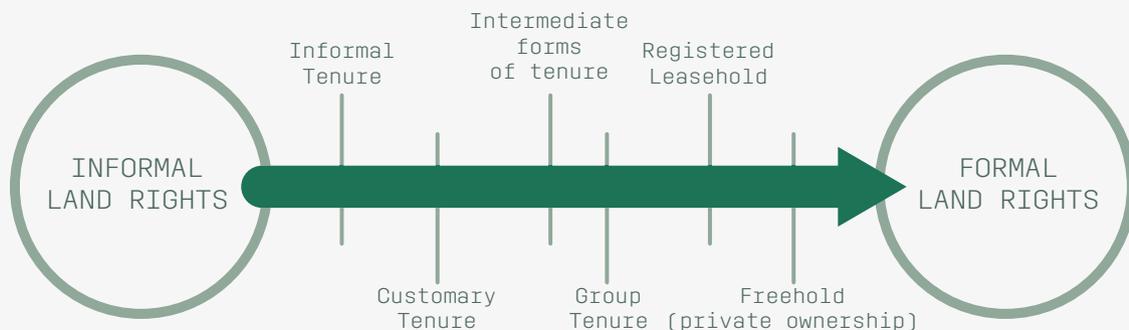
A holistic approach that considers land policy, tenure security, land administration, land management, land tax and land redistribution/reform¹⁸ is needed to address complex urban planning systems. All publicly owned land should be analysed to determine how its financial, social and economic values may affect sustainability objectives.¹⁹

National actions: Protect and empower

National government needs to ensure that land is accessible to all by balancing skewed power relations.²⁰ Housing and land laws need to adopt a human rights-based approach that ensures everyone has access to secure tenure of urban land.²¹ Basic provisional

tenure (short-term tenure) should be provided for all households in existing informal settlements through a proclamation by the housing or land department while other options are explored.²²

Clear policy, legislative and governance support from national government is needed to ensure that local authorities have control over land-use regulations. Legal and institutional reforms that remove access barriers and ensure legally secure land market opportunities are needed.²³ For example, regulatory frameworks should simplify or relax costly legal procedures and building requirements²⁴ that prevent the poor from entering the market.



A CONTINUUM OF LAND RIGHTS

Source: UNHABITAT. 2011. Quick Guide 3:
Land. Housing the poor in African Cities. Nairobi: UNHABITAT, p.8.

Registering land rights and facilitating approval of land-use changes should be simple.

National government can empower local governments to invest in city infrastructure by allowing local government to introduce and collect tax on all developed and undeveloped land. Land taxation, especially of idle land, will discourage land speculation and help ensure a steady supply of land for housing for all sectors of society.²⁵

**Local actions:
Closing data gaps to
improve understanding
of urban land markets**

Information systems

The lack of reliable, updated public records of land rights and transactions prevents a transparent land market from developing in many African cities. This information gap also fosters the growth of the informal land market, where transactions are unrecorded, causing cities to lose out on revenues from property tax.²⁶

A land information system is needed to help the urban poor access information on land ownership and value and user rights. Such a system can be developed using simple geographic information systems, remote sensing techniques and field surveys.²⁷ Regular and updated data on land use, access and changes in usage, which can be collected through censuses, is also needed. Technical tools such as GPS reports and aerial photos can be used to cross-check information.²⁸ Local government should be responsible for maintaining a land database, including an inventory of all publicly owned land in their jurisdiction.²⁹

Understanding the market

Municipal authorities need to understand the way in which the formal and informal land markets function to better identify barriers and inefficiencies to land access. Markets and market forces affect planning regulations, which in turn directly affect how much land is available for various uses and the demand for that land.³⁰

By understanding the land markets, local authorities can identify and address the structural barriers to access while adopting flexible practices to support equitable and efficient systems of urban land distribution.^{31,32}

Inclusive planning frameworks

City-level planning frameworks that integrate existing practice with an inclusive approach and mechanisms to simplify land regularisation are essential. Revising planning regulations, building standards and administrative procedures to reduce entry costs, ease restrictions, and accelerate the supply of serviced land and new legal housing³³ should also be considered. Other measures to increase the supply of serviced land include reducing the size of land to be allocated to roads and relaxing restrictions on minimum plot sizes, plot use and development.³⁴

Recognising and granting legal tenure to slum residents is the best way to ensure that poor urban dwellers have sustained

access to land and housing.³⁵ Existing slum areas should be regularised and settlements given protected status to preserve existing investments, encourage development and protect affordable housing.³⁶ Regularisation also means that citizens are able to receive basic services at legal, metered rates; enrol children in school; register as voters and use social entitlements such as government hospitals.³⁷

²¹ Ibid.

²² UN-Habitat 2011: 40

²³ Berrisford 2013: 86

²⁴ Berrisford 2013: 79

²⁵ UN-Habitat 2011: 42

²⁶ UN-Habitat 2011: 27

²⁷ UN-Habitat 2011: 28

²⁸ Mansion & Rachmuhl 2012: 8

²⁹ UN-Habitat 2011: 27

³⁰ UN-Habitat 2011: 17

³¹ Napier 2013: 13

³² McGaffin & Kihato 2013: 24

³³ UN-Habitat 2011: 42

³⁴ Ibid.

³⁵ UN-Habitat 2011: 34

³⁶ Ibid.

³⁷ Ibid.

³⁸ UN-Habitat 2011: 5

³⁹ Napier 2013: 19

⁴⁰ UN-Habitat 2011: 20



REGULARISING LAND IN ANGOLA

The Bairro Fatima Participatory Land Management Project launched in 2005, was Angola's first land regularisation project. The project was a collaborative undertaking between government and civil society that sought to address the fact that 60% of Angola's urban population live in slums with no clear legal title to the land they occupy. The project mobilised community leaders to secure support and accountability, and created a registry of landowners.

The project provided intermediary land titles in existing housing areas (based on survey information), while a management group consulted with the local administration and residents and developed residential-use plans. Occupiers of agricultural land were given an urbanised plot equal to 35% of the previously occupied area, and a land pooling process allowed 30% of the overall area to be reserved for infrastructure and social services (transport, water and sanitation, education and health). The remaining 35% of land was left for new residential development.

The project allocated land through a legal process based on an intermediary form of land tenure that provided secure rights to households and served as the basis for a full land title to be applied for within a three-year period. Costs for the urban development process were covered by a once-off charge of US\$500, based on the going informal-sector prices.

Source: UN-Habitat 2011: 35

CONCLUSION

Few issues are as complex or contested as land and its use.³⁸ For African cities to become engines of development, land and urban development systems must address urban Africa's land and housing challenges in just and equitable ways.³⁹ This will require an approach that involves all levels of government, is based on a deep commitment to human rights, and recognises that access to affordable, decent and secure land is fundamental to sustainable urban livelihoods, and thus sustainable and inclusive cities.

Political will is needed to successfully address secure tenure, but once it is in place there are many ways to make more urban land available for housing⁴⁰ – an effort that is key to building cities capable of driving people-centred development.

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