

**Land in Africa Conference
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Working Group 3

Urban and peri-urban land development and land use conflict

Presentation given on behalf of Anna Tabaijuka UN Habitat.

Responses by:

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Rich debate followed the scene setting from the UN Habitat and country level presentations from Ghana, Benin, Senegal and South Africa.

The group recognized that

- Countries are at different stages in the formalization of their land rights and this has impacted on how the particular issues of land are addressed at the urban and peri-urban levels. Further different customary approaches are in place in different parts of Africa.
- Customary and informal systems are themselves changing and dynamic with the urban and peri-urban situation and may be different from the past. With new rules and structures evolving this calls for support to deepened learning, innovation and mainstreaming of good practice.
- That between countries and even within countries there are different sets of urban and peri-urban challenges due to: history and settlement patterns for example South Africa has a very different history of settlement to patterns in say west Africa; the pace of urbanisation; the nature and type of economic development; and the level of political and economic migrants from outside the country
- Actual monetary land values can be higher than economic values due to symbolic/cultural relationships between communities and the land (Benin and Senegal case studies)
- The market alone cannot tackle the challenge of securing land rights and housing in the urban and peri-urban contexts. In addition there remains a role for the State in support of associated policies eg in credit, in support to economic activity in rural and urban areas, and in understanding the dynamics of migration etc

In the urban and peri-urban setting there are no single and simple solutions and “one size does not fit all”

Agreement:

- Urgent need for security of land and housing rights (not titling alone) and in the provision of affordable shelter for all. In particular in the short term there is a need to offer security to urban and peri-urban dwellers whose current rights to land and housing are insecure and thus to stabilise the situation
- That action is needed in urban and peri-urban areas to meet both the MDG (Goal 7 target 11) on urban slum reduction and as a contribution to the MDG

on poverty reduction (i.e. people who fear eviction cannot take full advantage of employment and of services)

- The poor (in slums, insecure housing etc) are heterogeneous (long term urban dwellers; recent migrants/ new urban arrivals, long term peri-urban dwellers with insecure rights, peri-urban agriculturists /smallholders on land under pressure etc) and their differentiated land and property rights and underlying issues need to be understood and where appropriately addressed in a differentiated manner. Further, it should not be assumed that the rights of men and women are equal – the rights of women to equal inheritance was emphasised

Concerns:

- That there is a general failure in land planning in urban and in particular planning in peri-urban locations
- That there are often conflicting interests between involved public agencies and often associated - a need to tackle issues of corruption (in some countries)
- That unless the voice of the poor, i.e. those in slums and those with insecure rights and disadvantaged within these processes, can be mobilised - very little will change – the political economy of land reform including the security of rights remains (in general) in the hands of the rich, the elite and powerful.
- Concern over private land acquisition in some countries with inadequate compensation
- Formal planning process do not recognise the symbolic value of land and this has longer term impacts
- In some countries the urban and rural land laws and governance differ and may conflict – with changing dynamics of urbanization these will need to be rationalized.
- the loss of peri-urban land (in particular prime agricultural land) is a cause for concern in some areas – this calls for coherence across sectors and players involved with urban planning and goes beyond urban development

Action:

Two thrusts a) stabilise and provide short term security for all households, and
 b) develop planned and long term affordable housing for all

Further:

- Need for simple and cost effective methods to formalize and secure rights and in the medium term move to full recognition of rights including gradual upgrading to full titling. Such an incremental approach will involve a range of tenure arrangements- recognising that there are/maybe key differences if the land is public or privately owned
- Need to recognise and build on innovative practice e.g. negotiated settlements,

- The State may need to offer fair compensation (willing buyer – willing seller) where settled land was in private ownership but some concern was expressed over the cost of this and its impact on land markets – so there is an associated need to also seek innovation such as land sharing, temporary land rental, and negotiated settlements
- The State needs to ensure the adequate provision of public services of water sanitation, electrification where such formalisation processes are in place
- Where there is a need to resettle populations from areas of weak viability e.g. environmental, the importance of full participation by the involved community in the planning of the processes was seen as a prerequisite to a successful outcome
- Recognition that there is a role for government in the provision of low cost housing and reduction in slums but that this cannot be achieved through public provision alone. New and innovative approaches involving the private sector are required as well as building on the rich and practical experiences of self help actions of slum dwellers themselves. Informal systems have much to offer in setting the agenda for the future
- Donors can assist through support to appropriate land acquisition programmes. It was noted for example that World Bank now has the instruments to support such an approach.
- Need for system wide approaches to slum upgrading rather than projects

Unresolved issues/areas of disagreement:

- Some countries are seeing significant land speculation in urban and peri-urban areas – range of suggestions were offered on how to manage this i.e. ranging from the importance of freeing up the land markets to the control of such speculation including opportunities created through taxation
- Concern over the management of agricultural land and conversion to non agricultural purposes and how this should (if at all) be managed. There exist associated implications to taxation.

Gaps in knowledge:

- Deepen understanding of how informal land markets work
- Need to understand the incentives which foster land hoarding and speculation (prevalent in some regions and not in others)
- Need to examine how different policies have impacted on the patterns and dynamics of urbanisation
- Develop and share tools and instruments to support appropriate urban and peri-urban planning

- Quantify and share innovation and locally driven models between interested groups