

**AN OVERVIEW OF LAND TOOLS IN SUB-
SAHARAN AFRICA: PAST, PRESENT AND
FUTURE**

BY

**CLARISSA AUGUSTINUS
CHIEF, LAND AND TENURE SECTION**

UNHABITAT



Nairobi, 11-11-2004

WHY UN-HABITAT HAS CO-SPONSORED THIS EGM

UN-HABITAT has a global mandate to assist Member States around the world to deliver security of tenure, especially to the urban poor. The tool used by UN-HABITAT to fulfil this mandate is the Global Campaign for Secure Tenure, which campaign has contributed to the funding of this workshop. The Global Campaign for Secure Tenure has a huge task, as among the greatest challenges facing humankind in the new millennium is rapid urbanisation and increasing poverty, both of which are closely linked to land. Based on UN-HABITAT's estimates, since 1950 mankind has endured its most rapid expansion, from 2.5 billion to 6 billion people. UN-HABITAT estimates that of these 6 billion people, a total of about 924 million people lived in the world's urban slums in 2001.

The proliferation of slums is the most visible manifestation of poverty in African cities. UN-HABITAT estimates that 72 per cent of Sub-Saharan Africa's urban population lived in slums in 2001. This was in comparison to 32 per cent for the whole world. Africa had 187 million urban slum dwellers in 2001. As you are all aware, slum dwellers generally do not have security of tenure and are the bulk of the urban poor.

The major challenges in the land sector and for this EGM are firstly, to deliver security of tenure to slum dwellers through upgrading and secondly, the adoption of pro poor urban land policies designed to prevent the emergence of new slums. For UN-HABITAT this is the umbrella for this EGM and we hope to hear about some of the solutions to meet these challenges. These solutions are necessary so that the majority of urban residents in Africa who are now living without security of tenure will be able to attain tenure security, move away from a life of poverty and have a better future.

A BRIEF HISTORY OF LAND TOOL DEVELOPMENT

I am defining a tool as 'a resource for understanding how to carry out and perform actions.'

With respect to land and security of tenure I have been arguing that increasing our global understanding, description and analysis of land related issues is necessary, but not sufficient, to be able to deliver land-related changes in countries, regions and at a global level. Instead we have to link the description and analysis of land issues with implementation, drawing from the type of approaches found in surveying, valuation, registration and planning –which put an emphasis on the delivery of land and other services. That is, what I am terming tool development is 1/describing, 2/analysing, 3/setting the agenda for research into the creation of tools, 4/developing the tools which allow us to implement large scale changes in the land arena, 5/implementation at scale with evaluation. Given the nature of land, this can generally only be done in-country, with the country, and with multi-stakeholder involvement. However, global, and especially regional, best practices are also often capable of adaptation.

I am going to outline some very broad trends in regard to the history of land tool development to be able to contextualise this EGM to some extent. Up until the 1970s and 1980s most of the land tools were focused around land titling and their implementation was the preserve of lawyers and surveyors. However in the 1980s and building very strongly in the 1990s, many well respected social science researchers

both in the urban and rural sectors argued that individualised land titling was not working and that alternative forms of delivering security of tenure here in Sub Saharan Africa had to be found. It was not working because it only benefited the middle class, was not affordable, did not take into account that the social land tenures in place were based on group and family rights, and most importantly the countries were battling to scale up to cover the majority of their populations because of a lack of human and financial resources.

The 1990s were dominated by the social scientists working on land policy and law, often without any strong linkages to the technical people who would have to implement the policy and law. These technical and legal people were often isolated because of their lack of pro poor tools and their focus on delivery of land titles to the middle class. The result of this lack of linkage was land policies/law that could not be implemented and/or were too costly to implement. Uganda learnt the hardest lesson, which has taught many people in the region to be more cautious and approach land policy development differently. However, in a few countries, the latter part of the 1990s and early 2000s was the beginning of the development of innovative land tools which fitted the new policy frameworks and which could be used for implementation, such as Mozambique, Uganda, Namibia.

However, these innovative approaches still pose a challenge for us, as we need to firstly find out if they can be scaled up to give national coverage. Secondly, many of these innovative approaches have either only been implemented in rural areas (Uganda, Mozambique), or urban areas (Namibia). Where these are national laws we need to also apply them both to rural and urban areas. Thirdly, we need to rigorously evaluate the existing pilots and applications of these laws to find out if they are giving poor people security of tenure and fourthly we need to evaluate if they are giving women security of tenure.

During this evolution from individual titling to pro poor land policies to a few innovative pro poor land tools being developed, a number of organisations aside from UN-HABITAT have identified the fact that good land policy exists but we do not have sufficient pro poor tools to implement the good policy. The World Bank published a new land policy, mostly rural based, in 2003. UN-HABITAT and the World Bank, Research Division, are working together to try and expand the number of pro poor land tools available. Other partners such as FAO, Sida and Dfid are also concerned about this gap. UN-HABITAT and the World Bank as partners have started working with the Ministry of Water, Lands and Environment in Uganda to evaluate their innovative land tool, for upscaling and application to urban areas.

This EGM was organised against this background. The idea was to collect together individuals and partners who are developing pro poor tools, those we know and new ones, so that we can firstly document them. Secondly, we can share experiences of these tools both at a regional and global level. Thirdly, we can help each other to think through our tools and make the tools more robust and capable of being scaled up. Fourthly, we can identify further research that needs to be undertaken to implement pro poor urban and rural tools.

OVERCOMING THE SILOS

As we all know land is a cross cutting issue with a range of vested interests, and a variety of disciplines servicing those interests and that these are arranged in silos. We have tried to ensure that a broad range of the stakeholders are here at the EGM such as government, NGOs, urban and rural, private sector professionals and research institutes, women and men. We have also tried to ensure that there are a range of disciplines at the EGM such as social scientists, surveyors, lawyers, GIS experts, planners etc.

One of the key aims of this EGM has been to bring people together from a range of silos because for robust land tools we need to overcome these boundaries. As a social scientist I have worked in the land titling field for years in Africa and observed the behaviour of role players. There are at least two very different sets of people. On the one hand role players come from a social science, economics, political science, geography, background, and on the other hand, from a land surveying, computer science, planning, valuation, engineering type background. Lawyers fall into both sets. Judging from many forums these different role players are still mostly talking past each other, though this is slowly improving. To develop pro poor land tools, where land policy programmes are translated into specific steps to be taken in individual countries, will require integrated work by the whole range of role players.

One of the key intentions of this EGM is to bring people from a range of different backgrounds and silos together so that we can discuss, criticise and improve the pro poor land tools needed to deliver security of tenure to the poor. Many of us are becoming increasingly aware that it is not possible to change land administration systems by working optimally within each silo, but that instead we have to work out optimal solutions across the whole land sector within the socio-political context. So the venue and programme have been set up in such a way as to try and foster a sharing of ideas across disciplines, but it is also up to the individual participants to meet and talk with each other on a bilateral basis. Also as individuals we need to be open to hear criticism across the disciplines as we search for optimal solutions across the silos.

URBAN OR RURAL OR BOTH?

For many people in the land industry there is a huge divide between the urban and rural land sectors. For other people there is no divide, and they are comfortable working with both. Importantly land is generally a land function situated at central government level in unitary states, and at state or provincial level in federations.

Historically there has been much more focus on the rural land sector because of the focus on poverty in the rural sector. This focus has emanated from an understanding that the poor in most country live in the rural areas. Nowadays there is much talk about the urbanisation of poverty because of rapid urbanisation rates as rural migrants move to the cities.

Based on my experience in working with different countries' land administration systems, I think that the future lies with a conceptual approach which treats land firstly as a national function and then secondly in terms of urban or rural. I think that this kind of approach is becoming increasingly acceptable in international circles among the group where land has conventionally been divided into urban and rural.

One of the key intentions of this EGM has been to bring people together who have been working in urban and rural and both, at national, city and community level, to try and cross feed ideas. We also want to show that there is a lot of commonality between the sectors when talking about land tools. Also we want to learn from innovations in the different sectors so that they can be tried in the other sector. For example, the innovations in Uganda and Mozambique have been applied in the rural land sector and we would be very keen to see how they can be adapted to the urban land sector.

Finally, this EGM is about taking ideas and seeing how we can use them to deliver pro poor land tools for tenure security for the poor, especially the 72 percent of people living in slums in urban Sub Saharan Africa.