

# **Urbanisation in Africa**

**“There is no sustainable development without sustainable  
urbanisation”**

**In Preparation for Sixteenth Commission on Sustainable Development (CSD-16)**

**21-22 February 2008**

**UN-Gigiri, Nairobi, Kenya**

**Concept note**

*“Land, which is a necessity of all human existence, which is the original source of all wealth, which is strictly limited in extent, which is fixed in geographical position - land, I say, differs from all other forms of property in these primary and fundamental conditions...*

*...We see the evil, we see the imposture upon the public, and we see the consequences in crowded slums, in hampered commerce, in distorted or restricted development, and in congested centres of population...and we say here and now to the land monopolist... ‘you shall be taxed at the true selling value’....”*<sup>1</sup>

## **1. Background**

The United Nations Human Settlements Programme (UN-HABITAT) is the coordinating agency within the United Nations System for human settlements activities. UN-HABITAT advocates change and assists Member States to introduce innovations, which strengthen the tenure security for the majority of people, especially the urban poor. **UN-HABITAT’s Global Campaign for Sustainable Urbanisation** promotes policies, strategies and (technical) tools that will directly benefit the urban poor, particularly in Africa, Asia and South America. Land and Africa are important areas for UN-HABITAT through its work and expertise on gender, pro-poor, governance, continuum of land rights, land policies, security of tenure and forced evictions, land finances and Islamic land issues. UN-HABITAT is spearheading the global effort to improve land issues through its Global Land Tool Network (GLTN) initiative.

The UN-HABITAT Regional Office for Africa and Arabs States (**ROAAS**) carries out the operational work in Africa and in Arabs States. Throughout its work and within its mandate, UN-HABITAT has developed a strong expertise in several countries in the region. The requests for technical assistance and policy advisory services are testimony of the crucial role the Agency can and should play in providing to respective government and partners in Africa the required knowledge base, tools for demonstration and policy guidance for making urban land management and governance some of the critical elements for sustainable development of the Continent.

The 16<sup>th</sup> Review Session of the **UN Commission for Sustainable Development (CSD) will take place on 5-16<sup>th</sup> May, 2008 in New York, USA**. The themes for the coming two-year cycle are Agriculture, Rural Development, Land, Drought, Desertification and Africa. Preparations for the CSD cycle are now underway, through a number of Regional Implementation Meetings (RIM) to generate inputs to the UN Secretary General report on sustainable development.

The African Commission on Sustainable Development (ACSD) meeting took place in Addis Ababa, Ethiopia, 22-25 October 2007. African reports and recommendations on CSD themes were made. Africa and Land features prominently in the reports and the subsequent discussions. At CSD-16 in New York (5-16<sup>th</sup> may 2008), key messages and resolutions will be taken, which will guide United Nations work on sustainable development and thus affect many African countries.

## **2. Objectives of the Expert Group Meeting- EGM**

1

*Sir Winston Churchill, Edinburgh, July 17, 1909.*

The EGM aims at reaffirming African countries position in two CSD-16 thematic areas: Africa and Land. Furthermore, the ACSD/RIM along with the UN-HABITAT Side-event on “land for sustainable urbanisation in Africa” brought out the role urban land plays in achieving the Millennium Development Goals and sustainable development in Africa. The EGM will exchange on specific areas and progress knowledge. In particular:

- Interest generated before and after ACSD on urban land issues supports the need to further discuss the challenges and opportunities of land in African cities and towns in member States efforts towards sustainable development. Several African countries are taking positive steps in improving their land management practices.
- The EGM will also discuss amongst others issues: the urban-rural linkages, land for housing and slum upgrading , role of land in poverty reduction, livelihood (e.g. peri-urban and urban agriculture), land and food security in the context of rapid urbanization and continuous decline of rural population, land market and forced evictions, land governance and land management.
- The EGM will be the opportunity to highlight and debate urban land issues for informed decisions. The EGM will also outline and reaffirm Africa key messages / recommendations and position on the land issues to be promoted at CSD-16.

### 3. Potential issues to be discussed

*“Governments should strengthen their capacities to respond to the pressures caused by rapid urbanization . . . . Particular attention should be paid to land management in order to ensure economical land use, protect fragile ecosystems and facilitate the access of the poor to land in both urban and rural areas”<sup>2</sup>*

Land is a complex and conflicting issue, which could be approached from various angles. Working on land issues in Africa requires consultative and coordinated efforts to deliver substantial and sustainable outputs. Working with development partners, grassroots, Member State, local government, private sector and developers, professional and other actors in the land sector is essential for uncovering viewpoints and perspectives. UN-HABITAT is working with various development partners in different African countries along with local communities on a range of land issues. This EGM contributes to the UN-HABITAT approach to advance knowledge and provide a forum for exchange to take the land agenda forward.

This EGM will discuss how sustainable urbanization is interwoven with rural development as well as the means to address the complex informal settlement issues. The role of land in the rural-urban linkages will be discussed in the context of sustainable urbanization. For example, participants will discuss issues of land management, security of tenure, gender and land rights, land governance, and land markets.

**1. Rapid urbanization** of African cities and towns as well as the increasing number and size of slums constitute a serious challenge for sustainable urbanisation and development in Africa. Given the critical role of cities and towns in the economic progress of the region as well as

<sup>2</sup> United Nations. 1995. *Population and Development, vol. 1: Programme of Action adopted at the International Conference on Population and Development: Cairo: 5-13 September 1994*, Section 9.1. New York: Department of Economic and Social Information and Policy Analysis, United Nations. Page 3 of 7

their fair share in the GDP, in the future, sustainable development in Africa cannot be achieved without **sustainable urbanization**.

**2. The Pan African Land Policy Framework**, an African Union Commission, United Nations Economic Commission for Africa and the African Development Bank (AUC/ECA/AfDB) initiative, in collaboration with the Regional Economic Communities (RECs), and other partners, aims to develop a framework and guidelines for land policy and land reform in Africa, with clear benchmarks and indicators for its implementation. The Initiative is an Africa led and owned process, which deserves support and advocacy at regional and global level.

**3. Security of tenure** is another critical element in achieving in sustaining human settlements (including shelter, livelihoods and infrastructures delivery). Human activities are anchored in land, where rights (e.g. ownership, use and lease) must be safeguarded. **Security of tenure** is therefore a key incentive for people to invest, promote social harmony and protect the environment. Several African countries are adopting new form of securing, documenting and managing land rights. There is a greater recognition that security of tenure is a lot more than freehold titling and individual rights. For example, it can include: (i) tenancy agreements such as temporary residential or occupancy license (Tanzania, Madagascar, Nigeria); (ii) written agreement or contract between buyer and seller and witnessed by an authority (Ghana); (iii) Flexible Land Tenure System and titles in Namibia; (iv) customary land rights and local land boards (e.g. Botswana, Uganda, Namibia, Kenya); (v) co-ownership (Mozambique); (vi) communal titles in South Africa; and land holding rights certificates in Ethiopia.

In Africa, access to security of tenure based exclusively on the allocation of registered rights and individual property titles is neither necessarily efficient, relevant to many African countries' realities, equitable nor affordable. There is a need to formalize various tenure arrangements and practices in Africa to suite needs, objectives and development strategies. Innovative and diversified tenure form options, including leases, rental contracts and various informal arrangements ought to be promoted. Many African countries are now adopting the **continuum of land rights** while documenting land and property rights, beyond just (individual) title.

**4. In Africa, land market** (both informal and formal; sale and rental) is largely distorted and skewed towards the minority high and middle-income earners. Protecting valuable environmental and agricultural land from rapid and unplanned urban expansion is a genuine concern for many African governments. The problem, however, is that African Governments do not always have the will and capacity to plan for the future, but also because most lands are controlled and owned by private and private interests making it difficult to service land at affordable prices. Furthermore, the poorly regulated land and housing markets make serviced land less accessible, available and affordable to the poor and hinder economic growth. Poor regulation means that people in slums pay more for land, infrastructure and services than people living in planned and serviced plots. Unregulated land markets contribute to municipalities' inability to implement equitable land value capture and property tax systems, reduce land speculation and enforce land use planning.

**5. The issue of gender and land rights** is critical in Africa. There is a need to improve gender sensitiveness, inclusiveness and mainstreaming at all levels, including land policy and reform formulation and/or implementation, capacity building and security of tenure, budgeting as well as in the regional and continental land related initiatives. The AU/ECA/AfDB land policy framework for Africa could further steer up the process of addressing gender equity, gaps and biases in land policy development and implementation. A gender mechanism could be a way to operationalise mainstreaming in land. UN-HABIAT promotes gender equity and mainstreaming in policies, legislations and practices particularly to improve land access and rights in the context of customary marriages, polygamy, inheritance and estate management and HIV/AIDS.

, are examples of the Agency commitment to guide Member States on the nexus gender and land. The two recent UN\_HABITAT publications, *Policy Makers Guide to Women's Land Rights Across the World*<sup>3</sup> and *Shared Tenure Options for Women: A Global Overview*

**6. Innovative land management** will play a key role in achieving sustainable development. In Africa, poor and ill-adapted land management systems and practices jeopardise the following: investment into agriculture, rural development, social housing, infrastructure and basic services such as water, sanitation, feeder roads, energy, health centres, schools, transport, and rural markets. Inappropriate land management systems also hinders good governance (facilitate corruption in land administration, political patronage and wealth accumulation). Furthermore, ill-fitted land management undermines long term regional and urban planning for balanced population distribution and investment; distorts prices of land and services; reinforces poverty and social exclusion both in rural and urban areas; impacts most negatively on slum dwellers, rural poor, women and children; and create conflict at community, national and regional levels. Several African Countries are taking positive steps to address some of these challenges, particularly in introducing innovative land management. These new forms of land management include: (i) incremental and *Flexible Land Tenure System* in Namibia; (ii) women's land rights and customary land law within the *Village land Act* in Tanzania; (iii) alternative approaches to land registration within the *Communal Land Rights Act* in South Africa, (iv) Innovative policy for individual and collective land tenure within the *Land Legislation* in Mozambique; (v) innovation in the land management of common property within the *Code Rural* in Niger,; (vi) and the innovative policy and practice in land registration within the *Systematic Registration and User Right Certification Programme* in Ethiopia. All these innovative land management policies and practices empower the poor and are adapted to African realities.

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

#### **4. EGM organisers' profile**

The United Nations Human Settlements Programme (UN-HABITAT) is the coordinating agency within the United Nations System for human settlements activities and the focal point for the monitoring, evaluation and implementation of the Habitat Agenda, as well as the task manager of the human settlements chapter of Agenda 21. UN-HABITAT is also responsible for promoting and consolidating collaborations with all partners, including local authorities and private and Non-Governmental Organizations in the implementation of the Habitat Agenda and the Millennium Development Goals of significantly improving the lives of at least 100 million slum dwellers by the year 2020( Goal 7 , target 11). The UN-HABITAT Regional Office for Africa and the Arabs States implements the UN-HABITAT programmes in African countries through inter alias the deployment of over 27 Habitat Programme Managers.<sup>3</sup>

<sup>3</sup> HPMs are currently located in the following African countries: Benin, Burkina Faso, Burundi, Chad, DRC, Eritrea, Ethiopia, Ghana, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Morocco, Mozambique, Namibia, Nigeria, Occupied Palestinian Territories, Gaza, Rwanda, Senegal, South Africa, Tanzania, Uganda, Zambia and Zimbabwe.

This Expert Group Meeting (EGM), focusing on Africa, is financially supported by the Global Land Tool Network (GLTN), an international network that aims to establish a continuum of land rights and develop pro-poor land management and land tenure tools that are gendered and at scale. GLTN has identified land rights, records and registration together with land administration/information as two of the key thematic focuses for attention in terms of pro poor land tool development (more information is available at [www.gltm.net](http://www.gltm.net)). As an international network, GLTN developed joint-partnerships with a range of partners including FAO, **World Bank**, IFAD and FIG.

The EGM is benefiting from inputs from and participation of the United Economic Commission for Africa (**UNECA**), United Nations Environment Programme (**UNEP**), and the Food and Agriculture Organization (**FAO**) of the United Nations.

## 5. Participants

The EGM is primary targeting African government representative involved in the preparation of the sixteenth United Nation Commission of Sustainable Development (CSD-16) to be held in New York, 5-16 May 2008. **Prospective participants at the CSD-16** are encouraged to attend the EGM. Participants at the African Commission on Sustainable Development held in Addis Ababa, 22-25 October 2007 are also encouraged to attend, particularly those planning to attend the New York event. Some targeted African countries include (but are not limited to): Burkina Faso, Benin, Cameroon, Democratic Republic of Congo, Ghana, Kenya, Namibia, Rwanda, Senegal, South Africa, Sudan, Tunisia, Uganda United Republic of Tanzania, Zambia and Zimbabwe

Other organisations and individuals working and interested in the topic may also attend but should fund their participation.

## 6. Date and cost

The Expert Group Meeting on Land Africa will be held at the United Nations Compound in Gigiri, Nairobi, Kenya from **21-22 February 2008**.

The Global Land Tool Network (GLTN) Secretariat at UN-HABITAT is funding the event. The meeting is by invitation only. Any interested person, however, may contact the EGM Organising Committee (see address below) to express their interest. The organising committee may assess the request from other interested persons.

## 7. Further information

### GLTN Secretariat

Shelter Branch, Global Division / UN-HABITAT

P.O. Box 30030 Nairobi 00100, Kenya

Tel: 254-20 7623858 Fax: 254-20 7624265

E-mail: [gltm@unhabitat.org](mailto:gltm@unhabitat.org) or [ulrik.westman@unhabitat.org](mailto:ulrik.westman@unhabitat.org)

Page 6 of 7

# Land for Sustainable Urbanisation in Africa

“There is no sustainable development without sustainable urbanisation”

EGM 21-22 February 2008, Gigiri, Nairobi - Kenya

## Draft Agenda

Activity
<b>DAY one</b>
<b>Session 1: Openings (from 08:30am)</b>
Registration
Opening remarks
Election of Chairs
Presentation 1: Land for sustainable urbanisation in Africa + discussion
<b>Coffee Break</b>
<b>Session 2: Land and Africa for CSD1</b>
Key land issues in ACSD report to New York
Land and livelihoods in urban and peri-urban Africa: rural-urban linkages
Gender and land
Discussions
<b>Lunch Break</b>
<b>Session 3: Land and Africa for CSD2</b>
Urban land market in Africa
Land, administration, governance and corruption in Africa
Innovative land management and the continuum of land rights in Africa
Discussions
<b>Cocktail</b>
<b>DAY Two</b>
<b>Session 4: Breakout Session</b>
Report of the previous day
Introduction to Breakout Sessions
Breakout Sessions on the following themes: gender and land rights; continuum of land rights, security of tenure, pro-poor land management and land governance
<b>Coffee Break</b>
Reports from Breakout sessions and discussions
<b>Lunch Break</b>
<b>Session 5: Preparing for New York (Plenary)</b>
Five key urban land challenges in Africa
Key recommendations / messages for CSD for CSD-16
<b>Closing</b>