

**SECURITY OF TENURE IN URBAN AFRICA: WHERE ARE WE, AND WHERE
DO WE GO FROM HERE**

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Distinguished participants, ladies and gentlemen,

The subject of land in Africa is both a critical and a sensitive one. UN-HABITAT's global mandate covers all human settlement, although we are often known as the agency for cities. In the cities of the developing world, slum upgrading is one of our key tasks where security of tenure and land are of critical concern.

In 2001, 924 million people, almost one-third of the world's urban population, lived in slums. The majority of these people are in the developing regions, accounting for 43 percent of the urban population. Sub-Saharan Africa had the largest proportion of the urban population living in slums in 2001 at over 70 percent. It is projected that without serious mitigating action in the next 30 years, the global number of slum dwellers will double to about 2 billion.

There is growing concern about slums, as clearly stated in the year 2000 United Nations Millennium Declaration. In light of the increasing numbers of urban slum dwellers, governments have recently adopted a specific target on slums. It is contained in Millennium Development Goal 7, Target 11, which aims to significantly improve the lives of at least 100 million slum dwellers by the year 2020. Given the enormous scale of predicted growth in the number of people living in slums, the Millennium Development target on slums should be considered as a bare minimum that the international community should aim for.

To reach the Millennium Development Goal of improving the lives of 100 million slum dwellers by 2020 in Africa will require the development of innovative approaches to security of tenure that are not based on land titling only. UN-HABITAT's Global Campaign for Secure Tenure has a dual focus on advocating change and assisting Member States to introduce innovations which strengthen the tenure security of the majority of people, especially the urban poor. The Campaign promotes negotiation as an alternative to forced evictions, and the establishment of innovative tenure systems, such as occupancy and adverse possession rights, that minimise displacement by market forces. By focusing on security of tenure, UN-HABITAT promotes the progressive realisation of housing rights and specifically the goal of 'affordable shelter for all.'

These activities of course contribute directly to the realisation of the Millennium Development Goals. The focus of the Campaign is unambiguously aimed at promoting a set of policies, strategies and tools that will directly benefit the urban poor throughout the world. It addresses the issues of forced evictions, secure tenure for both men and women and, equally important, the right of women to equal inheritance. It enables UN-HABITAT to engage with organisations of civil society, local authorities, professionals and policy makers in order to promote policies and practices favourable to the urban poor.

Ladies and Gentlemen,

Excluding a significant proportion of urban populations from legal shelter reduces the prospects for economic development as well as for sustainable livelihoods. People who fear eviction are not likely to operate to their maximum potential, or invest in improving their homes and neighbourhoods. That is, they cannot take full advantage of the key asset that underpins their livelihoods, namely a place within commuting distance of a city. Cities

supply an opportunity for employment (formal and informal) and services (such as health and education).

Also when people are excluded, local and central governments are denied the revenue from property taxes and service charges, which could help improve urban living environments and stimulate local and external investment. In addition to this, uncertainty associated with insecure tenure may hinder external investment and the improvement of other services such as improved water and sanitation, durability of housing etc.

Ladies and Gentlemen,

When approaching security of tenure issues anywhere in the world, including Africa, it is clear that land for the urban poor is a highly political and complex issue. My view is that, given the complexity of the land issue, we have to look at a range of tenure types and legal instruments, as well as an incremental approach that makes it possible to upgrade the rights of the poor over time. That is, we should not focus only on land titling but instead see it as very important, but not sufficient on its own. Brazil, for example, has both a land titling system, as well as legal instruments which allow the poor to access land in an affordable fashion by acquiring occupancy rights and through adverse possession rights. They also have special planning instruments that allow planning to be undertaken in a way that accommodates the land rights of poor people where they are in the slums.

The following steps can help to stabilise the existing situation in urban areas and provide a foundation for longer-term options.

Firstly, provision should be made for basic short-term security for *all* households in slums and unauthorised settlements. This can best be achieved through land proclamations or moratoriums. A simple statement by the relevant Minister is often sufficient to reduce uncertainty and stabilise situations.

Secondly, an inventory should be made of all extra-legal settlements to identify any that are in areas subject to environmental hazards, (e.g. floods, landslides, etc) or required for strategic public purposes. These should be subject to independent review.

Thirdly, residents of all such settlements should be offered priority for relocation to sites that offer close access to existing livelihood opportunities (e.g. street trading) and services (i.e. not out of the city). Temporary Occupation Licenses or Permits can be provided for a limited period, depending on how long it takes to agree with the local community on moving to alternative sites.

Fourthly, all other extra-legal settlements should be designated as entitled to medium term forms of tenure with increased rights, but not necessarily full titles. Where possible, the precise form of such tenure and rights should be based on tenure systems already known to local communities. Customary or communal tenure options, such as communal leases, may be acceptable to residents and can reduce the administrative burden on land management agencies. This will allow such areas to receive services and environmental improvements through a participatory process of physical and socio-economic development. It will also increase security without stimulating rapid increases in land prices that could attract downward raiding by higher income groups and the displacement of very poor tenants. For unauthorised settlements on private land, options can include land sharing, under which

settlers may be provided long-term tenure on part of their site and the landowner develops the remainder. Local authorities can assist this approach if they permit relaxation on planning or building restrictions so the landowner can recoup any lost profit or income. Temporary land rental is another way of reconciling conflicting interests.

These measures can provide a sustainable, practical and socially progressive way of improving the tenure security and rights for millions of the urban poor. They can also improve the functioning of urban land and housing markets, stimulate economic development and improve the effectiveness of government in urban management.

Improving tenure for the existing urban populations will not be enough unless measures are also taken to reduce the need for *new* slums and informal settlements. This requires a parallel approach to increase the supply of planned, legal and affordable land on a scale equal to present and future demand. This can be achieved by such things as the revision of planning regulations, standards and administrative procedures to reduce entry costs and accelerate the supply of new legal developments, as well as the introduction and collection of property taxes on all urban land, whether developed or not. Another important approach is the allocation of permissions for the incremental development of land construction and services provision, as well as by allowing households to obtain basic services, such as water, sanitation and electricity, irrespective of their tenure status.

Finally, it should not be assumed that tenure security and property rights are available equally to both men and women. Many tenure regimes, including statutory, customary and informal, discriminate against women either formally, or in practice. Cultural traditions often make women dependent on fathers, husbands or sons for tenure security and deny basic rights to divorced or widowed women. All too often property rights are vested in men, and women are denied legal protection. Such discrimination is both unjust and contrary to good management, in that women are generally considered a lower risk against default than men, and female-headed households frequently form a high proportion of low-income groups. Property rights therefore need to be seen in terms of the extent to which women enjoy equal rights with men, and addressing any gap should be a priority of tenure policy.

Ladies and Gentlemen,

To conclude, with regard to tenure security in Africa, especially urban Africa, we know we have a problem regarding security of tenure for the poor. However, having said that, other areas of the globe have similar problems. In Africa we are not only aware of our problem, but we are already innovating to address those problems. At UN-HABITAT we want to assist Member States to be aware of the new innovations, so they can start innovating themselves. We are doing this by also building partnerships with other global organizations, such as the World Bank, that share similar objectives. Let us hope that through such pioneering efforts the urban and rural poor will come to know what adequate shelter for all really means and that, in addition to this, their livelihoods will be secured through having secure tenure.