



Urban LandMark

*Development of an approach for the
recognition of informal settlements
and tenure security
in South Africa, with potential
regional applicability*

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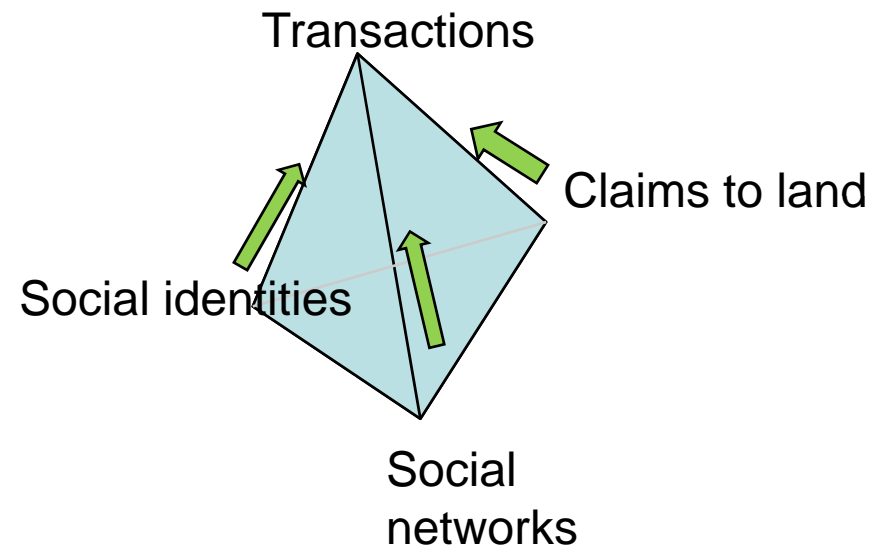
Social and tenure theme area



MAKING URBAN LAND MARKETS WORK FOR THE POOR

Informal land markets

- The importance of social relationships
- A false formal/informal binary
 - Co-existing systems of land use and new categories to classify these systems
 - Social and community; financial; and state processes



Purpose

- How urban land markets can work better for the poor
- Increasing points of entry and multiplying channels of supply
- Greater recognition, and enhancement of, informal land markets

Principles

- *Pro-poor* – this implies work at the “bottom of the pyramid”, or in the space below “the ladder” and its lowest rungs
- *Complimentary* - it will not duplicate the housing access frontier work, gap housing – but compliment it
- *Economic opportunities* - It will adopt a broader focus than residential land, because of the livelihood and accumulation opportunities presented by the *productive use of land* (or land as an economic asset)
- It should have potential for *regionalization*
- It must have a singular *focus* to maximize impact
- It will use the concepts of “*increasing points of entry*” and “*multiplying channels of supply*” as the starting points of an M4P approach for informal urban land markets

Points of departure

- Making informal urban land markets work better for poor people
- A holistic view of land markets, rather than an informal/formal or a social/financial binary, in order to open up possibilities for improved the distributional benefits and effectiveness of the whole market
- Increasing points of entry into rental and sales markets in order to lower the access frontier
- Multiplying officially recognized channels of supply so that the various benefits associated with support and protection can reach more of the poor than is currently the case with the state allocation system dominated by RDP housing delivery

Strategies

- Advocacy
 - Land first campaign – Afesis Corplan
- Approach and mechanisms for increasing tenure security
 - incrementally securing tenure rights and managing productive uses
 - Informal settlements focus at first
 - the development of an alternative, local approach to the registration of tenure rights and their on-going management
 - Residential and productive use
 - Transferability
 - based on what exists, in partnership
 - tenure security and land use management not separable
- Some research
 - Mandlovu – New Crossroads
 - Wits – productive land use, informal economy
- Collaboration
 - SHF – informal rental, evictions from private rental



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Purpose of this project

- Develop an approach to incrementally securing tenure
- in informal settlements nationally,
- with regional applicability,
- through, among other potential mechanisms, “special zones” and “local land offices”.

Hypothesis

- Not *forms*, but
 1. *Evidence*: defend claims, identify and protect rights
 2. *Records /Registers*: held locally, potential for securing rights
 3. Socially legitimate *processes* to manage rights
 4. Local *capacity*: gradually securing rights, managing change
- What instruments or mechanisms can be applied, or developed? To register rights in simple ways and at low cost, on an interim basis.

Special Zones

- City of Johannesburg
- Town planning intervention
- Application of category “Special Zone” in existing town planning schemes, or zoning schemes
- Allows for an area to be rezoned
- Land use management guidelines developed and applied to the settlement
- Interim arrangement

Special Zones

- Tenure dimensions?
 - Certificate
 - Register
 - Administration capacity and its location
- Wide and rapid extension of tenure security to informal settlements?
- Laying the basis for an additional route to officially recognized land supply, service delivery and possibly access to micro-finance?
- Applicability in other geographic contexts?

Special Zones

- Potential to achieve the Millennium Development Goal (MDG) which addresses the improvement in the lives of slum dwellers?
- Also address a key dimension of the South African policy goal of upgrading informal settlements by providing an approach to progressively enhancing land rights and improving people's ability to engage in the economy?
- System of state allocation and queue jumping?

Local land offices

- Local capacity to support the recognition of informal settlements and incrementally secure land rights
- Concept development
 - an ongoing institutional presence, like an advice office, a building support centre, a pilot land reform office
 - a less permanent presence along the lines of a mobile property clinic
- In principle, a local land office could obtain capacity from
 - a municipality
 - NGOs and CBOs
 - students from tertiary institutions
 - the professional services of conveyancers, town planners and surveyors

Local land offices

- Role
 - In securing land rights, managing them over time
 - Approving productive land uses, managing them over time
 - A broader function in enabling land markets to function better through
 - the provision of information
 - the recording and monitoring of local land transactions and property prices
 - monitoring land use changes and keeping an up-to-date register of rights.
- But viability?

Alternative mechanisms

- For incrementally securing rights, and managing them
- Occupation, productive use, transferability
- Hypothesis – provide evidence, record rights, keep register, stepping stones
- Our focus is not on new *forms* of tenure
- Emphasis on the use of existing instruments, possibly in new ways
- Less on proposing legislative change, although LUMB may present an opportunity over the course of the project

Our context

- Legacy issues, discrimination
 - Dispossession
 - Racially determined access to property
 - Less formal, inferior forms of tenure, esp. certificates
 - Standardised response
- Eradication
 - Relocation
 - Not rewarding queue jumpers
- MDGs

Alternatives?

- *Temporary occupation licenses* in Kenya – allocation of land for productive use while retaining long term control, annually renewable license and annual land rent payable, can build semi perm structures
- *Certificates of comfort* in Trinidad and Tobago – public ownership remains
- *Moratoria* on forced evictions and relocations
- *Proclamations* against evictions, no surveys or documents are required



Alternatives?

- Flexible land tenure system in Namibia
 - Starter title
 - Registers a block and confers rights within that to occupy a site, transfer with group consent, can be upgraded to land hold and freehold, administration is at a land rights office in the district, computer based registry
 - Land hold title
 - Without the complexities of full title but can occupy and transfer, can be upgraded, administration is at a land rights office in the district, computer based registry
 - Parallel system in the sense that same land parcel will be the subject of registration in both the starter and landhold title computer-based registry and in the deeds registry. Deeds registry will only show the ownership of the whole block of land; individual rights within that block will not be visible.
- DFA initial ownership provisions

Alternatives...

- Strengthen local institutions with responsibility for managing land rights and related disputes
- But control over land rights and the allocation of land is a source of political and economic power
- Locally legitimate process to allocate and record land rights, approve transactions and adjudicate disputed claims
- Build on local knowledge and existing land management practice
- Recourse to external parties for protecting vulnerable members of group
- Systems of documenting land rights can be refined over time
- Interim arrangements – stepping stones, link to ROD system worked out, and link to “full” upgrading / chapter 13
- Tenure security and...
 - Access to services
 - Access to finance

