



Urban LandMark

"South Africa:
Green paper input
challenges & independent
civil society monitoring"

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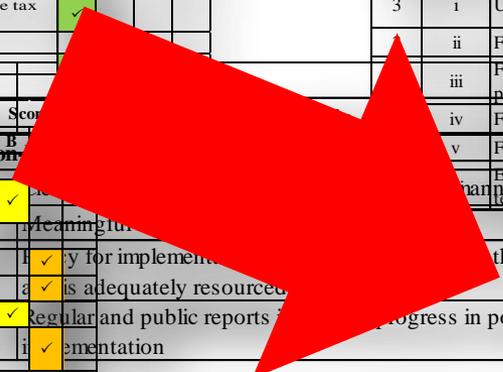
LGAF workshop

MAKING URBAN LAND MARKETS WORK FOR THE POOR

LGI-Dim	Topic	Score				
		A	B	C	D	
Transparency of Land Use						
7	i	In urban areas, land use plans and changes to these are based on public input		✓		
7	ii	In rural areas, land use plans and changes to these are based on public input			✓	
7	iii	Public capture of benefits arising from changes in permitted land use		✓		
7	iv	Speed of land use change	✓			
Efficiency of Land Use Planning						
8	i	Process for planned urban development in the largest city		✓		
8	ii	Process for planned urban development in the 4 largest cities (exc. largest)		✓	✓	
8	iii	Ability of urban planning to cope with urban growth			✓	
8	iv	Plot size adherence	✓			
8	v	Use plans for specific land classes (forest, pastures etc) are in line with use				
Speed and Predictability						
9	i	Applications for building permits for residential dwellings are affordable and processed in a non-discretionary manner.		✓		
9	ii	Time required to obtain a building permit for a residential dwelling	✓			
Transparency of Valuation						
10	i	Clear process of property valuation	✓			
10	ii	Public availability of valuation rolls	✓			
Tax Collection Efficiency						
11	i	Exemptions from property taxes are justified	✓			
11	ii	Property holders liable to pay property tax are listed on the tax roll	✓			
11	iii	Assessed property taxes are collected	✓			
11	iv	Property taxes correspondence to costs of collection	✓			

LGI-Dim	Topic	Score				
		A	B	C	D	
Recognition of Rights						
1	i	Land tenure rights recognition (rural)		✓		
1	ii	Land tenure rights recognition (urban)		✓		
1	iii	Rural group rights recognition		✓		
1	iv	Urban group rights recognition in informal areas			✓	
1	v	Opportunities for tenure individualization			✓	
Enforcement of Rights						
2	i	Surveying/mapping and registration of claims on communal or indigenous land				✓
2	ii	Registration of individually held properties in rural areas	✓			
2	iii	Registration of individually held properties in urban areas	✓			
2	iv	Women's rights are recognized in practice by the formal system (urban/rural)	✓			
2	v	Condominium regime that provides for appropriate management of common property	✓			
2	vi	Compensation due to land use changes				✓
Mechanisms for Recognition						
3	i	Use of non-documentary forms of evidence to recognize rights			✓	
	ii	Formal recognition of long-term, unchallenged possession			✓	
	iii	First-time registration on demand is not restricted by inability to pay formal fees				✓
	iv	First-time registration does not entail significant informal fees	✓	✓		
	v	Formalization of residential housing is feasible and affordable			✓	
	vi	Efficient and transparent procedure to formally recognize long-term unchallenged possession		✓		

LGI-Dim	Topic	Score				
		A	B	C	D	
Identification of Public Land						
12	i	Public land ownership is justified and implemented at the appropriate level of government	✓			
12	ii	Complete recording of publicly held land	✓			
12	iii	Assignment of management responsibility for public land	✓			
12	iv	Resources available to comply with responsibilities	✓			
12	v	Inventory of public land is accessible to the public	✓			
12	vi	Key information on land concessions is accessible to the public.	✓			
Incidence of Expropriation						
13	i	Transfer of expropriated land to private interests	✓	✓		
13	ii	Speed of use of expropriated land	✓			
Transparency of Procedures						
14	i	Compensation for expropriation of ownership			✓	
14	ii	Compensation for expropriation of all rights			✓	
14	iii	Promptness of compensation		✓		
14	iv	Independent and accessible avenues for appeal against expropriation		✓		
14	v	Appealing expropriation is time-bounded				✓
Transparent Processes						
15	i	Openness of public land transactions				✓
15	ii	Collection of payments for public leases		✓		
15	iii	Modalities of lease or sale of public land		✓		



POLICY CHANGE

LGI-Dim	Topic	Score				
		A	B	C	D	
Restrictions on Rights						
4	i	Restrictions regarding urban land use, ownership and transferability		✓		
4	ii	Restrictions regarding rural land use, ownership and transferability		✓		



Focus

- What influence can civil society organisations have on the policy environment using instruments such as the LGAF?
- Potential influence on South African planning law and land reform policy formulation
- Context:
 - Mandate of the Urban Land Markets Programme Southern Africa
 - Timeframes available



Who is being influenced?

SA Presidency

Rural Development &
Land Reform

Treasury

Cooperative
Governance &
Traditional Affairs

Human
Settlements

Transport



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Doing the Influencing?



Donors & Agencies

- World Bank, WBI, Cities Alliance, UN Habitat
- UK, Sweden, Belgium, France, Germany
- Urban LandMark ...



State oversight and technical bodies

- Human Rights Commission, Financial & Fiscal Commission, National Planning Commission, Gender Commission
- Council for Scientific & Industrial Research, Human Sciences Research Council ...

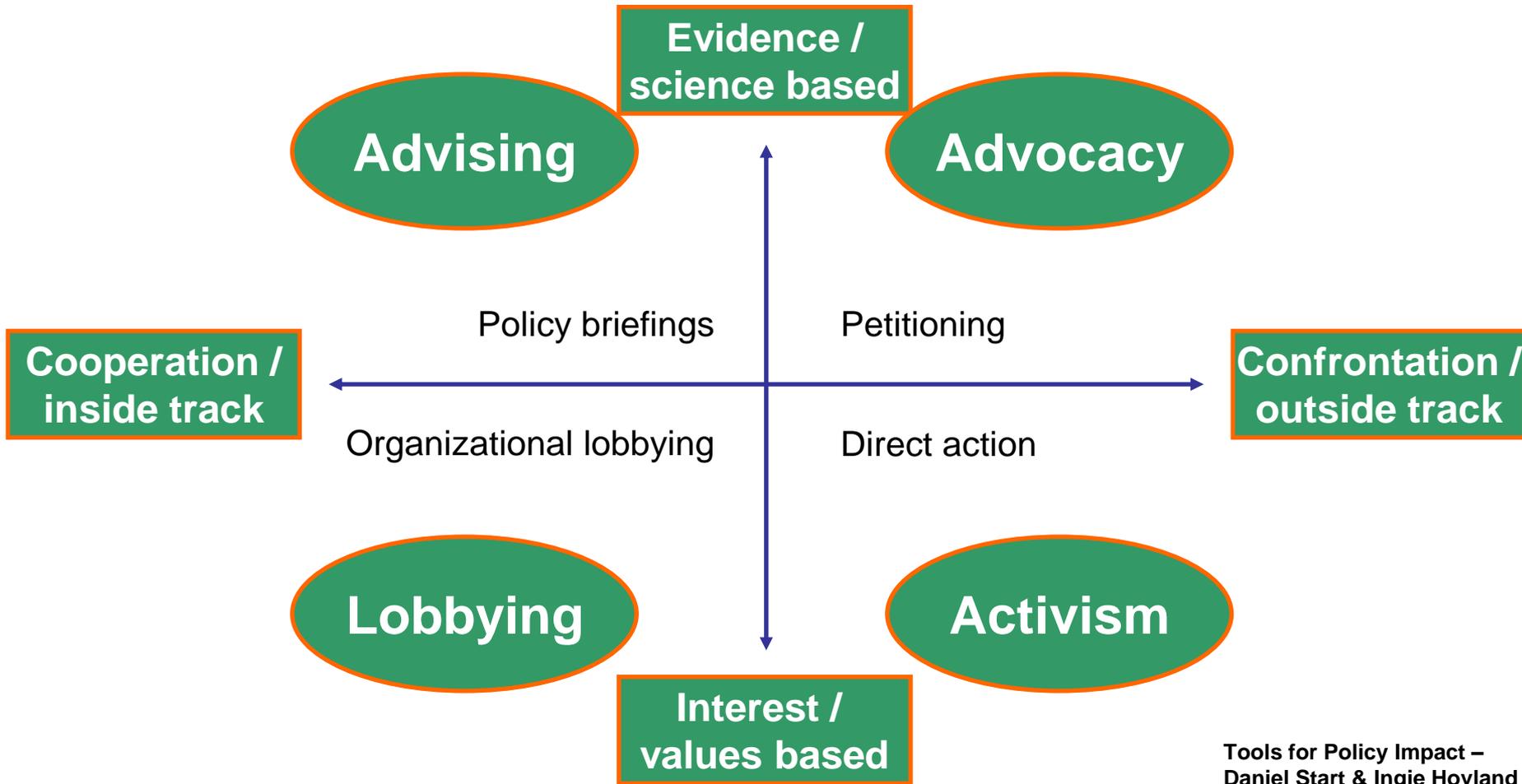


NGOs & CBOs

- Legal Resources Centre, PLAAS, TRAC, Socio-economic Rights Institute
- Federation of the Urban Poor, Landless People's Organisation, ...



How Do We Have Influence?



Tools for Policy Impact –
Daniel Start & Ingie Hovland



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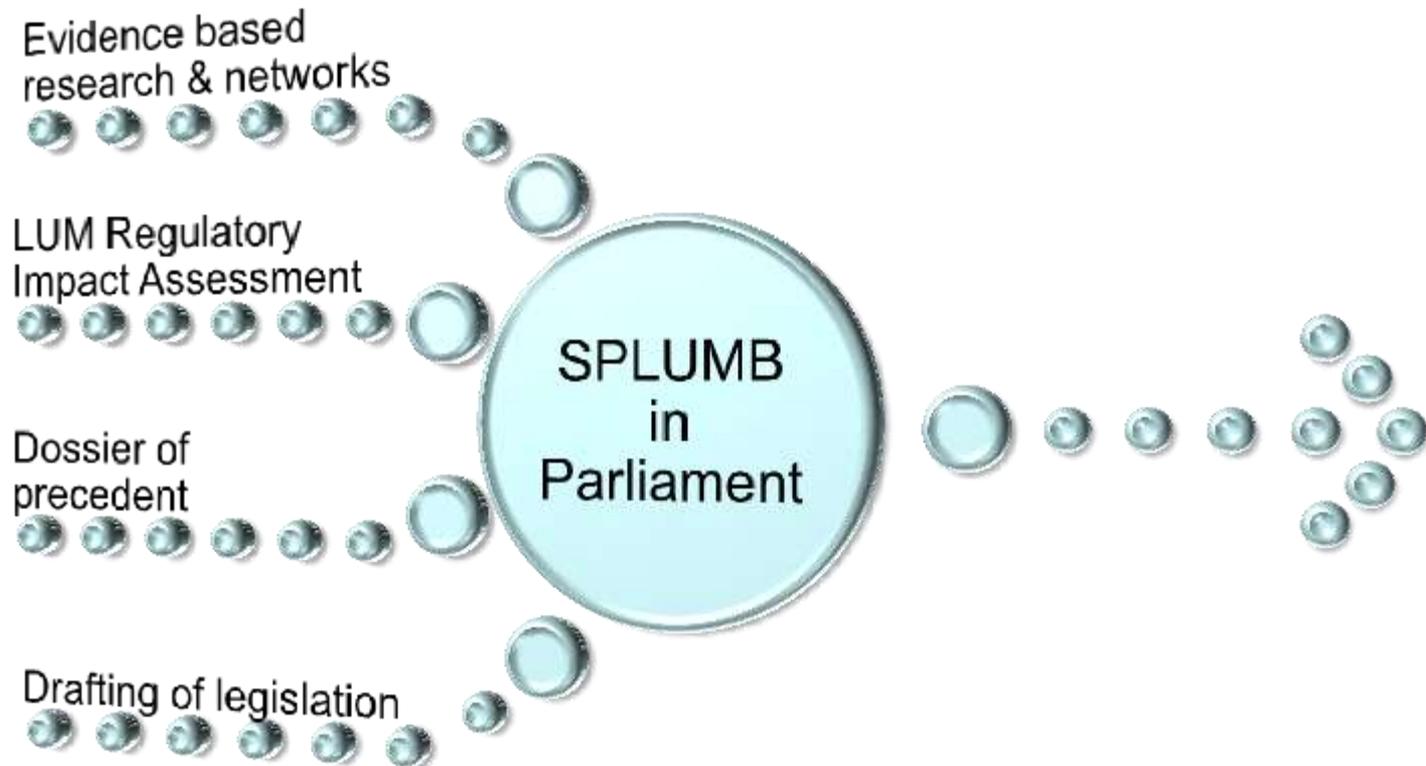
Influence Example 1: Spatial Planning & Land Use Management Bill

- Desired Outcomes
 - Coherent regulatory framework on land use management, land development and planning system;
 - Constitutional synergy (clear delineation, distribution & allocation of powers among spheres);
 - Predictable and transparent regulatory system (key to protection of rights); and
 - System for clear, rational and efficient inter-linkages of sectoral and inter-sphere spatial planning tools and policies



Influence Example 1

SA spatial planning and land use management bill



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Using LGAF to Influence

From the SA LGAF report, some recommendations were:

- **I:** Regulations need to be developed in support of the Interim Protection of Informal Land Rights Act
- **II:** The development of an alternative method for land parcel identification – primarily communally owned land
- **III:** A methodology and tools for supporting municipalities in the implementation of an incremental tenure approach should be prepared
- **IV:** Systems and procedures should be developed to address the backlog in RDP registration and transfer

These address weaknesses in the land administration system : what about addressing causal weaknesses in policy itself? An opportunity has presented itself in the form of a Green Paper on Land Reform



Influence Example 2 : Green Paper on Land Reform

GREEN PAPER ON LAND REFORM, 2011



DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

GREEN PAPER ON LAND REFORM, 2011



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What is the Green Paper?

It sets a vision for Land Reform

- A re-configured **single, coherent four-tier system of land tenure**, which ensures that all South Africans, particularly rural blacks, have a reasonable access to land with secure rights<<>>
- **Clearly defined property rights**, sustained by a fair, equitable and accountable land administration system within an effective judicial and 'governance' system.
- Secure forms of **long-term land tenure for resident non-citizens** engaged in appropriate investments which enhance food sovereignty and livelihood security, and improved agro-industrial development.
- **Effective land use planning and regulatory systems** which promote optimal land utilization in all areas and sectors<<>>



Aim of the Paper

In articulating an improved trajectory for land reform, a set of proposals is advanced, which attempt to:

- (a) improve on past and current land reform perspectives, without significantly disrupting agricultural production and food security; and,
- (b) to avoid or minimise land redistribution and restitution which do not generate sustainable livelihoods, employment and incomes.





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20 December 2011

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File Ref. 2011/mn 016

To whom it may concern

Submission to public process around the Green Paper on Land Reform

Thank you for the invitation to submit comments on the Green Paper on Land Reform. Urban LandMark has been working with the World Bank since February 2011 on their Land Governance Assessment Framework for South Africa. This process was supported in principle by the Department of Rural Development and Land Reform. The findings of the work were released at a workshop in November. Several members of your Department were present and made comment.



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Comments leading from LGAF

“In August 2011 and in co-operation with the World Bank and the Department for Rural Development & Land Reform Urban LandMark completed a comprehensive analysis of land governance in South Africa, the Land Governance Assessment Framework (‘LGAF’). This document includes a number of very specific recommendations for land reform, in both rural and urban contexts.”



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Recommendations leading from LGAF

1. The country's land policy has to accommodate both urban and rural land (as well as the range of other types of land that do not fall comfortably in either of these categories).
2. The process of identifying a policy framework for land reform has to be inclusive and co-operative.



Recommendations leading from LGAF

3. The most important change that is needed in South Africa's land governance is a concerted effort to make the tools that we have at our disposal work better, especially for the poor.
4. The Department's own review of the country's 'Deeds and Cadastre Environment' (February 2011) highlights the scale of the looming crisis in our management of land records. The evolution of new technologies for recording land rights presents exceptional new opportunities for creating more efficient, more transparent and more accessible systems of land administration and management.



Will LGAF 'stick'?

- The immediate influence on policy and state organs is clear
- LGAF as an instrument was effective because
 - a) It revealed a well informed snapshot of the current situation
 - b) It gave an overview across a very broad sector
 - c) The nature of the process was consultative and built further networks = buy-in to the results



Will LGAF 'stick' ?

But, with the size and complexity of the economy and the institutional landscape, the influence will dissipate quickly unless there is:

- Sustained organisational presence and pressure (see advocacy)
- Updating of information
- Ongoing promotion of the results
- World Bank promotion of the findings in international context with SA state as partner



Next Steps

To improve chances for sustainable impact, we need to explore:

- Further dissemination of SA LGAF
- Repeat LGAF at a provincial level
- Bi-annual or five yearly update
- Research / evidence gathering on some of the issues raised in order to advocate for change
- Strengthening institutional presence





Thanks



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