



Special Rapporteur on Housing Rights: Regional Tenure Security Consultation

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Tenure Security Facility Southern Africa



Urban LandMark

Outline

- *Starting point*
- *Evidence*
- *Findings*
- *Responses*
- *A word on planning*

Starting point

- ***Dominance of individual title***
- ***Only one way into recognition and benefits – services, education, etc***
- ***But in PRACTICE alternative tenure arrangements exist – terminology problems with describing these, dualism***
 - ***Informal, extra legal, illegal, unofficial, off-register***



The evidence base

Luanda, Angola



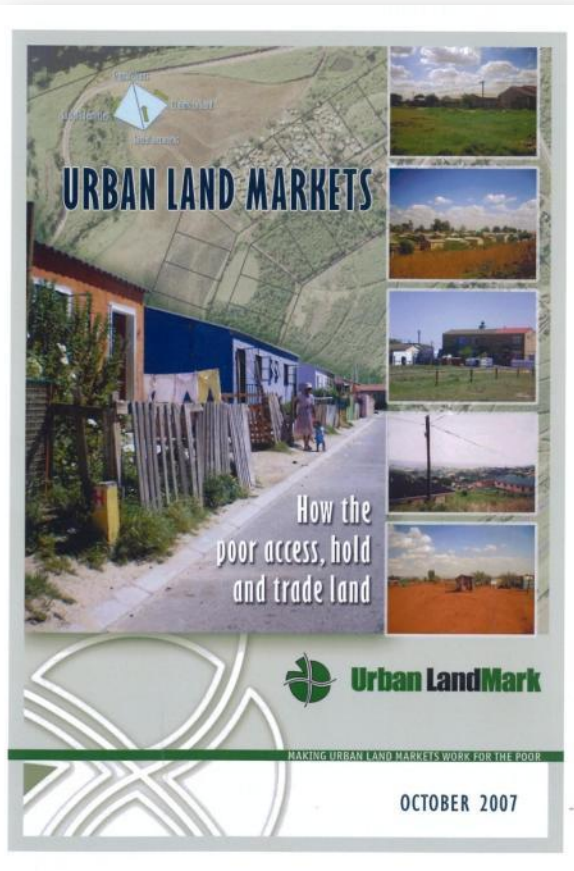
Development Workshop

Maputo, Mozambique



How do people access, hold and trade land?

3 cities in South Africa



The evidence base



Lilongwe, Mtandire and Chinsapo



Tete, Sansao Muthemba and Matundo



How do people access, hold and trade land?

Findings

1. Organised local practices to manage land including tenure arrangements
2. Evidence of transactions
3. The local arrangements work in some ways but are limited in others
4. There is much that is locally and contextually specific, but we can also identify a few key issues that would improve security

Responses

- There is generally one way in to official recognition and its benefits
- Therefore, increase channels of supply that are officially recognised
- An emphasis on securing tenure

In a nutshell...

Rather than developing new programmes, policy interventions and market mechanisms that multiply supply channels, an alternative approach is to recognise the local practices in land accessing, holding and trading that already exist;

With less resistance to, and more recognition of, these local practices in land accessing, holding and trade, the options for supporting urban residents in their own efforts to gradually improve and consolidate their urban access increases

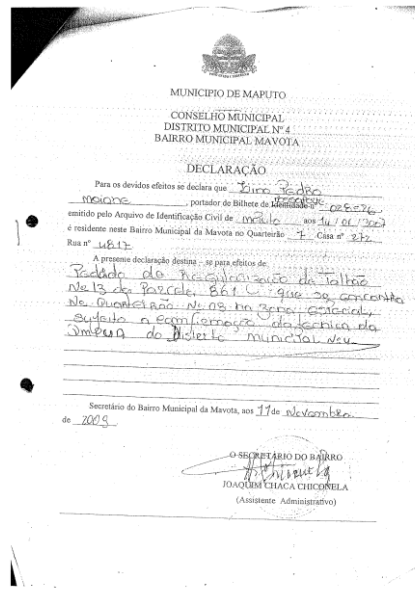
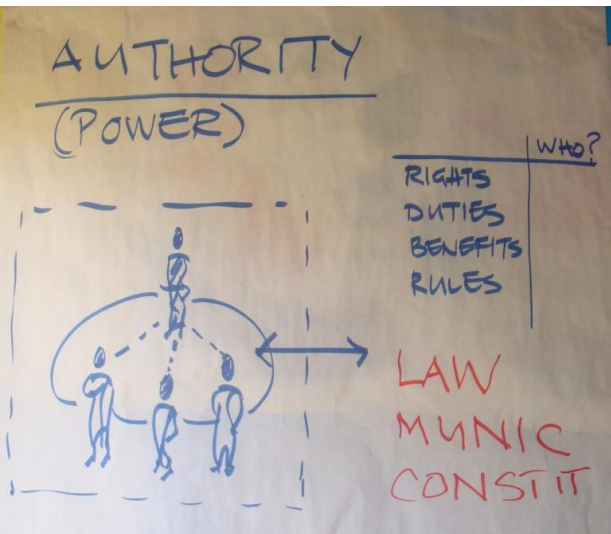


Summarising a perspective....

- *Official recognition of existing practices*
 - *Practical ways of securing tenure as simply as possible*
 - *Upgrading approaches which secure tenure on a more gradual basis, and at first on a less individualised basis*
 - *Tenure security increases when people have evidence to defend their rights*

Emerging practice: how to work with tenure

1. Understanding what currently exists
 - Local registration practices
 - records, evidence and the content of rights

A 'Services Registration Card' from Tygerberg. The card includes the Tygerberg logo and the text 'STAD • ISIXEKO • CITY'. It has fields for 'Shack No' (WP97), 'Surname' (N Sobo), 'Acc No' (3390034), and 'ID No' (6805170779082). At the bottom, it says 'If this card is found please return to the nearest City of Tygerberg office.' and 'M5'.

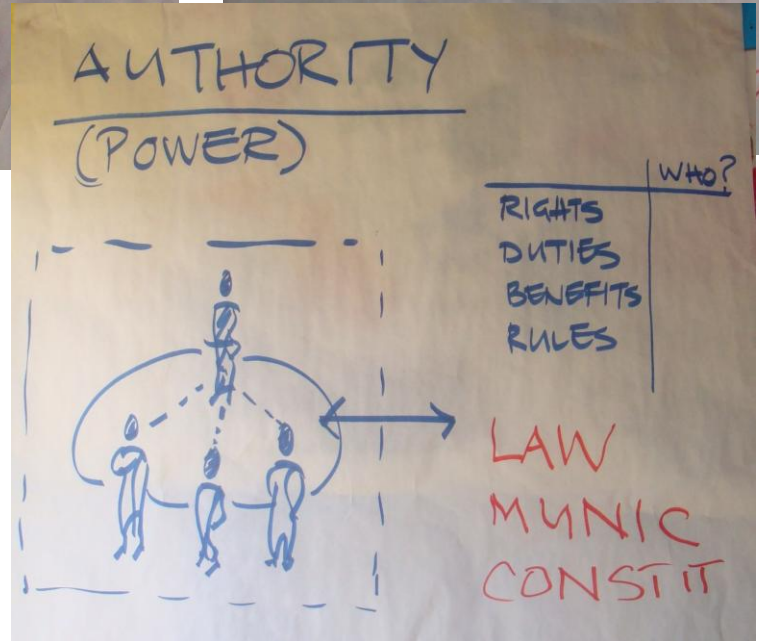
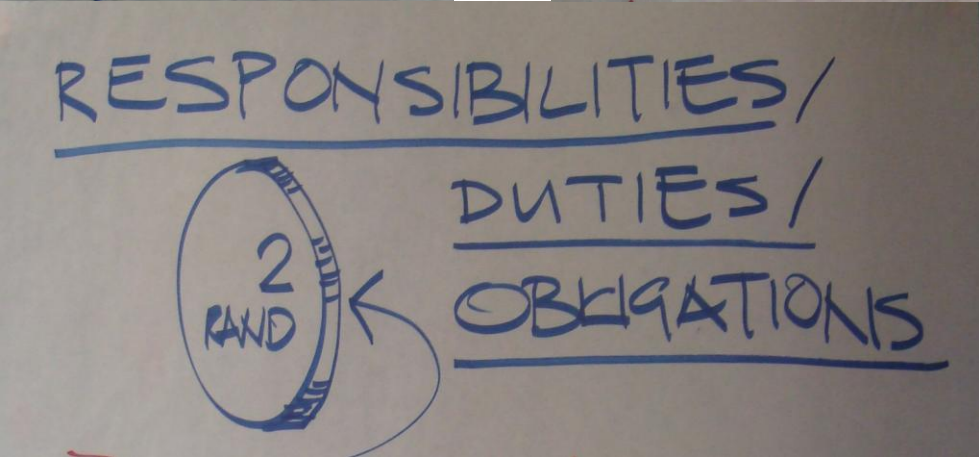
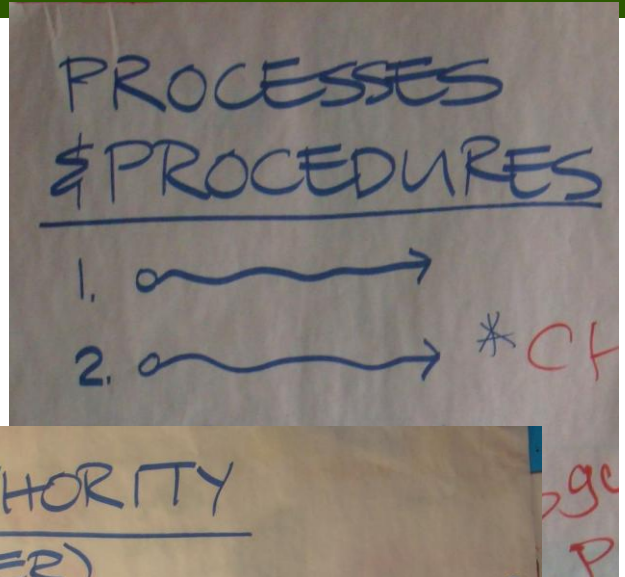
Emerging practice: how to work with tenure

2. Talking about tenure

- Lilongwe Dialogue
- Mozambique engagement process (CP links)
- NUSP forums



Securing tenure



Emerging practice: how to work with tenure

3. Locating tenure work

- Tenure as a work stream in slum upgrading
- Tenure route maps – incremental development

4. Administrative recognition

- From community held records to more official registers of rights

5. Legal recognition

- Identification and assessment of potential legal recognition mechanisms (legal dynamism, prospects for innovation)

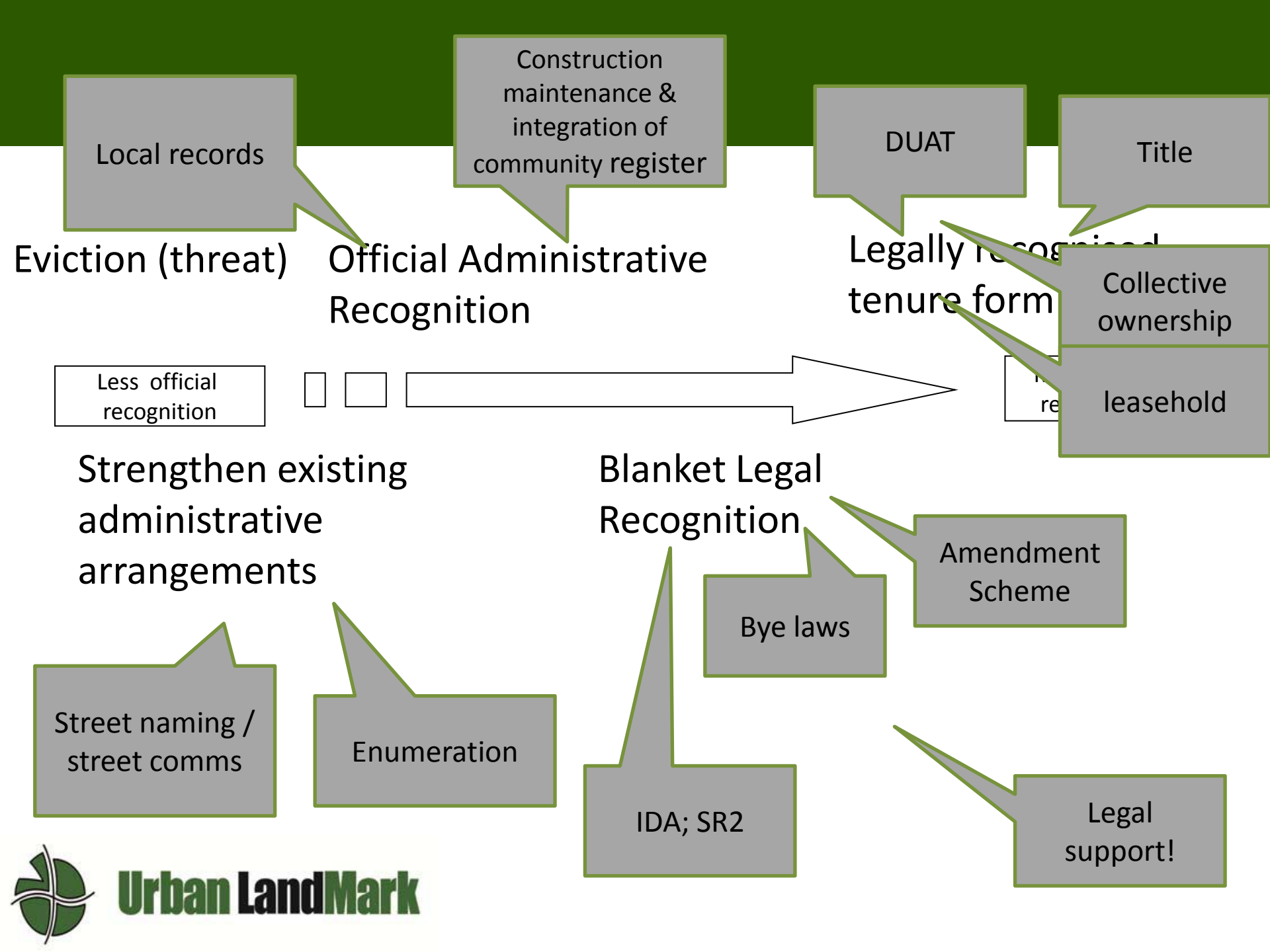
Some examples from developing practice in the Tenure Security Facility

- 1 Learning more about understanding existing tenure arrangements**
The case of administrative recognition in Monwabisi Park (SUN development services)
- 2 Finding mechanisms for legally declaring informal settlements**
The cases of legal recognition in the cities of Cape Town and Johannesburg
- 3 Introducing incremental tenure into current regulations and practice**
The case of Huambo in Angola (Development Workshop)
- 4 Building up from local practice**
Legal recognition in Maputo
Administrative recognition in eMalahleni (Planact)
- 5 Talking tenure**
Tenure security dialogue in Lilongwe (CCODE)
Tenure security in urban policy engagement in Mozambique (Cities Alliance)
Tenure security in municipal / mining dialogue in Tete (also Cities Alliance)



Summary: implications for slum upgrading

- Alternative approach to tenure security; distinct from large scale titling schemes
- Understanding what currently exists; strengthening local land managers and local evidence
- Talking about tenure; awareness raising, tenure as social relations, negotiation
- Locating tenure work; incremental slum upgrading
- Increasing official recognition; administrative and legal recognition



A word on planning, informal settlements and tenure security

- Strategic planning: housing chapters in IDPs, Spatial Development Frameworks
- Land Development: Innovative use of existing tools
- Land use management

