

WORLD BANK AND INTERNATIONAL FEDERATION OF SURVEYORS CONFERENCE

***‘LAND GOVERNANCE IN SUPPORT OF THE MDGS:
RESPONDING TO NEW CHALLENGES’***

IMPROVING ACCESS TO LAND AND SHELTER

BY

CLARISSA AUGUSTINUS

CHIEF, LAND, TENURE AND PROPERTY ADMINISTRATION, UN-HABITAT

UN  HABITAT
FOR A BETTER URBAN FUTURE

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1. BACKGROUND AND CONTEXT

1.1 Introduction

One of the key challenges of the 21st century is to move away from the chaotic cities which seem to be normal in many parts of the world, and instead move towards sustainable urbanization. Addressing the land and shelter agenda is crucial to achieving sustainable urban development. Land and shelter encompass, and are linked to, a range of other factors, most of which are in the critical path of the delivery of decent housing at scale, such as infrastructure, land administration, economic growth and finance. These factors are described. Some of the urban, land and shelter challenges are outlined, such as the fact that by 2030 cities will grow by over 70 percent in terms of people, but 175 percent in terms of area (Angel *et al*, 2005 cited by UNFPA, 2007).

The paper reviews some of the key issues in regard to the land and shelter sectors, and the lessons learned, in regard to the delivery of land and housing globally. For example, while slum upgrading has become common place in the world, a robust, generally accepted model for undertaking slum prevention at scale still has to be developed. The land and shelter gaps, when going to scale, which are generally recognized at the global level, are identified, such as that we need a new concept of shelter policy, which is not just based on the physical aspects. It concludes by outlining the priority actions for the way forward to address these gaps, with the most important activities being to put ‘adequate housing for all’ (Habitat Agenda: 1996) back on the global agenda, and to upscale the development of pro poor land tools.

The paper starts with a section on background and context, first by giving the picture of the enormity of the global situation, by drawing on a range of statistics, also from UN-HABITAT. It then describes the characteristics of the land and shelter sector/s, including some key definitions. The background section is completed by referring to some of the key United Nations conventions, including the Millennium Development Goal 7 on slums. Against this background the paper reviews the status of the sector/s at the global level and identifies policy and implementation gaps. This is followed by an outline of firstly, the key issues in land and shelter, and secondly, some of the lessons learned. The paper concludes by recommending priority actions which are needed at the global and country level to move the land and shelter agenda forward.

1.2 Urban Challenge: Background and Context

Half of humanity now lives in cities, and within the next two decades 60 per cent of the world’s people will reside in urban areas. By the middle of the 21st century the total urban population of the developing world will more than double, increasing from 2.3 billion in 2005 to 5.3 billion in 2050. “Urban growth rates are highest in the developing world ..(which is) responsible for 95 per cent of the world’s urban population growth” (UN-HABITAT: 2008). However, many cities will be characterized by urban poverty and inequality, and urban growth will become virtually synonymous with slum formation.

Indeed, Asia is already home to more than half of the world’s slum population (581 million), followed by sub-Saharan Africa (199 million), where 90% of new urban settlements are taking the form of slums. The latter region also has the highest annual urban and slum growth rates in the world, 4.58 per cent and 4.53 per cent respectively, which are more than twice the world average (UN-HABITAT: 2008). As shown in figure 1 (below), at least one third of the urban population in the developing world lives in slum conditions.

In regard to the poverty profile of urban areas, Baker states that “(o)n average the urban poverty lines are about 30 percent higher than the rural lines though this differs from region to region.. (with) approximately 750 million people living in urban areas in developing countries below the poverty line of \$2 a day in 2002, and 290 million using the \$1 a day line. This represents approximately one third of all urban residents (\$2 a day)...and one quarter of the total poor in developing countries (Baker: 2008). Also, “(i)n many countries the gini coefficient within urban areas is substantially higher than in rural areas.. and inequality in access to ..housing (and) land.. can have ...political repercussions” (Baker:2008).

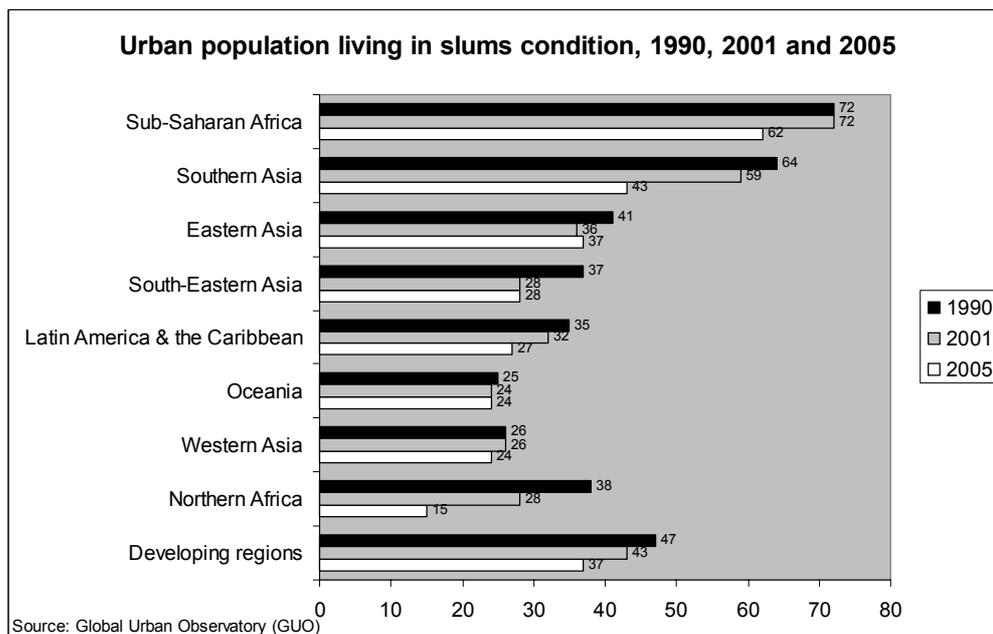


Figure 1: Estimated urban population living in slum condition between 1990 and 2001¹.
Moreno: Forthcoming

¹ The drastic reduction of the percentage of urban population living in slums, particularly in Sub-Saharan Africa between 2001 (72 per cent) and 2005 (62 per cent) is largely explained by the change in slum definition which now includes the use of pit latrines.

From another angle, the space taken up by urban localities is increasing faster than the urban population itself. Between 2000 and 2030, the world's urban population is expected to increase by 72 per cent, while the built-up areas of cities of 100,000 people or more could increase by 175 per cent. The land area occupied by cities is not in itself large, considering that it contains half the world's population. Recent estimates, based on satellite imagery, indicate that all urban sites (including green as well as built-up areas) cover only 2.8 per cent of the earth's land area. This means that about 3.3 billion people occupy an area less than half the size of Australia (Angel *et al*, 2005 cited by UNFPA, 2007).

Over the next 25 years, over 2 billion people will be added to the growing demand for housing, water supply, sanitation and other urban infrastructure and services. What is critical when considering this number is the order of magnitude. Close to 3 billion people, or about 40% of the world's population by 2030, will need housing and basic infrastructure and services. This translates into the need to complete 96,150 housing units per day (UN-HABITAT: 2005). There is an acute housing shortage around the world, but it is more severe in developing countries: For example, 40 million units in India, 735,000 in Indonesia, 709,000 in Malaysia, 700,000 in Angola, 659,000 in Bangladesh, 650,000 in South Africa, 240,000 in DRC, 73-151, 000 in Ethiopia and 70,000 units in Cameroon (UN-HABITAT: 2006).

Finally, the Millennium Development Goal 7, Target 11, commits the international community to achieving a significant improvement in the lives of at least 100 million slum dwellers by the year 2020. The attainment of even this very limited goal is not promising.

A slum household is defined as a group of individuals living under the same roof lacking one or more of the following conditions: access to improved water; access to improved sanitation facilities; sufficient living area (not more than three people sharing the same room); structural quality and durability of dwellings; and security of tenure (UN-HABITAT: 2008).

Reporting on the attainment of Goal 7, the United Nations (2007) stated that "(i)n 2005, one out of three urban dwellers was living in slum conditions – that is lacking at least one of the basic conditions of decent housing: adequate sanitation, improved water supply, durable housing or adequate living space." UN-HABITAT states that few countries are on track for reaching Goal 7, which would imply a rapid and sustained decline in slums. Countries that are the furthest from the slum target goals are mostly in Sub Saharan Africa (2006b).

1.3 Land and Shelter: A Multi-Faceted Topic

A key urban characteristic is proximity and concentration of activities, assets and people. Because of this, it is not possible to create a robust analytical framework for urban land and shelter delivery without taking into account other activities that are integrally linked

to, and often in the critical path of, the supply of land and shelter. These activities include among others:- politics (political economy, strategy and priorities, culture, social capital within communities, corruption, vested interests); planning; law, regulations and enforcement; governance (national government, municipalities, civil society, private sector and partnership approaches). They also include factors such as services (trunk infrastructure and individual connections, water, sanitation, electricity, roads); housing and land markets; finance (investment, subsidy, mortgage, fiscal flows, land tax, valuation); economic growth and poverty reduction (including employment and livelihoods); as well as community facilities (public transport, schools, clinics etc); environmental management (including building technologies); land information management; land administration and land management; institutional strengthening and capacity building (public and private sector, all stakeholders), types of urban settlement (formal and informal). These factors also play out, albeit differently, within post disaster and post conflict environments. Practitioners in the shelter sector know that working holistically with the complexity and multiple linkages of the sector is integral to the success of delivering shelter at scale.

1.4 Key United Nations Conventions

A few of the key conventions are high lighted here. The right to adequate housing is laid down in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (General Assembly Resolution 2200 A (XXI) adopted 1966). The right to property is a human right that is laid down in the International Covenant on Civil and Political Rights. Together with the Universal Declaration on Human Rights (General Assembly Resolution 217 A (III) adopted 1948), these two International Covenants form the ‘International Bill of Human Rights.’ All human rights apply equally to women and men and discrimination on the basis of sex is prohibited by the International Bill of Human Rights and other international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (United Nations General Assembly: 1979). Women’s equal rights to adequate housing, land and property are firmly entrenched in international law.

The Habitat Agenda is the key comprehensive international convention in the United Nations system which outlines international responsibilities for land and shelter. Adequate shelter for all is the key focus of UN-HABITAT, which draws its mandate from this agenda. In regard to land and shelter it states

“Access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas. It is also one way of breaking the vicious circle of poverty. Every Government must show a commitment to promoting the provision of an adequate supply of land in the context of sustainable land use policies. While recognizing the existence of different national laws and/or systems of land tenure, Governments at the appropriate levels, including local authorities, should nevertheless strive to remove all possible obstacles that may hamper equitable access to land and ensure that equal rights of women

and men related to land and property are protected under the law. The failure to adopt, at all levels, appropriate rural and urban land policies and land management practices remains a primary cause of inequity and poverty. It is also the cause of increased living costs, the occupation of hazard-prone land, environmental degradation and the increased vulnerability of urban and rural habitats, affecting all people, especially disadvantaged and vulnerable groups, people living in poverty and low-income people (Habitat Agenda: 1996: 75).

In regard specifically to shelter, the Habitat Agenda states

The formulation and periodic evaluation and revision... of enabling shelter policies, with a view to creating a framework for efficient and effective shelter delivery systems, are the cornerstone for the provision of adequate shelter for all. A fundamental principle in formulating a realistic shelter policy is its interdependence with overall macroeconomic, environmental and social development policies. Shelter policies, while focusing on the increasing demand for housing and infrastructure, should also emphasize the increased use and maintenance of existing stock through ownership, rental and other tenure options, responding to the diversity of needs. These policies should also encourage and support the people who, in many countries, particularly developing countries, individually or collectively act as important producers of housing. Policies should respond to the diverse needs of those belonging to disadvantaged and vulnerable groups... (Habitat Agenda: 1996: 65).

After the Istanbul conference, which produced the Habitat Agenda in 1996, the next major milestone for UN-HABITAT was 2001 at the Istanbul + 5 conference, where the Declaration on Cities and Other Human Settlements in the New Millennium was adopted by the General Assembly. The adoption of this declaration involved the General Assembly giving recognition to this new strategic vision and its emphasis on UN-HABITAT's two global campaigns on secure tenure and urban governance as strategic points of entry for the effective implementation of the Habitat Agenda. In 2007 these campaigns were merged into one 'Sustainable Urbanization' campaign.

Importantly for this conference, in 2004 the General Assembly adopted a resolution encouraging governments to support the Global Campaigns for Secure Tenure and Urban Governance, as important tools for promoting the administration of land and property rights (Resolution A/59/484).

Also, UN-HABITAT is the focal agency for Millennium Development Goal 7, Target 11, which aims to significantly improve the lives of at least 100 million slum dwellers by the year 2020.

In essence, UN-HABITAT strives to achieve adequate shelter for all, especially for the urban poor, through creating an enabling approach to the development and improvement

of shelter that is environmentally sound. This means working with Member States, Habitat Agenda partners and all shelter stakeholders, to improve the production and delivery of land and shelter, and support national housing policies and enabling strategies.

Finally, note that for the purposes of this paper adequate shelter “means more than a roof over one’s head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost. Adequacy should be determined together with the people concerned, bearing in mind the prospect for gradual development. Adequacy often varies from country to country, since it depends on specific cultural, social, environmental and economic factors.”(Habitat Agenda: 1996: 60).

For the purposes of this paper adequate housing is defined by drawing on the International Covenant on Economic, Social and Cultural Rights (1966), General Comment No. 4 (1991) on the Right to Adequate Housing (Article 11 (1) of the Covenant. “(A) number of factors ..must be taken into account in determining whether particular forms of shelter can be considered to constitute “adequate housing..” such as legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location, cultural adequacy.

2. GENERAL STATUS OF URBAN LAND AND SHELTER

2.1 Where are we?

Given that this is a joint conference between the World Bank and the International Federation of Surveyors, I am going to focus on the implementation side of urban land and shelter. I am going to start by indicating where I think we are in terms of the global land and shelter agendas. These are based on the generally recognized view of the sector/s.

Land in general. Much policy work has been done on land, but of course much remains. However this area, by comparison to other parts of the land agenda, is quite well covered. Conventional land administration and land titling approaches are also fairly well covered in my view. In regard to pro poor land tenure and land administration tools, we are much better off than we were 6 years ago, when the seminal study was produced by Deininger (2003) on land policy for economic growth and poverty reduction. Thanks to the work of the Global Land Tool Network’s partners (www.gltn.net), there is an agreed agenda to address pro poor large scale land tools and work has started. However, what has become evident is that it is a huge agenda that could take many years and that a lot more work and resources are needed to go to scale globally. Some of the key areas where there has been success in the global discourse is a) rural and urban land are much more closely tied together b) land governance has now been mainstreamed c) the range of land rights, rather than a focus only on individual title, is embedded in the discourse d) we have a

first set of viable evaluation framework criteria for gender in regard to large scale land tools.

Urban land. The statements above hold also for urban land. In addition to this, while we have some knowledge here and there, in general there is insufficient knowledge about how urban land markets in the developing world really work, which impacts housing finance and other issues.

Shelter. In general there is a need for a new concept of shelter policy, as there is a lack of commonly accepted conceptual frameworks for systematic shelter interventions that work at scale. Government, Bank and bilateral support for shelter solutions for the urban poor has dwindled in the past decade, shifting the burden to the private sector (formal and informal), local governments, community groups and individual households. There is no general model for social housing that works, to support the difficult task of integrating large groups of migrants, often poor, into existing cities. For sustainable cities to become a reality the concept of social housing, along with other subsidy options for housing the poor, needs to be re-invigorated. The market alone has not been able to provide affordable adequate shelter, including services, for all segments of society. There has been a general failure of both welfare oriented and market-based low-income housing policies and strategies in many (but not all) countries. There has been insufficient coordination between the shelter policy and other policies, such as for economic growth and poverty reduction. This has meant that shelter has not been prioritized within the context of national economic frameworks and/or Poverty Reduction Strategies Papers (PRSPs). (UN-HABITAT: 2003, United Nations Economic Commission for Europe: 2008). Of course the biggest gap relates to the issue of climate change and rising sea levels, and their impact on cities, as 65 percent of urban populations live in the coastal areas (UN-HABITAT: 2008a).

Shelter and land. While some knowledge exists in a few countries about how land and buildings are linked together, there is insufficient global knowledge about how shelter and land are linked, either conceptually, or at the level of implementation.

Slum upgrading. Even in Europe with all its resources, as the seminal work by the United Nations Economic Commission for Europe on informal settlements states, there is no ready made, ‘off the shelf’ solution, and there are no accepted “..slum upgrading approaches which are holistic and not fragmented” (2008). Slum upgrading approaches have to be integrated into broader slum prevention shelter policies, and appropriate shelter policies, as indicated above, need to be better developed. Baker writing for the World Bank when undertaking a global review states that, a “..major area requiring substantial analysis is the impact of slum upgrading, infrastructure, and poverty reduction programs and policies in urban areas to help determine how these can be better designed to maximize impact and cost effectiveness” (2008).

The above statements are generally recognized views of the sector/s, rather than definitive. They are merely intended to identify gaps and point us in the right direction to

take the sector/s forward. The shelter gaps identified, as with many other aspects of shelter, need to be much more thoroughly researched.

2.2 What are the Key Issues for the Land and Shelter Sector/s?

In regard to land and shelter delivery it is not useful, as indicated above, to take a narrow view of the sector. Instead it is important to see the sector holistically with all its linkages. The reason being that, for example, it is likely that serviced land for low income housing cannot be delivered because there is insufficient infrastructure, and there is insufficient infrastructure because of a lack of financial capacity in the municipality, and so on. The issues which are high lighted below should be understood within this broader framework. Also, even though there is not always a one to one correspondence, for the purpose of this paper, land linked to shelter will be treated the same as land on its own. I will only briefly refer to the key land issues, as most of them are already known to this audience, but will instead elaborate more on the shelter issues.

Land. Some of the key land issues which impact the delivery of shelter at scale are outlined below. Firstly, it is likely that in the developing world less than 30 percent of the country is covered by the cadastre. This leaves at least 70 percent not covered which has major implications for land administration, governance and land information management. This in turn has implications for slum upgrading and prevention, city management, corruption, state capture, and the operation of the land market, among other things. Also, if societies have become used to working off-register and illegally this becomes a way of life. One of the key indicators of the cause of slums is that slums are already a way of life (Sietchiping: 2008).

Secondly, less than 2 percent of the registered land rights in the developing world are held by women, which has implications for democracy, governance, conflict and sustainability. The Global Land Tool Network, led by the International Federation of Surveyors and the Huairou Commission, an international umbrella civil society organization of grassroots women, have developed a set of criteria for the evaluation of gender in regard to large scale land tools. These criteria can also be used to design more gender responsive land tools (www.gltm.net).

Thirdly, there has been a lack of political will and focus at national level about going to scale, in terms of budgetary allocations, political strategy, planning and implementing. Also, there has been a lack of prioritization of land in government budgets, which is sorely needed for institutional strengthening of a wide range of land actors both public and private, improved delivery and innovation.

Fourthly, there has been an over emphasis in many global programs on the delivery of individual land titles. This has meant that few countries have been able to go to scale on the delivery of land documents. Also, and more importantly, this has left little room or resources for innovation on how to deliver security of tenure at scale to the poor. The Global Land Tool Network partners' work (www.gltm.net) is one of the few focused on this area. There has been an over emphasis by some leading organizations on conventional land administration, when addressing the land issues in country. In

countries with social inequity and poverty, a sustainable land agenda needs to focus also on land governance issues, such as the management of conflict over land and the issue of land redistribution, rather than just on the creation of an efficient land administration system, too often captured by the political elites and middle class.

Fifthly, land, as a key asset, has attracted large scale corrupt practice, both by private individuals, political elites, as well as government officials (state capture). This has led to a situation in many parts of the world where there is a large inequity of land distribution, which in turn continues to impact political stability and economic growth (South Africa, Brazil and Kenya). Dysfunctional urban land markets exist also as a result of these factors, which in turn impact delivery of sufficient land and in terms of the types required, such as roads, residential, services and community facilities. This not only affects efficiency but also affordability, especially for the poor. Well located land with adequate infrastructure is scarce and often hoarded for future profit. Many cities in developing countries have serviced land zoned for housing development which remains vacant for years, while areas with little or no services are densely populated by the urban poor. This is a result of structural failure in the land market.

Sixthly, land governance has become a new way of thinking about land in the last few years because of the lack of good governance in this sector. “Fundamentally, land governance is about power and the political economy of land. Land tenure is the relationship among people with respect to land and its resources. The rules of tenure define how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restraints. These rules reflect the power structure of society. They develop in a manner that entrenches the power relations between and among individuals and social groups. The quality of governance determines how the following questions are addressed: Who benefits from the current legal and policy framework for land? How does this framework interact with customary ..(and informal).. institutions? What are the incentive structures for diverse stakeholders, and what constraints do they face? Who influences the way in which decisions about land are made? How are decisions enforced? What recourse do the less powerful members of society have?” (Food and Agricultural Organisation and UN-HABITAT: forthcoming).

Seventhly, most countries have incomplete land registration/land records systems, incomplete and non inter-operable land information systems, and ineffective control due to inadequate institutional capacity are characteristic of most cities and countries. Long delivery processes (Doing Business Survey: World Bank) are more the norm than the exception. These encourage people to move into informal acquisition of land, especially in times of rapid urbanization. Therefore after war, disaster, or major changes in the political sphere, large scale informal land sub-divisions can emerge rapidly.

Finally, there are insufficient pro poor land tools to implement the good land policies which many countries have already. The Global Land Tool Network partners are focused on the production of some of these critical tools, but it is a slow process which takes years rather than months.

Shelter. Turning to the key shelter factors, there are a broad range of issues, many of which are in the critical path of successful shelter delivery at scale. Firstly, issues differ from country to country and the issues identified here will manifest differently in different countries. For example, different configurations of slum types can be found in different countries, such as squatter settlements on public or private land; inner city slums in dilapidated buildings; illegal sub-divisions on private or public land; settlements for refugees; upgraded/partially upgraded slums; formally built buildings; and informally built buildings (including houses up to 10 story buildings).

Secondly, ideally the need for land and shelter delivery should build up steadily over time, allowing cities to cope. However the reality is different, and in general, planning and affordable land and shelter delivery has to catch up with the people. Many cities have not addressed the build up of illegal buildings which have developed over decades and find themselves in a situation where, in some regions and countries, the city is already over 70 percent informal, and a major shelter backlog has to be addressed. Other cities experience rapid demand because of conflict (national and/or regional) –such as the Balkans and Eastern DRC, and natural disaster – such as Sri Lanka and Indonesia post tsunami, leading to rapid movements of people. Other countries which experience large scale political economy change have also seen major migration to the cities –such as post apartheid South Africa and post communist Albania. Aside from the size and pace of the migration, the political economy particularities – foreigners, poverty profile and so on, linked to the migration streams, also have to be addressed for successful city management.

Thirdly, despite the growth of slums, for many years there has been very little political will or prioritization in regard to the shelter sector, both at global and at country level. Adequate shelter for all, particularly for the poor, is difficult without subsidies and complex financing packages. Shelter has not featured seriously in public expenditure priorities, also because shelter has not been recognized as a key aspect of economic growth and poverty reduction for the country. Also, shelter development has often been passed onto the private sector, which has not produced formal affordable shelter for the low income population at scale. The informal sector continues to be one of the biggest providers of shelter in the developing world, where for example it delivers 70 percent of all housing in Sub Saharan Africa – in the form of slums. A successful shelter strategy at country level requires political and budgetary commitment by government over the long term.

Fourthly, there is insufficient recognition that slum settlements are already part of the housing solution, and that the informal sector has already housed hundreds of millions of people. The role of the grassroots in housing provision and the development of informal settlements and neighborhoods, and grassroots involvement in slum upgrading and prevention, is key to sustainable urban development (Mangin: 1967 and Mitlin and Patel: 2005). An appropriate environment is needed to harness the potential of all actors, including the grassroots and the private sector (formal and informal).

Fifthly, while the idea of in situ slum upgrading, and not evicting people and/or resettling them, has been generally accepted, there has been a focus on the upgrading of individual slums instead of tackling the issue systemically across the city. Sometimes a project has only focused on legalization of the slum –giving people legal tenure, and not the full upgrade that is required to ensure social inclusion. Systemically means to include all the cities' systems from finance, to land, to shelter, to planning, and so on, at a city wide scale, within an over-arching shelter policy. Instead the approach has often been project based in a few areas, instead of systemic, and this has meant that the approach has been fragmented geographically and/or thematically, instead of being integrated. Many existing good practices for shelter and service delivery rarely get past the demonstration pilot phase and tend not to be replicable (UN-HABITAT: 2002). Too often slum upgrading is done without any systematic slum prevention policy being developed and implemented. Moving from reactive to preventative approaches is a much needed paradigm shift. A lack of slum prevention policies has negatively impacted the ability of cities and countries to go to scale in regards to the provision of adequate shelter for all.

Sixthly, rental housing is critical in most cities for low income groups. Hundreds of millions of tenants live in the cities of Africa, Asia and Latin America. Newly arrived migrants rely at least temporarily on rental housing. For others, renting is a semi-permanent state, because ownership, whether in the formal or the informal sector, is not affordable to them. Despite this, few governments have formulated any kind of policy to help develop or regulate this form of housing, even though few would deny that a healthy rental sector should be an integral component of a well-functioning housing system (UN-HABITAT: forthcoming).

Seventhly, often the focus is too narrow to be able to address the issue. “Responses to the housing question often remain very technical..” (United Nations Economic Commission for Europe: 2008). A narrow technical understanding of shelter delivery, based on planning and land administration imperatives, does not provide a sufficiently comprehensive framework to deliver adequate shelter for all, because of the social inequality and unequal distribution of wealth commonly found in the cities. Governments need to guarantee basic human rights and social protection for the poor in regard to shelter. This should be done by linking their shelter policies to the broader public policy framework, in order to ensure that they integrate the poor and the slums into broader urban structures and society.

Eighthly, analytical work from the World Bank identifies common weaknesses in the state which lead to problems in the shelter sector namely:- The absence of a recent 'regulatory plan' (land use plan) and approved local regulations for land use; the lack of funded municipal programs to build primary infrastructure; the difficulty of acquiring undeveloped land, officially and legally, for construction; high transaction costs in the formal sector, complex processes and unresponsive institutions (World Bank: 2007 quoted in United Nations Economic Commission for Europe: 2008). Other common weaknesses include unrealistic standards and inappropriate planning and poor enforcement and/or implementation of regulations. Also, the dichotomy of land and housing delivery in various shelter strategies further limits delivery at scale. In regard to

the infrastructure issue, UN-HABITAT argues that “(g)overnment should provide equal access to basic infrastructure since this is fundamental to the delivery of equal and affordable access to shelter. Investments in the citywide infrastructure are a precondition for successful and affordable upgrading of deprived neighborhoods (or settlements), as the lack of such provision can reinforce the exclusion of the urban poor and prevent their access to affordable shelter. Yet in reality there are large scale infrastructure deficits in the developing world” (2003). In regard to the regulatory framework issue, appropriate enabling regulations are needed to regulate housing, land and property, including access, use and supply, at various levels, for a range of economic and social groups, in order to deliver affordable housing for all. Such regulations need to be enshrined in national shelter policies.

Ninthly, local authorities are in the critical path of delivery of affordable shelter for all. Too often they have insufficient financial capacity, as their mandates and functions are too large for their revenue base and they are overly dependent on financial transfers from central government. Instead of being able to plan ahead preventatively in the face of large scale urbanization, they are often forced into *ad hoc* project based crisis management interventions. Generally they cannot fund the development of city wide trunk infrastructure, a key provision for the creation of affordable shelter. Often infrastructure provision is passed on to developers, leading to houses which the poor cannot afford and fragmented infrastructure which cannot be maintained by the local authorities. An infrastructure deficit is one of the results of municipal financial weakness. From another angle, the backlog of slums is probably ten times more expensive to formalize than if preventative development had been done, also because of the low density sprawling nature of slums and the need to compensate owners for land acquired for service provision. The municipal revenue base is further undermined by the large scale illegal connections to infrastructure that is part and parcel of slum settlements. All these costs make it even less likely that the shelter agenda will be addressed adequately. Municipalities also suffer from numerous human resource constraints which also impact their ability to deliver in the face of urban growth.

Tenthly, the regulation of buildings has its own challenges. Even in parts of Europe the detection and registration of illegal buildings is too expensive, time consuming and complex to be practical. Often there are outdated building codes, which impacts negatively on the delivery of small underfunded municipalities, which struggle to cope also with the delivery of building permits. Frequently the ‘as built’ environment does not conform to the law and national plans. This creates problems for planners, who do not have adequate information about the reality on the ground when they do their planning, which then causes knock on problems to those who are delivering land, planning permissions and building permits, as well as enforcing these. All these gaps create opportunities for delays and a cycle of corruption.

Finally, the economic dimension has to be taken more seriously by all players, not just in terms of finance, but also land and housing markets. Understanding how land and housing markets work, both formal and informal, is critical, and as Martine, McGranahan, Montgomery, and Fernandez-Castilla argue, “proactive action requires

decision-makers to better understand the slack created by urban land market distortions and other ‘institutional discontinuities’ that are filled in by informal activities (2008). Mixed market approaches, whereby the social market and the private market are both used to provide shelter, is being examined more carefully in the light of the 2008 credit crunch. The approach whereby the private formal shelter market was expected to cater for all urban residents has not delivered the required results. The United Nations Economic Commission for Europe (2008) argues that the ‘pro-ownership’ and ‘pro-private housing market’ which has been the dominant genre over the last decade has squeezed out other options like renting, leading to a lack of alternative shelter and tenure options, including group rights, social housing, Islamic land tenure types and so on. This range of tenure options approach, within an incremental framework, has also been advocated by the Global Land Tool Network partners (www.gltn.net).

Promoting the delivery of adequate housing for all cannot be done by any one global organization on its own. UN-HABITAT’s approach is to work with partners and to try and build strategic networks, partnerships and think tanks to tackle some of the key issues and gaps. The Global Land Tool Network is one such network of partners (www.gltn.net).

3. A FEW LESSONS: IMPLEMENTING SHELTER AND LAND DELIVERY

3.1 National Governments have been More Successful than Local Governments in Delivering Shelter

Despite the frequent statements that land and shelter functions need to be devolved to the local government level to improve delivery, a review of shelter delivery for low income people (including upgrading) shows that national governments have been more successful than local governments in delivering at scale (UN-HABITAT: 2006b).

3.2 Fully Subsidized Housing Estates for Low Income Groups has not Worked

Governments started trying to address the shelter issue through the direct provision of housing estates funded by their investment budgets. Often houses have been delivered through fully subsidized government schemes, or through some form of cost recovery scheme which is partially subsidized. The acquisition of land for these schemes was subsidized or partially subsidized, linked to partial cost recovery from the household. Too often these schemes were turned into housing for civil servants and neglected other segments of the urban population. Also, generally they were too slow and too small to meet the demand, and were fraught with problems in regard to maintenance, leading to public housing estates becoming slums.

New thinking is that locally-based sources and cross-subsidy policies need to be more thoroughly explored. The impact that infrastructure and land use planning have over land values could be used to finance adequate shelter. A wider variety of sources of income should be used and aligned with city objectives, such as:- property tax, value capture, financial transfers to local governments, housing subsidies, micro-financing and community-based schemes, and flexible mortgage systems. There was also a tendency in slum upgrading towards the use of subsidies from government budgets, sometimes linked

to international donor funds. However, this did not prove scalable, so other financial approaches have also become more common in the last two decades, such as the use of community saving schemes and cost recovery.

3.3 Inappropriate Planning Standards Can Block Upgrading, and/or an Incremental Path to Property

The settlement pattern of slums seldom conform to the minimum plot sizes, road widths, grid iron design etc laid down in planning regulations. Often the allocation of legal land tenures require that the property conform to the planning regulations. Upgrading slums so they fit with planning standards is problematic because of the high densities often found in slums, costs, and non standardized settlement patterns. Often this means that upgrading is not attempted at all, or partial upgrading is done, but without the allocation of legal land tenure (Indonesia), or the whole slum area is isolated from the national planning standards and some upgrading done with a weaker land right being allocated (Zambia). In some countries, a weaker form of property right is allocated to the slum properties, but it is not possible to climb the property ladder at all until, and unless, the whole area is ‘properly planned’ (Tanzania), which usually involves the resettlement of some of the slum residents. One solution is to undertake a full upgrade, including security of tenure, by applying local, rather than national, planning standards, in regard to plot sizes, or road widths. These local standards would be based on the ‘as built’ environment as much as possible, to limit disruption to people’s lives and property, and at no stage would the land registry require full national planning standards to be applied (Albania). This would facilitate an incremental path to property. Equally the lack of a building permit may prevent a household climbing the property ladder incrementally. Georgia allows the registration of a parcel of land without the requisite building permit showing that the building is in compliance with the building regulations.

3.4 Land Use Planning of De Facto ‘As Built’ Environments at Scale Remains Unsolved

The allocation of formal land use rights at the parcel level remains fraught with problems in cities which consist largely of informal land and buildings –residential and high rise. Planners conventionally rely on cadastral information to assist them to make new urban plans, and in some countries the changing of land use rights is monitored by using the cadastral records in the Surveyor General’s office. Given the absence of cadastral information in large parts of most developing countries’ cities, as well as the large scale informal developments, this approach does not work. In some situations planners have tried to use recent aerial photography to identify illegal buildings. This has been only partially successful, as it is not possible to identify the informal land boundaries on the ground and therefore the land being claimed by the households occupying the buildings. New land and land use information systems, which do not rely on data reflecting only the legal situation, need to be developed. These need to facilitate planning, land use and building regularization, and the allocation of formal land use rights, which make it possible to merge the *de facto* with the *de jure*, also for use during slum upgrading. The Social Tenure Domain Model funded by the Global Land Tool Network, is one such tool which would have to be accompanied by institutional strengthening. This tool is being developed by a number of GLTN partners working together, namely the International

Federation of Surveyors (FIG), the International Institute for Geo-information Science and Earth Observation (ITC), UN-HABITAT and the World Bank, which is leading on this in Ethiopia.

3.5 The Path to Legalization of Properties and Buildings can be Made More Efficient

In many countries individual households acquire land and buildings which are illegal and then spend years going through the process of legalizing them, by making incremental adjustments, paying bribes, and spending the time and money to get the right permits (Turkey, Greece, Egypt). Some countries have found a more efficient way of doing it. In South Africa, using a developer driven exercise, special planning boards were set up to examine the *de facto* planning standards of existing slum settlements, to ascertain to what extent they need to be changed to be able to be legalized, while simultaneously avoiding adverse poor planning effects, such as over flowing sewers. In Albania, a special Ministry has been set up to do the slum upgrades systemically and then move the paper work into the line Ministries, such as the Registry.

3.6 Harmonization, Alignment and Coordination could be Key to Delivery at Scale

In countries where there are multiple multi-lateral and bilateral donors operating, middle level government officials who drive development programmes can become overwhelmed with work. The Paris Declaration on Harmonization, Alignment and Coordination (HAC) of donor aid created a new aid architecture meant to address this issue. Donors funding the land sector can have very different approaches which can easily cause contradictions in government programmes (e.g. titles or deeds, standards, accuracies, reference networks). HAC is key to ensuring that contradictions are limited. The urban sector – to which shelter is tied, is much more complex than the land sector, because it is by nature fragmented across a range of government departments and different levels of government, as well as para-statal, and tends to be embedded in donor programmes, rather than being a stand alone programme. This implies that, to go to scale, the creation of an urban sector within a HAC framework should be considered as key in countries which are using donor budgets for shelter development.

3.7 Housing, Land and Property Issues in Post Conflict need a Fresh Approach

A particular set of approaches apply in post conflict environments which are dominated by a United Nations presence. Essentially, even where land is at the centre of the conflict, the emergency, or first phase, is dominated by emergency issues and short termism. It is only in the second, or reconstruction phase, that housing, land and property rights are treated within a medium to long term framework. Too often there is little funding for the second phase by comparison to the first phase. This means that housing, land and property issues in post conflict situations are not always addressed adequately. UN-HABITAT, through its role in the Executive Committee of Humanitarian Affairs which oversees the emergency system, is trying to improve the way the issue is dealt with, by advocating for longer term measures to be put in place from the outset.

3.8 New approaches to land administration

There has been a major paradigm shift globally in regard to our understanding of land issues. Whereas a decade ago individual land titling was considered the only robust way

of delivering land, today a range of rights has been introduced by many governments, and is considered a much more pro poor approach. The range of rights approach has meant that new ways of constructing land administration have had to be developed, as well as land information systems and their management. The Social Tenure Domain Model is one such answer to the challenge. This type of pro poor tool will also facilitate post conflict and post disaster situations better and provide a stronger foundation for peace building.

Another positive development in the land field has been the embedding of land governance into the land discourse of land administration actors, and the World Bank and International Federation of Surveyors are to be congratulated on choosing this as their conference theme. Previously there was too little recognition of the role of land governance, also in regard to land administration systems. My personal experience is that there is an enormous amount of slippage in land administration projects because of land governance issues, which is not risk managed in project management, and that this needs to be much more thoroughly documented to improve success rates. From another angle, there is still too little emphasis on capacity building in the land sector to ensure successful outcomes at scale. Much more work needs to be done on this aspect to embed it as part of projects and programs, also when preparing for the implementation of land policy.

4. CONCLUSION

The urban challenge is enormous. Cities are already struggling to cope with the impact of urbanization and this is set to increase in many countries, especially in Africa. Managing the expected increase in the geographic area of cities will require large scale investment to ensure that urban development is not chaotic. The amount of shelter and land delivery needed over the next few decades, to ensure that there is adequate housing for all, and for the world to move to sustainable urbanization, is daunting. Yet a review of the global position in regard to shelter delivery indicates that the agenda is nowhere and urgent action is needed to get a focus back on this sector. While the implementation of pro poor large scale land tools has started, much more needs to be done to go to scale.

A few things UN-HABITAT thinks needs to be done to meet these challenges are:-

1. Revitalize the shelter agenda and put it back on the global and national agendas, also by integrating it with the economic growth and poverty reduction strategies.
2. Develop and undertake an agenda of research, documentation for learning, dialogue and advocacy for shelter (including land).
3. Link land and housing more robustly, both in terms of conceptual approaches, as well as in country level implementation.
4. Move from slum upgrading to systemic slum prevention (including upgrading), especially learning lessons from the few countries that have already gone to scale on this issue.
5. Opportunities for implementing better regulations should be taken. The current financial crisis, and its linkage to the housing and mortgage markets, has created

enough concern about regulations, and their role in curtailing undesired market behavior, to give a window of opportunity for this.

6. Continue to develop pro poor and gender responsive land tools and scale up – support the Global Land Tool Network, as an alliance of partners, which has an agreed agenda.

Both the World Bank and the International Federation of Surveyors, who have organized this excellent conference, are key active partners in the Global Land Tool Network. Other international organizations should also consider becoming part of the network to advance the Global Land Tool Network agenda.

Finally, we need to aim at strengthening national and local shelter policy development and implementation to better meet the goals of the Habitat Agenda and the Millennium Development Goal 7, Target 11, with a particular focus on the poor.

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