

# Fighting for land security in Southern Africa

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## Introduction

It has emerged quite clearly from Urban LandMark's work in South Africa – and increasingly in the region – that the emergence of more sophisticated property markets has taken place locally and in most larger cities in the region. While there might be a need to assist these markets to develop further, in particular the need to build market institutions and professions, these groupings tend to increase their own capacities as the markets develop, mostly with little assistance.

In the Southern Africa region, something more fundamental is needed.

Most poor people, the majority in most cities and towns, do not have a legalised pathway to accessing land. They also do not have an administratively and legally supported way of holding onto land once they have accessed it – usually extra-legally, or in areas just beyond urban boundaries where land law becomes quasi- or fully customary. And nor do they have any way of then trading legally in property or use rights.

As a result, many people occupy land or inadequate shelter illegally and are then constantly vulnerable to eviction, have little access to basic services, and are not part of the planning process of cities.

## Going back to the basics of land

Starting at the most elementary level, literally, land is a basic resource; it is the ground we live on; land is a means of production; it is an asset, and it may be a commodity; in some countries land is a constitutional right.

An even simpler, 'physical' definition, from Wikipedia, describes land as "the part of the Earth that is not covered by water". Ironically, this is becoming an issue as the Earth's land area begins to shrink because of climate change, the impact and ramifications of which on poorer urban dwellers we discuss a little later in this paper.

It would be difficult to deny that land underlies almost all that we do.

As American politician and political economist, Henry George, and author of *Progress and Poverty* (1879) said:

*"The equal right of all men and women to the use of land is as clear as their equal right to breathe the air. It is a right proclaimed by the fact of their existence. For we cannot suppose that some men and women have a right to be in this world and others do not."*

In Africa, land is imbued with further layers of meaning. It may be a birth right for some people, or a place where people have rights to grow food or graze cattle. Land is often the place where the family home and parents are, or a place where people invest for their retirement and to pass on to their children. Land is also something which belongs in some ways to the people, to the collective, and not only to the individual. In many post-colonial countries, land has a political dimension, as something to be claimed for the nation and redistributed to the people, and used for the common good.

As the Freedom Charter suggested in 1955:

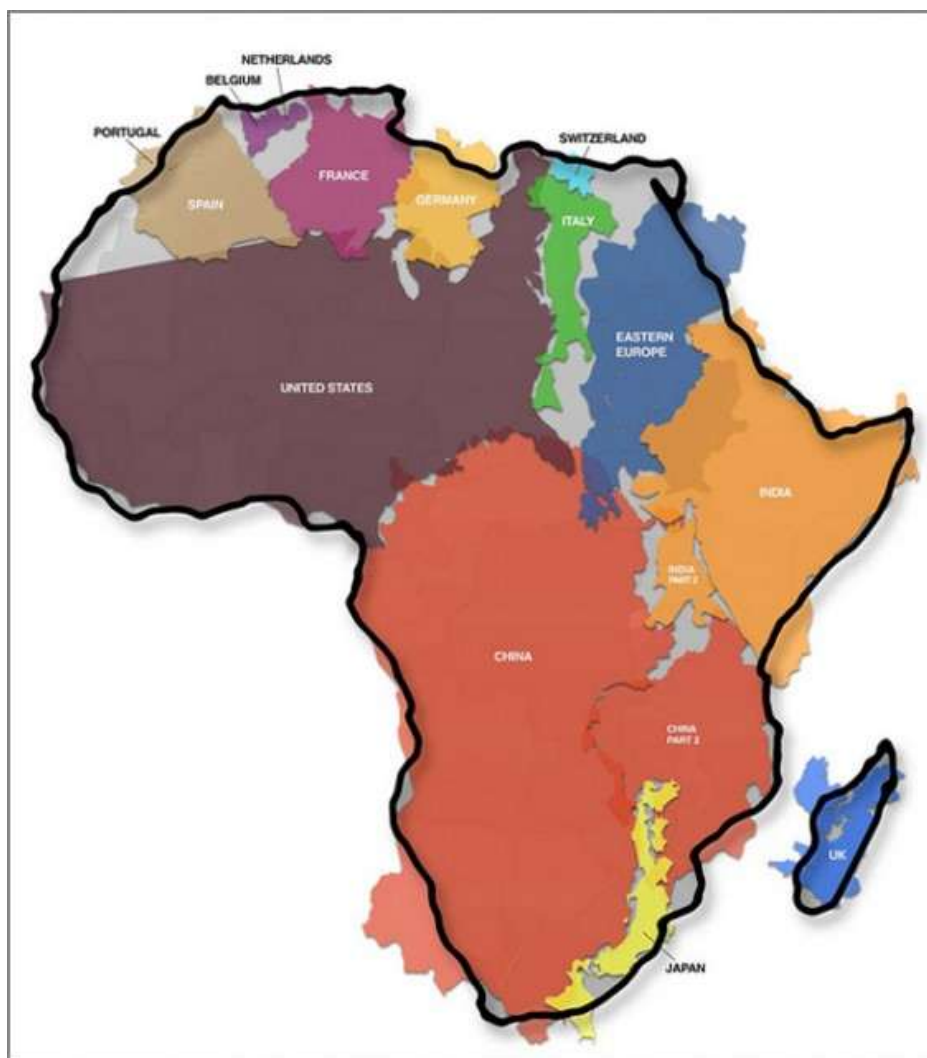
*"Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;... All shall have the right to occupy land wherever they choose."*

Moreover, the 'social function' and the 'social value' of land, and the need not to view land only as property for private use and profit mean land has deeper layers of meaning than we may at first suspect.

## The concept of 'land' in Africa is changing

Land in Africa has almost always been thought of as being in plentiful supply. Africa is big. When shown on a map properly to scale – unlike what is usually shown on the highly distorted but predominantly used mapping projections, such as Mercator – Africa is as large as the US, China, India, Japan, and all of Europe combined.

Figure 1 – The true size of Africa

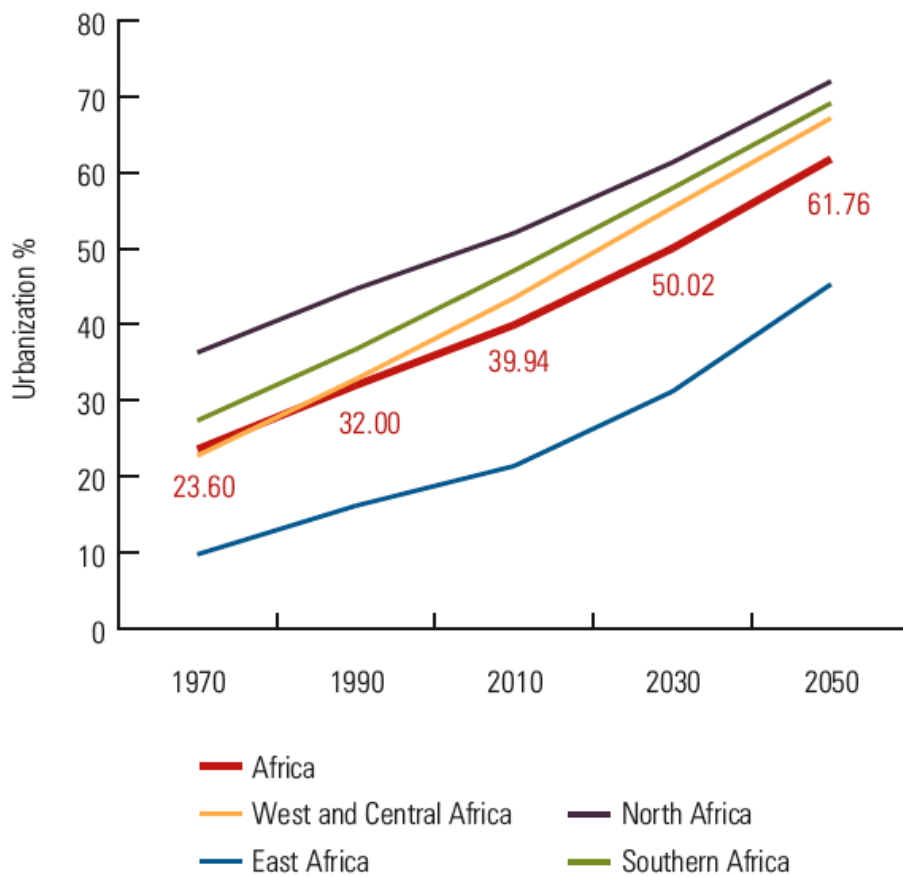


Source: Illustration by Kai Krause, [www.gregosuri.com](http://www.gregosuri.com), accessed on 27 October 2010

Despite being so big, the way we understand land in Africa is changing. Clearly, arable land is in short supply, so the 'bigness' of Africa can be misleading. But addressing land issues in sub-Saharan Africa is no longer the same as addressing only rural poverty. Reality is changing on the ground, as cities and slums grow exponentially<sup>1</sup>, and as the tipping point between more rural and less urban shifts rapidly towards being more urban and less rural. It is changing within a generation, and it happens to be this generation.

<sup>1</sup> J. Sach (2005). *The End of Poverty: How Can We Make It Happen in our Lifetime*

Figure 2 – African regions’ urbanisation trends 1970-2050 (%)



Source: UN Habitat (2008). *The State of African Cities 2008: A Framework for Addressing Urban Challenges*

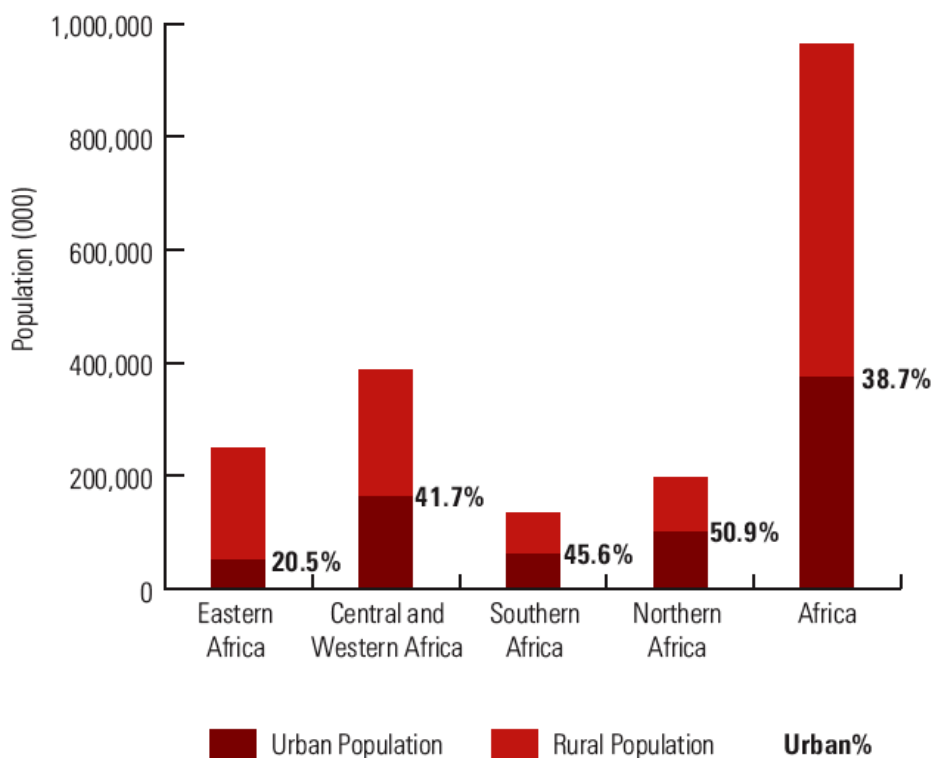
At the moment only north Africa is more urbanised than this region. East Africa is 22.7% urbanised and southern Africa is already 57.3% urbanised, with this trend likely to continue.

This urban growth is concentrated in larger and medium sized cities in the region, with cities of less than 500,000 people absorbing two thirds of urban growth<sup>2</sup>. The movement of people in the region will increase as cross-border movement becomes easier, and as disparities in the region remain. The southern African region has 11 of the 49 large cities in Africa (see figure 6), with the Gauteng region set to grow from a population of 10.5 million at the moment to over 20 million between 2038 and 2048<sup>3</sup>.

<sup>2</sup> UN Habitat (2008). *The State of African Cities 2008: A Framework for Addressing Urban Challenges*. Nairobi: UN Habitat

<sup>3</sup> Landau, L. and Gindrey, V. (2008). *Gauteng 2055 Trend Paper: Population & Migration*. University of the Witwatersrand. [www.gsb.columbia.edu/ipd/pub/Trend\\_Paper\\_Landau.pdf](http://www.gsb.columbia.edu/ipd/pub/Trend_Paper_Landau.pdf), accessed on 27 October 2010

Figure 3 – African regions' populations, 2007



Source: UN Habitat (2008). *The State of African Cities: A Framework for Addressing Urban Challenges*

According to the Global Land Tool Network of UN Habitat,

*"Stopping urban growth is not an option. The world's rural population has essentially reached its peak; but the global urban population is projected to double by 2030. Urbanisation will require increasing supplies of land, more efficient land use and accessible forms of tenure"*<sup>4</sup>.

Have we truly realised what the implications of this rapid change are going to be, especially for sub-Saharan Africa?

As Matthias Schmale, the International Federation of Red Cross and Red Crescent Societies' (IFRC's) Under Secretary for Development, recently told journalists in Nairobi:

*"The majority of the world's population is cramming into cities. ...From our point of view, urban is the new rural"*<sup>5</sup>.

This is a very important message for people living and working in the region because challenges in Africa are still viewed as a rural development problem by many agencies.

All this leads to a situation of vulnerability. Vulnerability to hunger, to poverty, to ill health, to dispossession and eviction, and to disaster. A large number of people, and sometimes a majority, who live in African cities, live in this state of vulnerability, which is best described as land insecurity.

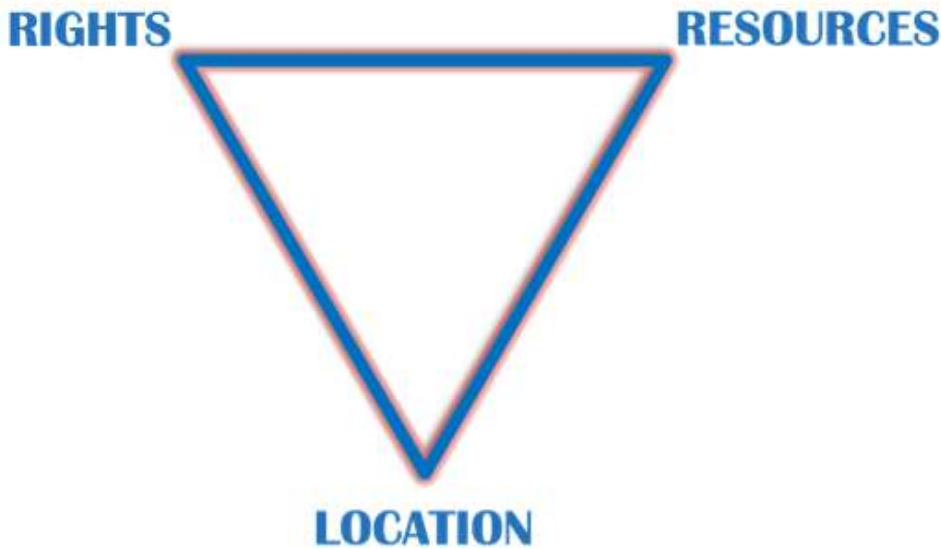
<sup>4</sup> Global Land Tool Network (2008). *Secure Land Rights for All*. Nairobi: UN Habitat

<sup>5</sup> Red Cross – Billions of Poor Urban Dwellers Face Disaster Risk, [www.earthtimes.org/articles/news/345135,dwellers-face-disaster-risk.html](http://www.earthtimes.org/articles/news/345135,dwellers-face-disaster-risk.html), accessed on 27 October 2010

### The dimensions of land (in)security

'Land insecurity' is an issue for large numbers of poor and otherwise vulnerable people in cities and towns for three reasons – poor and dangerous location, little access to the necessary resources to survive adequately in urban areas, and a lack of recognition of their rights. In other words, land security and insecurity are products of where people live (or conduct business, or both), what resources they have at their disposal to cope in that situation or to change that situation, and what of their rights are recognised.

Figure 4 – The dimensions of land (in)security

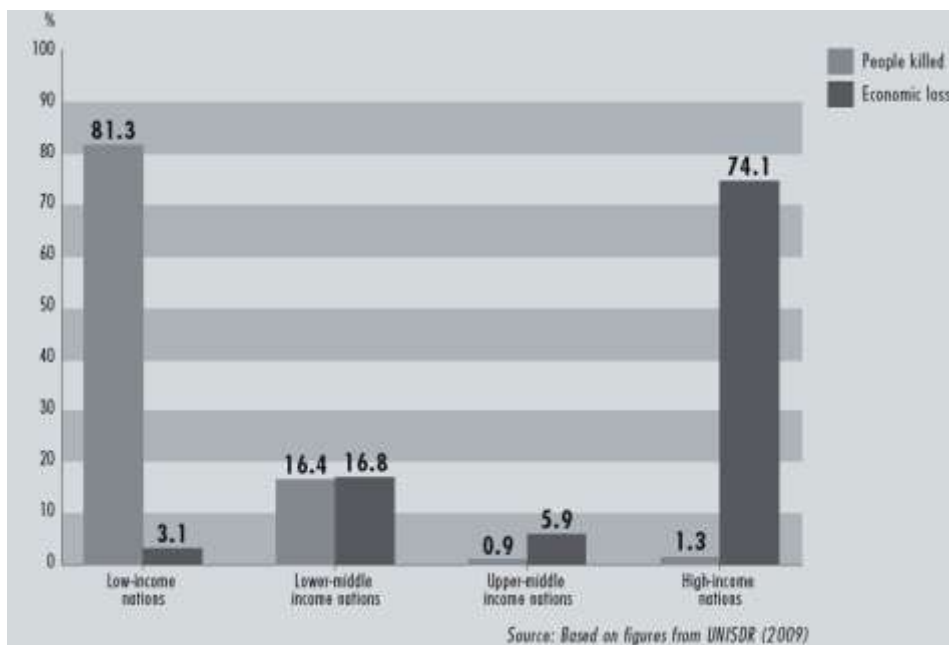


Source: Own illustration

### The impact of poor location and a lack of resources on land security

How these factors or dimensions of land security relate to one another is best described by using a concrete example. Many cities are located in dangerous areas prone to earthquakes, flooding, sea level rise and the like. With the right resources it is possible to survive disasters by building cities well enough to withstand them, at least most of the time. But for people without the resources, and for urban areas which have little or no planning capacity, human settlement on dangerous land leads to humanitarian disasters. The clearest indication of this are the statistics around disasters and loss of life, as shown in figure 5.

Figure 5 – Distribution of fatalities and economic loss from tropical cyclones per year



Source: IFRC (2010). World Disasters Report 2010: Focus on Urban Risk

It is possible to build buildings which are able to withstand most cyclones. When you look at the comparison between low-, middle- and high-income nations, the difference is shocking. The same trend emerges when one looks at earthquakes. An earthquake in Haiti compared to a similar size of earthquake in Japan has a hugely different impact.

The 2010 World Disasters Report<sup>6</sup> notes,

*“When an earthquake hits a city, it can be a very dangerous place to be – as was seen in Port-au-Prince in January, in Bam, Iran in 2003 or in Turkey’s Marmara region in 1999. But this need not be so. For instance, in July 2007, a large earthquake struck the north-western part of the Niigata region in Japan. Although it was the most costly disaster in the world for that year, only 11 deaths and 100 injuries were reported”<sup>7</sup>.*

**What does land insecurity mean for Africa?**

**Figure 6 – Africa's 49 cities with one million or more residents (2008)**



Source: UN Habitat (2008). *The State of African Cities: A Framework for Addressing Urban Challenges*

Continuing on the issues of location, what does land insecurity mean for Africa? The IFRC says that:

*"More than half of 37 cities in Africa with over 1 million residents lie in low-elevations coastal zones, ... As an example, the report said a sea-level rise of just 50 centimetres would flood 2 million people from their homes in Alexandria, Egypt.”<sup>8</sup>*

As cities and towns grow without adequate planning, these risks and vulnerabilities increase.

<sup>6</sup> IFRC (2010). World Disasters Report 2010: Focus on Urban Risk. Geneva: IFRC

<sup>7</sup> Although this is not always the case, the report says, as with the 1995 Kobe earthquake which claimed 6 400 lives.

<sup>8</sup> Red Cross – Billions of Poor Urban Dwellers Face Disaster Risk, [www.earthtimes.org/articles/news/345135,dwellers-face-disaster-risk.html](http://www.earthtimes.org/articles/news/345135,dwellers-face-disaster-risk.html), accessed on 27 October 2010



In a blog<sup>9</sup> by media professional working for the Red Cross, Paul Conneally, written about the recent release of the World Disasters Report 2010, the issue is highlighted using the story of the current President of Brazil, Lula da Silva – which epitomises the plight of the one billion people living in urban slums today:

*“When our house flooded, I sometimes woke up at midnight to find my feet in water, cockroaches and rats fighting over space, and various objects floating around the living room ... Every time it rained, we used to nail another piece of wood across the doorframe and dump another truckload of earth to reinforce the barricade. But the water level rose further. And the authorities never did anything.”*

The World Disasters 2010 report continues:

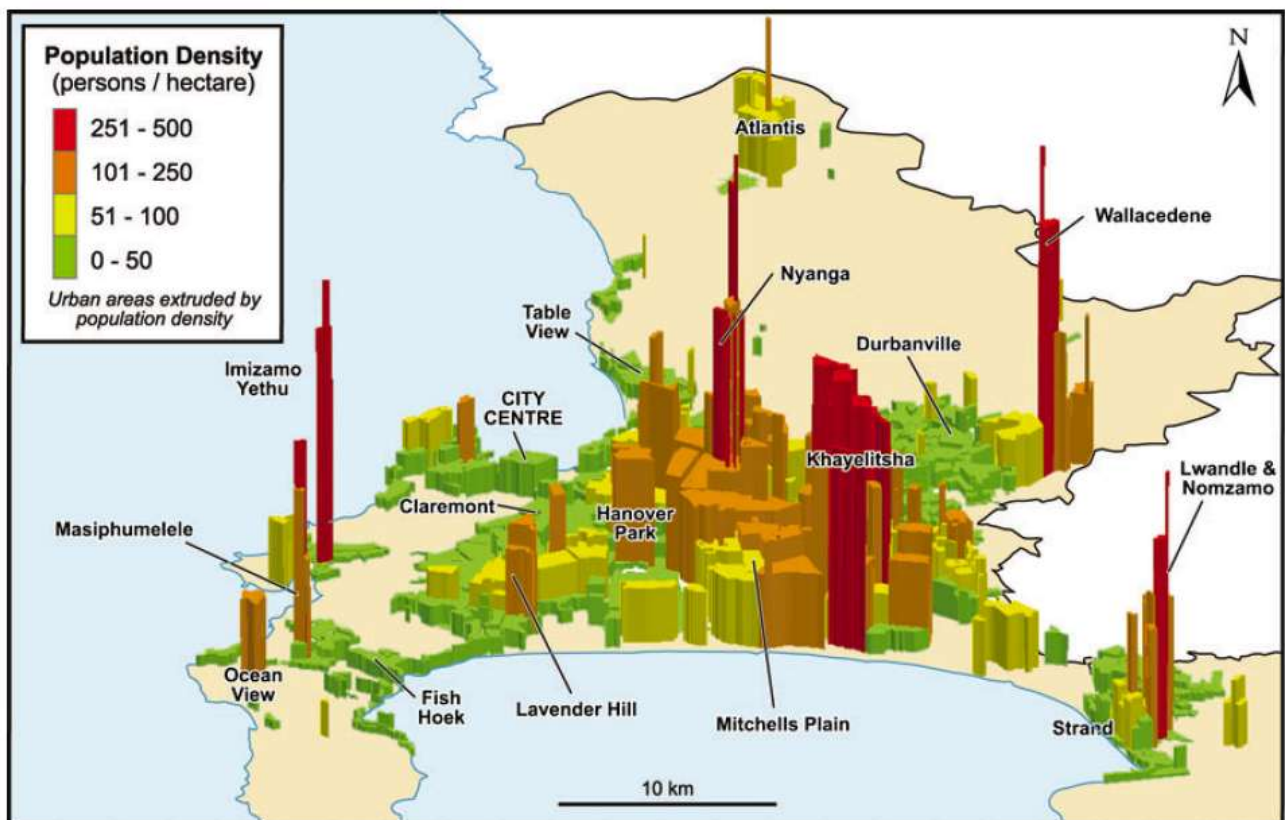
*“The real crisis in disaster risk reduction revolves around the so-called ‘vulnerability gap’ in urban communities where the authorities often lack the finance, the knowledge and the will to ensure a well-functioning urban environment and the communities have few resources and lack political influence.*

*... the majority of the 100 million people who might annually expect to have their lives turned upside down by floods, live in squalor on dangerous sites with no hazard-reducing infrastructure and no services.”<sup>10</sup>*

**Climate change is alive and well...and living (often) amongst poor urban dwellers**

The issue of climate change is real. Where rapidly growing cities meet the effects of climate change, the future may well be bleak, especially if cities and towns in sub-Saharan Africa continue to be characterised by poverty, inequality and weak institutions.

**Figure 7 – Population density map: Cape Town, 2001**



Source: Turok I., Sinclair-Smith K., Shand M. (2010). "The distribution of the resident population across the City of Cape Town, 2001" *Environment and Planning A* 42(10) 2295, derived from 2001 Population Census, Statistics South Africa

One of the cities in Africa which is on the coast and has more than a million inhabitants is Cape Town. The majority of the poor live on the most flood-prone land. The map in figure 8 shows, in a slightly light-hearted way, what Cape Town would look like if the polar ice caps melted.

<sup>9</sup> <http://headdowneyesopen.blogspot.com/2010/09/is-urban-new-rural.html>, accessed on 27 October 2010

<sup>10</sup> *ibid*

Figure 8 – What Cape Town would look like if the polar ice caps melted



Source: **Chris Berens**

Land vulnerability is greatly increased because of the threat of disasters.

The flip side of this is that cities which grow without effective planning tend to be sprawling, low-density, dispersed places which generate a great deal of movement and energy use. So the carbon contribution of African cities still based on fossil fuels will also start to become more significant, especially if economic growth is driven off a manufacturing and mining base.

There is also a correlation between living in slums and vulnerability to natural and other disasters, to conflict over land and housing, and clearly to poor living conditions and vulnerability to disease.

*"Global warming and related climate changes are likely to significantly increase the weather-related risks facing human settlements, including floods, water and power supply failures and the potential associated economic collapse into 'failed cities'"<sup>11</sup> (Muller, 2007)*

### **The impact of a lack of rights on land security**

Moving on from the discussion around how location and resources affect vulnerability and security, we come to rights.

There is a great deal of evidence to show that uneven rights to land as property and the use of land mean that poor households, women and youth are often the most vulnerable. The empowerment of people in growing cities and towns in the region depends on also developing clear land rights, land administration, registration, mapping and the like. Tenure security does not need to always be based in individual ownership, but the litmus test is really encapsulated in the following question. How quickly and easily can the current occupants of land be dispossessed of that land when, for example, there is a more powerful urban actor who wants that land, when land values increase, when there is war or other conflict, when economies collapse, or even when corrupt officials or land mafias simply decide that they wish to take over?

'Land conflict' as a concept is receiving increasing attention.

According to Camilla Toulmin, director of the International Institute for Environment & Development,

*"Land rights are coming under heavy pressure, especially near towns and in high value farming areas. In West Africa, it is estimated that less than 2% of land has any formal paper documentation with most rights claimed through unwritten systems of tenure. Rights are particularly vulnerable for women, migrants, tenants, and*

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<sup>11</sup> Muller, M. (2007). Adapting to Climate Change: Water Management for Urban Resiliences. *Environment and Urbanization*, Vol. 19: 99-113



those reliant on common property resources. Overlapping rights, and the plurality of systems and institutions create conditions for contested claims and corrupt practice.

"... Such insecure rights to land tenure and shelter provide a major obstacle for promoting investment. Land competition can also trigger and exacerbate wider conflicts.

"... In Africa it is estimated that 70 percent of the urban population live in slums. Squatter populations in big cities are highly vulnerable to dispossession. The consequences of these evictions are severe: property destroyed, assets are lost, social networks are broken, and access to essential services is lost."<sup>12</sup>

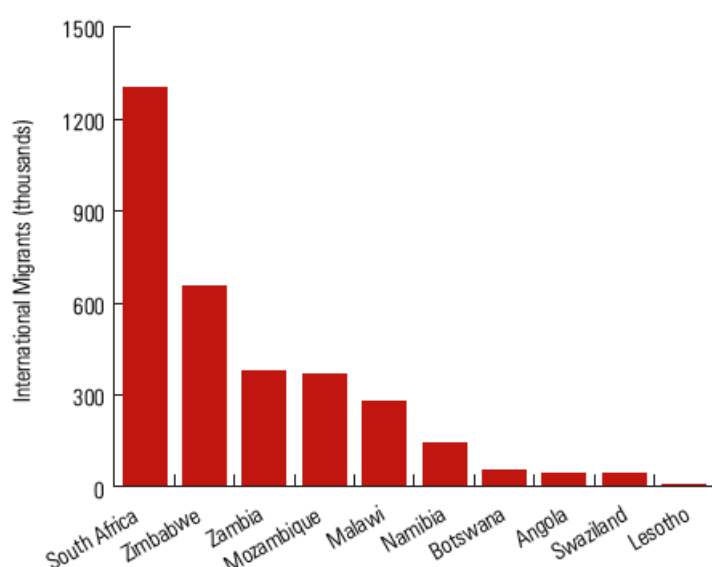
But is this really such a big problem? The Global Land Tool Network of UN Habitat certainly thinks so:

"An estimated five million people worldwide suffer from forced evictions every year. On top of personal suffering, this reduces available housing stocks just when they need to increase dramatically."<sup>13</sup>

Communities are sometimes targeted by the state for eviction for political reasons, or just because land values are increasing and so the poor are seen as too poor to live on valuable land (for example in Zimbabwe and Angola, respectively). If a neighbourhood is seen as a voting bank, their land security will increase or decrease depending on who is in power, and how the community is aligned. Or if the market in land changes, state authorities will simply relocate communities, with or without compensation, to less valuable land usually on the periphery.

But land insecurity and evictions take on a new dimension when we take regional migration into account. While the countable numbers of regional migrants may not be high as a proportion of a country's population, absolute numbers are significant and the social issues which arise can become a factor.

**Figure 9 – Estimated number of resident international migrants by origin, mid-year 2000**



Source: UN Population Division, 2004

Source: UN Habitat (2008). *The State of African Cities 2008: A Framework for Addressing Urban Challenges*

*Fragile states* which have experienced conflict or economic meltdown need to be rebuilt, and the urban poor need to be located within these reconstruction efforts (think Zimbabwe, Mozambique and Angola). *Conflict over land* and access to other citizen/non-citizen rights is becoming a reality as flows of people in the region increase. These challenges are becoming more acute in the southern African region, where the rates of urbanisation are some of the highest in Africa<sup>14</sup>.

In this case, the uncertain land rights of people living in another country, along with other factors, mean that either the authorities or communities themselves evict or threaten or injure or kill people who are from another place.

<sup>12</sup> Toulmin, C. (2006). *Securing Land Rights for the Poor in Africa — Key to Growth, Peace and Sustainable Development*. Commission on the Legal Empowerment of the Poor. January

<sup>13</sup> Global Land Tool Network (2008). *Secure Land Rights for All*. Nairobi: UN Habitat

<sup>14</sup> Urban LandMark (2010) *Concept Note for Regional Strategy: An Urban Perspective*. January

Uncertain land rights are not the only cause of xenophobic attacks, but certainly exacerbate the situation. During and after the xenophobic attacks in May 2008, witness the scramble by several city governments in South Africa to clarify whether they as authorities officially gave state RDP houses to 'foreigners' or not.

As UN Habitat said in its 2008 State of African Cities report:

*"The policies on migration in Southern Africa (and South Africa in particular) are characterised by conflicting and contradictory trends with a desire to build a dynamic Southern African Development Community (SADC) region that promotes investment, economic growth and free movement of people, versus another nationally oriented exclusive tendency that stigmatizes migrants as people who undermine the country's development. High unemployment, increasing poverty and inadequate housing and services for the majority of the population, high levels of crime and violence all fuel anti-immigrant sentiments and xenophobia in Zimbabwe, Botswana, Zambia and most acutely in South Africa."*<sup>15</sup>

So there are many dimensions to land insecurity, which are succinctly summarised by the United Nations Centre for Human Settlements (UNCHS) when it says,

*"Every individual has the inalienable right to life, liberty and the security of person. Insecurity has a disproportionate impact in further marginalising poor communities. Cities must strive to avoid human conflicts and natural disasters by involving all stakeholders in crime and conflict prevention and disaster preparedness. Security also implies freedom from persecution, forced eviction and provides for security of tenure."*<sup>16</sup>

Given how deeply the meaning of land is regarded in an African situation, as discussed at the start of this paper, it is perhaps not surprising that access to land and land rights is such a nexus of competing forces and interests. As competition for habitable land increases in the situation of rapid, largely unplanned, urban growth, and the increasing competition for resources such as water, arable land, and biodiversity, the pressure is likely only to escalate.

So what is the answer? We would suggest that fighting now for broad-based land security in southern and sub-Saharan Africa is certainly a large part of the answer.

### **What does the term 'land security' encompass?**

It is worth trying to define this idea of 'land security'.

Land security is when all people have sustainable access to (urban and rural) land which is safe and useful for sustaining life. Because land is a finite resource, we have to add to the definition that access to land should not undermine its use by other people, nations and indeed species.

The four pillars of land security would therefore be – land access, land tenure, land use and land trade.

**Figure 10 – The four pillars of land security**



### **Land Security**

Source: Own illustration

<sup>15</sup> UN Habitat (2008). The State of African Cities 2008: A Framework for Addressing Urban Challenges. Nairobi: UN Habitat

<sup>16</sup> UNCHS (2000), in Magel, H. and Wehrman, B. (2002). Applying Good Governance to Urban Land Management: Why and How? Technische Universität München. p10

The idea of improving land access is quite similar, in the urban situation, to the 'right to the city'. The right to access to urban land brings people up against current land occupiers and owners. Land access is mediated by governments in most countries, and a crucial aspect which is often ignored is broadening access to land markets. The growth of peripheral informal settlements is a function of the land market which is often quite efficient, but is mostly not mediated by government and hence leads to urban growth which does not take into account unsafe and vulnerable land.

There is a very important viewpoint, again from Paul Conneally, that:

*"One of the great challenges of the 21st century for the humanitarian aid community is to learn how to work with the untitled, the undocumented, the unlisted and the unregistered that live on the edges of our cities".<sup>17</sup>*

Learning from similar ideas in the food security literature, land access for all is obviously circumscribed by land availability, especially the availability of serviced land. Land scarcity is on the increase for a whole number of reasons (whether arable or habitable land), and how we plan and design cities affects the responsible and sustainable consumption of land.

The second pillar is land tenure, and there is a huge body of knowledge around tenure security. Feeling safe from the threat of eviction is very important for wellbeing and investment. Legal and administrative recognition of the rights to occupy land are also as important. Feelings of security may evaporate very quickly in the situations of pressure and competition that we have already discussed earlier on in this paper. But certainly tenure security is not achieved only by western-type individual private property ownership. There are other forms of tenure security which are sometimes more appropriate to many of the conditions which apply in and around southern African cities.

What is very important about recognising people's right to occupy land is that once it is achieved, and the authorities have recognised these rights, it often opens up access to other urban opportunities.

As the Global Land Tool Network says,

*"Access to land is a fundamental basis for human shelter, food production and other economic activity, including by businesses and natural resource users of all kinds. Secure rights to land encourage people to invest in improved dwellings and the land itself; they can also enable people to access public services and sources of credit."<sup>18</sup>*

The third pillar is land use.

Access to land is often not about whether an identifiable person owns the land. It is more often about a bundle of rights, many of which are use rights to space. It is fascinating to understand how many overlapping use rights obtain over any particular piece of space, and how these change over time.<sup>19</sup> Even the issue of value capture is largely about how use of land is organised, hopefully for the benefit of the poor if done in the right manner.

Land use is also about sustainability. More intense use of urban land is crucial. The biggest challenge in the southern African region is that cities tend to be growing at low densities because people do not have the resources or technologies or finance to build at more efficient densities. This may change as the pressure on urban land increases apace with urbanisation. This is what makes the current rapid urbanisation in sub-Saharan Africa very different from what has already happened in South America and Asia. We do not yet see the densities. It may be wise to consider what interventions would be needed to create urban efficiency through more intense land use. Such interventions might address how to 'verticalise' the city, but key to this is securing the place of currently poor and less powerful people within cities.

The fourth pillar is about trading and transferring land. Part of creating more viable African cities is enabling people to be able to move around. The findings of some of Urban LandMark's research show that informal markets allow quick, cheap access to land but then people find it hard to trade formally in and out of their situations. This is also true for the bottom end of the formal residential market, not to mention the small business sector. This means that individuals and households cannot easily move to follow the opportunities which make up their livelihoods.

At a city level, the best way to describe all the barriers to trading, and the resultant lack of residential mobility or 'filtering', and then the resulting urban inefficiency and further marginalisation of poor people, is to think of the city as being covered by an immobilising film, which makes it almost impossible for poorer individuals or communities to move through as they try to transact and move house or move business. The barriers are this great.

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<sup>17</sup> <http://headdowneyesopen.blogspot.com/2010/09/is-urban-new-rural.html>, accessed on 27 October 2010

<sup>18</sup> Global Land Tool Network (2008). *Secure Land Rights for All*. Nairobi: UN Habitat

<sup>19</sup> For some of these stories, as investigated by Urban LandMark, see Marx, C. and Rubin, M. (2008). 'Divisible Spaces': Land Biographies in Diepkloof, Thokoza and Doornfontein, Gauteng

Access to markets should be understood as a right and as a development necessity. Many of the tenure security initiatives which recognise and grant occupancy rights, leave out the right to trade or transfer what has just been granted!

Similarly, the ongoing disempowerment of women (and children) is often about laws and attitudes standing in the way of the transfer of occupancy or use rights over space. This means that the rights to the city which may have been won by sweat and blood by one generation may be lost to the next.

### ***Fighting for land security in southern Africa***

So why do we need to fight for land security in all its dimensions?

Entrenched urban poverty is as much a symptom of weak access to land and property as it is a cause. Upgrading settlements, and incremental movement towards secure tenure for families living in poverty is a crucial part of building resilient livelihoods and communities in southern Africa.

Markets are part of the picture if we wish to address more fundamental inclusion of the poor into the urban economy, because it is about competition for valuable space and about (sustainable) participation in growing urban economies. Comprehensive urban poverty strategies need to be linked to city development strategies. If access to land, how land is held (how secure tenure is), and how land is traded, are not clearly defined (whether for residential or business purposes), one of the key building blocks for sustainable poverty alleviation and economic growth is missing. Similar to the argument for food security, land security is fundamental to development in the region.

**Figure 11 – The ‘security’ continuum**



*Source: Own illustration*

From the evidence produced here, one could argue that land security is a development fundamental. It is as important as – and co-exists alongside – food security, income security, and even peace and security. These are all interwoven in people's lives, and all need to be addressed.

If urbanisation in southern Africa is going to have the effects that we suspect it will have, then we need to build cities from the ground up based on these sound land security principles. And we cannot leave this until later, as it leads to conflict, disempowerment, dispossession and the unnecessary consumption of vast amounts of very limited resources.

In the aftermath of the Haiti disaster, as the country began to rebuild its society and its settlements, the phrase was coined 'build back better'. This referred to the fact that if so much effort was to be put into post-disaster reconstruction, the efforts should be directed towards rebuilding places which could withstand earthquakes and other events. Interestingly, land tenure was integral to this call to 'build back better'.

A final word from Paul Conneally in his blog about the World Disasters Report 2010:

*"A new universal way of working with the urban poor must emerge from the rubble of Port-au-Prince, which will ensure that building back better in the wake of disaster means treating owners, tenants and informal dwellers equally by emphasizing security of tenure."<sup>20</sup>*

In the current southern African context, we could coin the term, 'Build Better Now'. And certainly land security must be at the centre of that effort, both in terms of poverty alleviation and then of ongoing, sustainable wealth creation.

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<sup>20</sup> <http://headdowneyesopen.blogspot.com/2010/09/is-urban-new-rural.html>, accessed on 27 October 2010