



Urban LandMark

making urban land markets work for the poor

VOICES OF THE POOR: URBAN LANDMARK REPORTS ON COMMUNITY VIEWS OF URBAN LAND ACCESS

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Land Readjustment as a Global Research Tool: Research Report Released

World Bank Report Criticizes Land Development Policies as Biased Against the Poor

Editor: Denise Buiten

Urban Landmark has recently released a report bringing to light community organisations' views regarding access to urban land by the poor. After decades of struggle among poor urban communities to access land, this report aims to highlight the troubles faced by these communities through the voices of community representatives. The report, produced for Urban Landmark by the Development Action Group (DAG), is based on a series of workshops held around the country in partnership with urban development NGO's. Attended by 105 participants from over 30 organisations, these workshops were held during May and June 2007 in Johannesburg, Cape Town, Port Elizabeth and Pietermaritzburg.

A wide range of obstacles to accessing urban land by the poor were identified. However, the biggest obstacles identified were linked to South Africa's colonial and Apartheid legacy. Poverty and unemployment, making land ownership unaffordable for many, as well as the legacies of structural Apartheid in the form of unequal patterns of land ownership, were identified as key obstacles to land access by the poor. For many community representatives, the existence of a property market resulting in high land prices was viewed as part of the problem.

"Market values, especially in urban areas, are set ridiculously and intentionally high. They are not accessible to the poor and working class" - Cape Town workshop

Government implementation of policies (rather than the policies them-

selves) was not commonly regarded as being pro-poor, with many community representatives noting difficulties in dealing with local government officials such as ward councillors and municipal officials. This included perceptions that corruption and party politics were overriding community needs. A lack of meaningful community participation in decision-making, as well as inadequate access to land access related information for the communities, were further stressed as significant stumbling blocks for access to urban land.

"[There is] a gap between the language of communities and the language of government - communities are often intimidated by 'official' language" - Cape Town workshop

The land market was also generally perceived as an alien entity with which community organisations felt they could not engage. While some community representatives felt there were opportunities for estate agents to emerge as role-players in the low-income property market, for many the land market remained inaccessible, with a number of community representatives indicating a negative view of property finance systems. A typical view of mortgage finance, for example, was that "after getting a bond it's so hard to pay it off you end up in the informal settlement again".

A good deal of scepticism existed regarding RDP housing, and despite apparent widespread awareness of the restriction on the sale of RDP houses, the informal sale of RDP houses was seen as an inevitable result of poverty, as well as the additional availability of

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rural homes to be fallen back on by those wishing to retire. In contrast to scepticism around RDP housing itself, views emerged that the Housing Subsidy Scheme was extremely important in accessing land. This was a common theme throughout the workshops. For many participants, this was considered to be the only way that they would ever gain formal access to urban land and housing.

“The RDP houses that are being built are too small for families – it is an insult that father, mother, son and daughter should all have to sleep in one room”
- Pietermaritzburg workshop

Informal tenure arrangements were regarded as popular for their quickly accessible and flexible nature. On the one hand, some community representatives agreed that informal tenure arrangements could be successful and play an important role if monitoring and control from strong community organisations could be set up.



<http://news.bbc.co.uk>

On the other hand, however, perceptions of informal tenure arrangements were closely associated with the difficulties of life in informal settlements, including uncertainty about the future and a lack of access to services and safe living conditions. Fear

“Informal arrangements work in the context of people coming and going... there is a constant influx of people coming and going so you need to be able to accommodate these people”
- Johannesburg workshop

over poor conditions in informal settlements is leading to the resistance of communities around the country to relocation out of currently occupied peripheral areas, despite these areas being far from jobs and facilities.

An array of proposed actions towards greater access for the urban poor was suggested by participants. Undertaking land audits to identify vacant and underutilized land, and the pro-active acquiring and releasing of land for the poor, were seen as crucial. Calls for greater state interventions and control regarding the granting of land rights to ensure that land is more affordable to all were also common. For example, it was suggested that well-located state land could be leased to the poor rather than being sold.

Community networking and mobilisation was also considered highly important towards creating change. Education and capacitation were seen as preconditions for this, and access to information in particular was framed as imperative towards mobilisation. Greater access to information about land rights, vacant land, government procedures and credit, to name a few, were among the suggestions made.

“Homes in rural areas have cultural importance and therefore people prefer not to give up these homes when they move to urban areas”
- Johannesburg workshop

In addition, meaningful consultation and participation of communities in decision-making was seen as critical towards ensuring decisions made reflect the real needs and challenges of affected communities. Again and again, the feeling emerged that decision-makers do not understand the real problems faced by poor communities.

“We need government to come closer to the people, not through indabas but through sharing the daily challenges and problems that communities are suffering from”
- Pietermaritzburg workshop

It is hoped that this report will serve to contribute towards highlighting the need to overcome this divide through greater engagement of the state, particularly at a local level, with communities struggling to access well-located urban land.



www.ethesis.net

Urban Landmark intends to continue its work in advocating for the recognition of both the problems encountered and initiatives undertaken by the poor in accessing urban land, in partnership with NGO's active in the urban development sector.

The full report is available on the Urban LandMark website.

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DFID LAUNCHES POLICY PAPER ON BETTER LAND ACCESS AND SECURITY FOR THE POOR

DFID has recently launched a new policy paper entitled “Land: Better Access and Secure Rights for Poor People”. The paper addresses two key problems related to land access for the poor, namely the unequal distribution of land, and the lack of secure tenure for poor people.



www.answers.com

The paper highlights the importance of equal access to land in promoting and sustaining growth, pointing out that unequal land access severely restricts opportunities for the poor and that growth is faster in countries where land has been more equally distributed early on. Furthermore, the paper focuses on the need to improve security of land tenure in a developing country context where a lack of security of tenure makes the poor vulnerable to evictions and discourages productive investment in land.

“Secure property rights provide a basis for tackling disputes over land and can reduce the risk of conflict”
- DFID Land Paper2007

The issues of growth, governance and gender form the central focus of the paper. Highlighting progress made in terms of growth through land access, the paper addresses

the link between fair and efficient access to land, secure land tenure and economic opportunities. It argues that secure access to land enhances growth by improving the environment for business and the ‘investment climate’.

The issue of poor governance is also discussed in reference to obstacles preventing the poor from accessing land and securing land rights. Among the greatest challenges raised in the paper in this regard are weak legal and institutional frameworks, corruption and chaos in land administration systems and the deterioration of customary systems of common property resource management. The paper argues for improved community access to land that is unused, the empowerment of landless people towards asserting their land rights and legal support for the poor to engage in fair dispute resolution.

“People with insecure tenure rights are often forcibly removed from their land without fair compensation or due process”
- DFID Land Paper2007

Gender issues form a third thread that is woven through issues of governance and growth. Ensuring secure land access for women, who form the backbone of agriculture in many developing countries, is raised. For example, the paper indicates that women in Kenya provide 70% of agricultural labour in the country, yet only 1% of these women own land. The paper further indicates that gendered inheritance rights and, their implementation, need to be attended to.

DFID outlines its approach to addressing these critical land issues through the following:

- Tackling both urban and rural land problems
- Supporting country-led approaches to land access for the poor
- Supporting global land access initiatives

“Powerful elites continue to use their discretionary power and influence over land allocation for political and personal advantage. Poor people are denied access to vital information and so are prevented from accessing land”
- DFID Land Paper2007

Recognising the increasing link between urban and rural areas through livelihoods, economics and migration, the paper draws attention to the role of Urban Landmark as part of two linked DFID programmes in Southern Africa. Urban Landmark aims to contribute towards improving institutions and regulatory frameworks which enable the poor to access urban land. An associated rural land programme aims to improve farmers’ security of tenure and land access during the land reform process.

The paper is available at:
<http://www.dfid.gov.uk/pubs> under the year 2007



<http://www.msh.org>

LOCAL NEWS

CHALLENGES OF LAND RESTITUTION IN SOUTH AFRICA

Concerns at the protracted process of land reform and the ongoing demand for low income housing in South Africa has recently led to a number of illegal land occupations. In a BBC news report on the ongoing land issue in South Africa, the most recent highly publicised incident has been the occupation of an area outside Kempton Park by over 5000 squatters, who face impending eviction.

Despite the top priority given to South Africa's land restitution programme in 1994, only 12 000 claims of a total of 68 000 have been settled to date. Less than 2% of formerly white-owned land has been redistributed to black people in South Africa. Pro-

The National Land Committee has been warning the South African government that its approach to land restitution needs to be rethought to avoid the kind of situation facing Zimbabwe

longed court processes, where cases are fought individually by merit, have been identified as part of the problem of slow-moving land restitution, particularly in the context of poor financial and legal resources for claimants. The National Land Committee, representing nine land rights related NGO's, has been urging the government to reconsider the way in which land restitution is undertaken, noting that should the land restitution programme fail, the situation facing Zimbabwe could be a threat in South Africa too. The Land Committee has suggested that South Africa follow a similar policy to Brazil's "use-it-or-lose-it" policy, which has distributed 21

million hectares of previously unproductive private land to more than 30 000 landless poor in 12 years.

(Carolyn Dempster for BBC News at <http://news.bbc.co.uk/2/hi/africa/1433522>)



<http://news.bbc.co.uk>

THE HIGHS AND LOWS OF SOUTH AFRICA'S PROPERTY BOOM

The booming property market in South Africa has created both opportunities and constraints for the professional class. Reggie Nkosi, who ten years ago ventured into the property market through the purchase of a flat in Yeoville, Johannesburg, is an example of the benefits of property market entrance prior the dramatic property boom.

This former political prisoner and waste management specialist now enjoys living in a five-bedroom home in the affluent suburb of Houghton and is involved in a large property development deal involving the building of 250 middle-class homes in the town of Nigel on the outskirts of Johannesburg.

House prices in South Africa have more than doubled in the last five years on the back of low inflation and improved rand value

to the dollar. Those who entered the property market early on are therefore reaping the benefits now. As Reggie Nkosi says, "You can't go wrong with property".

"House prices have more than doubled in the last five years on the back of low inflation and improved rand value to the dollar."

However, he also acknowledges that "houses are becoming prohibitively expensive – first time buyers are being squeezed out". Today, aspiring young professional home-owners find it increasingly difficult to penetrate the peaking property market. For some, buying property in emerging areas on the outskirts of cities is the only means by which to pierce the market. Another trend among Johannesburg property developers is the selling of residential units off plan. Buyers put down a deposit to secure a property and only begin paying the bond off when the building is ready for occupation.

(Justin Pearce for BBC News at <http://news.bbc.co.uk/2/hi/africa/4963160.stm>)



<http://news.bbc.co.uk>

LOCAL AND INTERNATIONAL NEWS

LAND READJUSTMENT AS A GLOBAL LAND TOOL: RESEARCH REPORT RELEASED

The need for radical change to the structure of old cities to meet the changing needs of the population is addressed in a 2007 research report published by the Royal Institution of Chartered Surveyors (RICS) in conjunction with Anglia Ruskin University.

The report centres on the worldwide need to examine the possible means by which to reassemble land for urban development. While two common methods are used, namely voluntary cooperation between land owners and compulsory purchase by public authority, the research report aims to go beyond these two opposite ends of the spectrum.



www.strategicassets.co.uk

In the study, Rob Home of the Anglia Ruskin University in the UK provides background discussion to land readjustment towards the raising of awareness of its possibilities in the English-speaking world.

Available at www.rics.org

“Many of us now live in cities that are hundreds or thousands of years old. An inevitable consequence of the organic and informal nature of the growth of cities is that radical change to their physical structure is needed from time to time, if they are to thrive and prosper”
- Home, 2007

WORLD BANK REPORT CRITICIZES LAND DEVELOPMENT POLICIES AS BIASED AGAINST THE POOR

South African land affairs officials are investigating a World Bank report that, through the use of a South African housing development case study, has made recommendations including the scrapping of many of the laws regulating low-cost housing and township development. These include recommendations to locate low-cost housing settlements in valuable peri-urban land, to reduce environmental impact assessment requirements for township developments and to encourage the sub-division of larger land holdings.

The effects of spatial apartheid in South Africa have been fingered in the report as a core problem in addressing problems such as unemployment, poverty, crime and HIV/AIDS. Furthermore, the World Bank report argues that while race-based laws such as the Group Areas Act have been removed, the effect of new laws and regulations has been to give local and provincial officials the ability and the incentive to reproduce settlement patterns akin to those imposed during apartheid.

The report relates the case study of the Muldersdrift Home Trust Foundation who started a savings scheme to purchase land for mixed-use development comprising low-cost housing nearer to jobs and facilities. A decade later, after two cancelled sale agreements and a settlement of R250 000 with local land owners for not

buying land in their neighborhoods, the realization of the village of Ethembaletu (“Our Hope”) remains elusive. While 30 ha has been allocated 4km away, paid for by the provincial housing and land affairs departments, objections to Ethembaletu’s development threaten to collapse their plans to begin building.

Objections to Ethembaletu’s development threaten to collapse their plans to begin building

Among these obstacles is the provincial authority managing the Cradle of Humankind, which aims to create a buffer zone around the world heritage site. “There will be no sub-divisions and no township developments, whether lifestyle estates or low-cost housing”, says Cradle manager Michael Worsnip. “We can’t have the area looking like a suburb of Jo’burg and expect to attract tourists”.

Furthermore, environmental and heritage regulations, requiring costly and complex assessments, have been criticized in the report for being inherently biased against the poor. The report outlines some of the challenges faced in the pursuit of development of Ethembaletu, and makes recommendations to simplify approval processes and procedures to accommodate poorer communities.

(Stephen Hofstätter at <http://secure.financialmail.co.za/07/0713/features/afeat.htm>)

The report is available at http://siteresources.worldbank.org/INTSOUTHAFRICA/Resources/Ethembaletu_Final.pdf

Urban LandMark is a programme of DFID Southern Africa.

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