

Land for housing in African cities: are informal delivery systems institutionally robust and pro-poor?



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Aims of the research

- to improve understanding of informal urban land delivery systems
- to increase understanding of the institutions (formal state law and informal social rules) that underpin land transactions and disputes
- to assess the strengths and weaknesses of alternative land delivery systems
- to identify and explore implications for policy



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Hypotheses



- success of informal land delivery systems is due to their
 - practical attributes
 - social legitimacy
- as urban development proceeds the informal institutions that regulate land transactions and use change
 - over time, including borrowing from formal rules
 - between residential areas depending on their stage of development
 - may break down.



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Case study cities

- Criteria for selection:
- Anglophone
 - different
 - colonial & post - colonial policies
 - governance arrangements & experiences
 - medium sized cities
- Eldoret , Kenya: *Rose Musyoka*
 - Kampala, Uganda: *Emmanuel Nkurunziza*
 - Enugu, Nigeria: *Cosmas Uche Ikejiofor*
 - Gaborone, Botswana: *Faustin Kalabamu and S Morolong*
 - Maseru, Lesotho: *Clement R Leduka*
 - Lusaka, Zambia: *Chileshe L Mulenga*



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Methodological approach

- city level analysis
- 3 residential settlements
 - peripheral developing
 - partly consolidated
 - consolidated/ inner city
- secondary sources
- primary data:
 - sample surveys of ploholders
 - key informant interviews
 - focus group discussions
- court records



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Channels of land delivery for housing

- **Approach to analysis:** identification & assessment of all the main channels of land delivery for new development, especially for low income groups, moving from most formal to least formal
- **Criteria for assessing strengths & weaknesses**
 - Scale
 - Cost to those seeking land
 - Security of tenure
 - Access to disadvantaged groups, especially the poor and women
 - Service provision
 - Dispute resolution



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Channels of land delivery

a) Allocation of publicly owned land

- Significant only in Gaborone



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b) Purchase of land through the market

- Eldoret – dominant for all income groups – informal subdivision by landbuying companies
- Kampala – dominant for all income groups, subdivision by *mailo* owners and tenants



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b) Purchase of land through the market

- Lusaka: Informal subdivision and 'sale' by party or local government officials within or adjacent to settlements designated for regularisation
- Purchase of undeveloped land from existing plottolders.



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c) Delivery through state-sanctioned channels

- Botswana Land Boards
 - customary land vested in boards on behalf of citizens for allocation to individuals
 - Issue customary land certificate for indefinite period



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d) Delivery of customary land to members of the group

- Maseru
- Enugu



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e) Purchase of customary land

- Maseru – predominant & open



- Enugu – predominant (also formal layouts)
- Kampala – significant
- Gaborone – significant (predominant in peripheral areas, but disguised as inheritance)



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e) Self allocation

- **Kampala** – wetlands
 - Strength – immediate free access by the poor
 - Weaknesses
 - Later subdivided for sale – illegal sales of government land
 - Poor environmental conditions
 - Unserved & often difficult to service
 - Insecure
- **Maseru** – of family land, by women, small numbers
- **Gaborone** – limited, of family land, in peripheral customary area (though term used by government to express disapproval of informal subdivision)



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Main conclusions

- Informal land delivery systems are
 - a response to failure of the formal system + low levels of compensation when land is appropriated
 - often effective in delivering land for housing, due to their characteristics and social legitimacy



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Main conclusions (cont)

- It is no longer possible for poor households to access land + relatively minor exceptions
 - Members of indigenous landowning communities in Enugu
 - Settlers in wetland areas in Kampala
 - People who pool resources to buy part-shares in landbuying companies in Eldoret
 - Allocation of customary land or serviced plots in Gaborone
 - People with good political connections in Lusaka
- For many new households, esp. the poor, the only way of accessing urban property is through parents
 - plot sharing or subdivision
 - inheritance
- Scope for this will decrease in future



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Main conclusions (cont)

- Majority obtain land through purchase
 - Sales of customary land (Maseru, Enugu, Botswana)
 - Informal subdivision by land buying companies (Eldoret)
 - Informal subdivision by *mailo* owners & tenants (Kampala)
 - Semi-official 'sale' by local government officials & party leaders (Lusaka)



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Main conclusions (cont)

- Institutions (social rules) that regulate transactions tend to be derived from customary institutions, but these
 - have changed over time
 - borrow from and mimic formal rules and procedures
 - take advantage of formal rules (especially ambiguities and inconsistencies in them) where possible
 - when they weaken, actors seek to use formal institutions: state law - courts, title



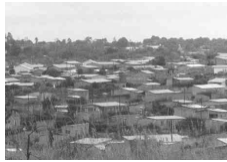
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Main conclusions (cont)

Informal delivery systems have both

- strengths (provide significant supply of land to various groups, sometimes including relatively poor & women) and
- weaknesses (sometimes poorly located & planned, & generally inadequately serviced)



Their contribution is constrained by their relationship with the formal system & gov't, as much as by their own shortcomings



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Policy implications

- Informal land delivery systems should be tolerated and accommodated, but
 - Weaknesses identified and addressed
 - Strengths identified and enhanced
- Security can be enhanced by accepting documentation innovations in informal systems –
 - Popularly understood
 - Cheap and procedurally simple



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Policy implications

- Recognition can contribute to
 - Service provision (via cost recovery)
 - Revenue generation for local authority
- BUT Recognition and acceptance may further disadvantage the poor
- Legislation needs to be revised and formal land administration decentralised
- Adequate compensation when land is expropriated would improve relationships between government and actors in informal systems & deter premature subdivision



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