Pro-poor land policy development

Process, guidelines and lessons

prepared for Urban Management Training Program
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Outline

- ▢ Objective and approach
- ▢ The land rich continent in perspective
- ▢ Policy and policy development concept: an overview
- ▢ What does pr-poor mean?
- ▢ Pro-poor land policy: the big picture
- ▢ The nuts and bolts: process description, steps, and guidelines
- ▢ Few words on gender and land tools
- ▢ Conclusion

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Does any country need a land policy? Why?

What is the thinking in South Sudan about land policy?

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Objective and approach

Objective

- To share land policy development experience gained from working with a number members states

Approach

- Not to provide a blueprint: policy articulations is context specific and needs to respond historical, institutional, ideological, developmental, etc circumstances of nations

- More nuanced discussion drawing on the experience of several member states rather than a simplistic framework based on conventional policy cycle

The land rich continent in perspective

Strange maps:
size of Africa's land mass

United States of America
9,372,180 sq km

India
3,166,830 sq km

Argentina
2,766,889 sq km

Western Europe
4,939,927 sq km

Africa:
30,301,596 sq km

Other named countries:
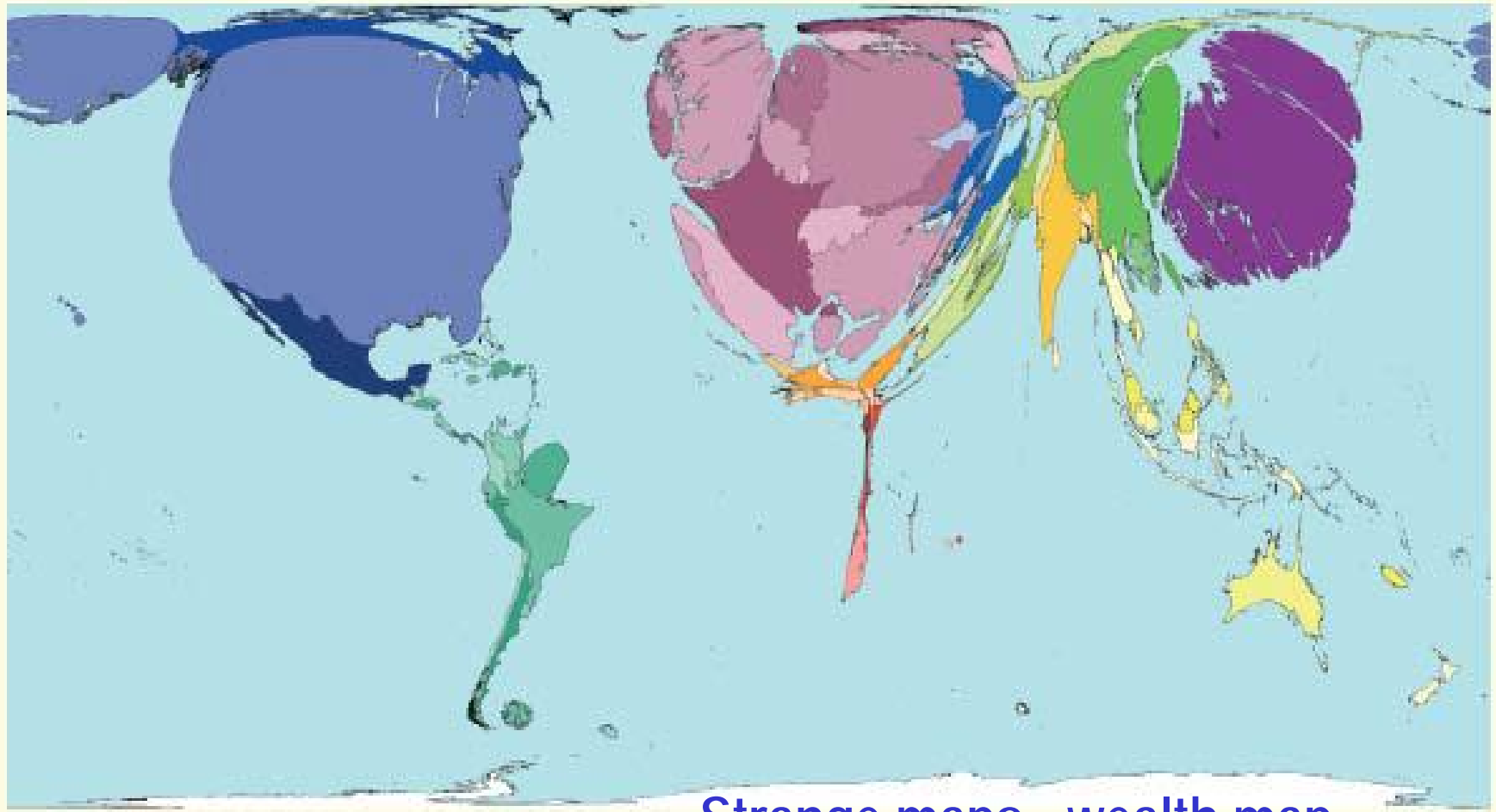29,843,826 sq km

China
9,597,000 sq km

AFRICA IN PERSPECTIVE
People often underestimate quite how large Africa is, so we figured we'd put it in perspective by transposing as many of the world's other countries over it as we could. As you can see, Africa is larger than China, the USA, Western Europe, India, Argentina and the British Isles... combined!

Source: The Times Atlas

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The land rich continent in perspective
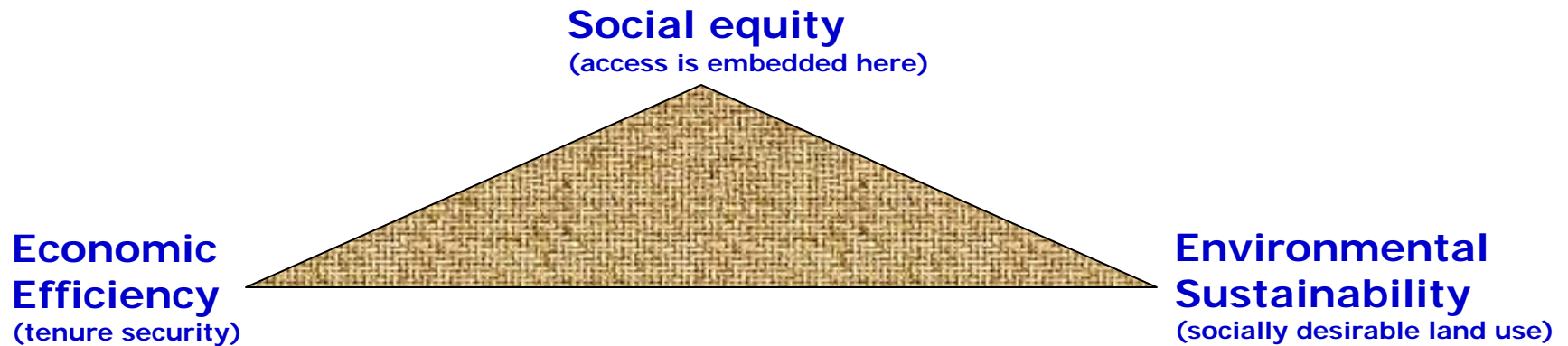

Strange maps - wealth map

Source: Worldmapper

Some interpretations of the strange maps (previous workshop partcipants)

- *Land is our first and foremost resource*

- *Land rich doesn't really mean rich at societal level*

- *Unutilized / underutilized / unrealized resource*

- *Not a resource since it has barely contributed to wealth creation*

- *A curse – the source of our misery via home-grown and external scramble*

- *Symbolizes a failing continent / the two maps are embarrassing*

- 2nd Map: resizes the area of a country to reflect GDP; originally used to illustrate the benefit of big cities, mobile people and connected people

- Comparison of 1st and 2nd: irrelevance of unused/underused land (in economic terms); though in Africa…ancestral land has social / spiritual value!

Policy and policy development concept: an overview

- Policies are political statements at the highest level (of a government and / or a nation and / or a sub-national entity) that determine broad directions; they are different from laws which are 'commands to officials and citizens alike'

- All countries don't have land policies; land Policy Research Report (PRR), a seminal work of the World Bank (2003), urges governments develop national land policies, because land policies are now considered central for sustainable growth, poverty reduction and good governance

- Striking the right balance among competing goals of land policy

Social equity
(access is embedded here)

Economic Efficiency
(tenure security)

Environmental Sustainability
(socially desirable land use)

Pro-poor land policies? What does pro-poor mean?

- Anti-rich? Anti-middle class?
- Pro-poor first and foremost means fighting existing policy development mindset and practice that often marginalize the poor
- It is also about consciously targeting and getting on board a section of society (the majority of the population in most developing countries) that is the core of development endeavors
- It is about targeting women
  - The axiom 'poverty has a woman's face' is not a cliché
- Pro-poor articulates the poverty reduction / alleviation agenda;
- Pro-poor augurs well with the Millennium Declaration/MDGs.

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Pro-poor land policy: the big picture

Two major components

- Political
  - policy development is essentially a political process; it entails decisions in the political arena from inception all the way to implementation and evaluation
- Technical
  - Policies are informed by expert knowledge
  - Expert knowledge can be detrimental or beneficial

Timeframe
  - Reforming land systems through comprehensive policy requires many years; think in different time horizons (short, medium, and long term)

Distinguish between process and products
  - How to get to your destination
  - And what to get at the end of it all

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The nuts and bolts of pro-poor land policy

Visualize a series of crucial steps / actions:

- Set–up a coordination entity
- Conduct baseline/background information
- Prepare for broad consultations (a series of workshops)
- Aim for inclusive process that allows representation of all stakeholders
- Politics take precedence
    - secure trust in and buy-in of the process;
    - keep focus with a healthy dose of technical issues;
- Technical details come next
- Develop an action plan

The nuts and bolts of pro-poor land policy

- ❑ Possible contents of the action plan
  - Activities for issue based seminars
  - Study tours (to gain experience, motivation, etc)
  - Special studies
  - Presentation of 'best practices'
  - Public consultation / mass communication
  - Build political alliances / nurture political champions
  - User surveys, institutional legal assessments
- ❑ Establish thematic groups to trash out issues not suitable to large stakeholders' gatherings. Examples:
  - Legal and institutional
  - Data and records systems: land information; LIMS; SDI
  - Information, education and communications (IEC)
  - Capacity building

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The nuts and bolts of pro-poor land policy

- ❑ Building on what already exists: rationale
  - ■ There may be worthwhile practices and systems and institutionalizing some of these may be one of the policy imperatives; e.g., customary allocation of land rights;alternative dispute resolution mechanism.
  - ■ There may be good practices out there; these make 'reinventing the wheel' unnecessary; e.g., group tenure in low cost social housing scheme.
- ❑ Dealing with specifics / finding answers for issue
  - ■ This has to be done in an incremental manner and very often leads to drawing up the policy draft

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Is a long, complex and often litigous policy development and approval process acceptable?

Is this in interest of national consensus, especially in polarized societies?

The nuts and bolts of pro-poor land policy

❑ Managing the politics of the process: critical success factors

- Allow for fatigue and resistance
- Ensure government is the owner of the process; this prevents disowning the product
- Secure and build buy-in (if and when possible from all stakeholders)
- Select and deploy knowledgeable, skilled non-polarizing process facilitators; choose competent leader for the coordination set-up
- Allow momentum to build and secure consensus at least from major stakeholders
- Keep development partners in the background

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The nuts and bolts of pro-poor land policy

- ❑ Addressing technical issues
    - ■ Beware of the vested interests of the technocrats (direct or proxy)
    - ■ Beware of technical overindulgence (avoid elitist systems, standards, norms, etc)
    - ■ Acquire second opinion on technical matters (preferably from outsiders…consultants)
    - ■ Explore how user perceive systems proposed by experts (the experts don't resist the temptation of fancy concepts and state-of-the-art solutions)
    - ■ Factor in cost implications of proposed solutions and carefully consider the means to pay for the solutions
- ❑ Keep people informed and involved every step of the way

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The nuts and bolts of pro-poor land policy

❑ Supporting approval and implementation
- Get the policy approved at all levels: ministry, council of ministers / cabinet, and parliament; use appropriate instruments (e.g., sessional papers)
- Enact laws
- Mobilize resources (implementing land policy is a costly venture)
- Set up implementation framework as per the provisions of the policy
- Build capacity: new policies entail new knowledge, skills and attitude
- Ignore policy implementation monitoring and evaluation at your peril

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Towards synthesis / big picture: major factors for dismal land sector…

Convergence of ideas: Dysfunctional land governance / management:

- UN-HABITAT / GLTN: blockages in development and implementation of good land systems are not of purely technical or managerial origin; much of this is due to vested interests
- WB: the biggest threat to land policy success is a public policy and governance framework that is too slow or too captured to respond to the rapid urban growth.
- Resources exist, but not the capacity and willingness to tap into them; promising ideas never implemented successfully, not because of their technical quality or social relevance, but because of outright petty political or economic interests

How does failed land governance / management manifest?

- Failure to anticipate growth and the resultant huge shortfall in supply of serviced land;
- Dysfunctional land markets. This is important because land determines shelter affordability;
- Poorly functioning land use planning
- Archaic land tax systems…characterized by private appropriation of publicly created values
- Obsolete land administration systems;
- Fragmented land institutions;
  - Land corruption;

Relevant items in policy / reform agenda: from urban perspective …..

- Revisit State's role in land in the context of land policy reforms (Africa land policy framework); positive relationships between less dominant public sector involvement in land development and better land market outcomes (Bank research finding);

- Enhancing tenure security through context specific solutions is vital. Tenure security

  - affects the ease with and price at which often high value land can be alienated to different uses and users

  - is a fundamental ingredient in the process of connecting growing urban populations with housing finance

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Relevant items in policy / reform agenda: from urban perspective …..

- Equitable distribution of benefits and costs; a system of land taxation whereby benefits from publicly created land value can be shared makes economic sense / promotes social justice…in line with the **polluter pays paradigm**;

- With growth of cities and towns, strategies that ensure rights to land and housing for the poor while facilitating investment are essential (preventing dispossession and marginalization!);

Conclusion

- Policy is as good as its implementation; hence, a good land policy is only half the solution to land issues.

- Land policy is a means to achieve goals mentioned earlier; it is a means to
    - political end (equity)
    - economic end (efficiency)
    - environmental end (sustainability)

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