

Tenure Security Facility Southern Africa Tenure perspective

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Urban LandMark

Informal settlement upgrading and Tenure

- Slum upgrading as a basket
- Different components of slum upgrading as eggs in a basket
- Tenure is one egg in the slum upgrading basket
- What is tenure?

Secure Tenure

- FORM - individual ownership, group ownership, rental and variations
- FORM in itself does not bring tenure security
- Ability to enforce a socially and politically meaningful and socially legitimate tenure system is what makes tenure more secure, regardless of what “type”, form or option of tenure it is

Defining tenure

- Rights
- Responsibilities
- Benefits
- Rules and processes
- Authority

Defining tenure

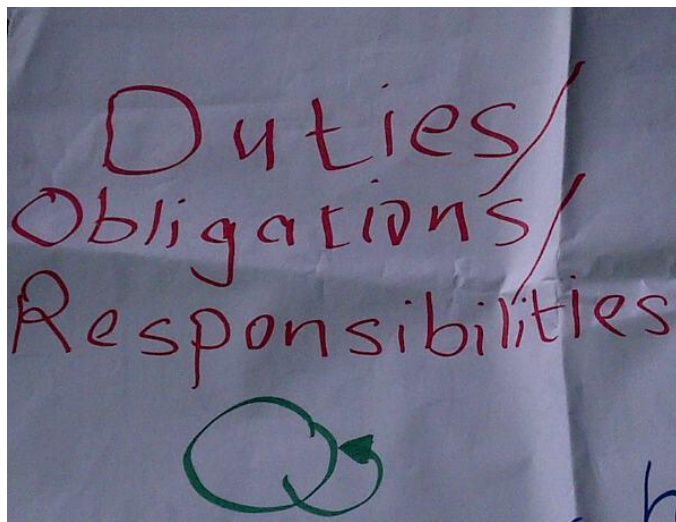
- Tenure is about the procedural and substantive aspects of land holding as follows:
 - *Rights and obligations* to property, and *benefits* flowing from property, and the *processes* and *procedures* through which rights, obligations and benefits are invoked and materialized;
 - *Authority* in relation to these rights, duties and procedures;
 - Social and institutional *practices* governing rights, duties, benefits, processes and procedures (Leap 2008).

Tenure rights: sticks in a bundle



- Rights:
 - To settle, live here, occupy
 - Grow trees
 - Build houses
 - For agriculture – gardens
 - To sell
 - To share
 - Inheritance, wills
 - Rent

Tenure obligations: the flip side of the coin



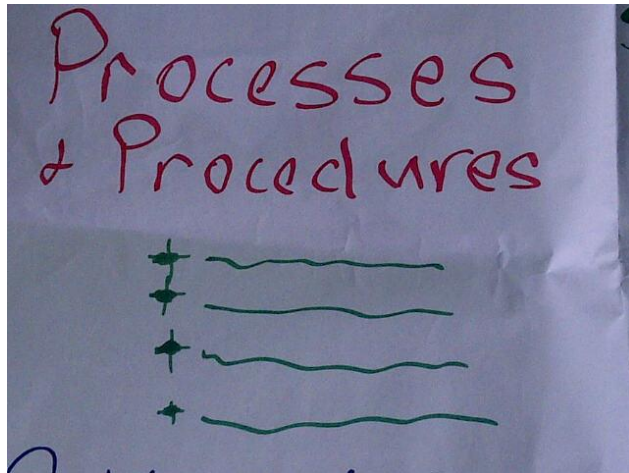
- Security – have a hedge for boundary, get a letter from chief (disputes), go to land department for beacons and title deeds
- Live well with your neighbours (e.g. Witchcraft)
- Use land properly – rubbish pit, latrines
- Manage grey water

Tenure benefits



- To live freely
- Income
- Respect
- Inheritance
- Loans

Processes and procedures for governing tenure

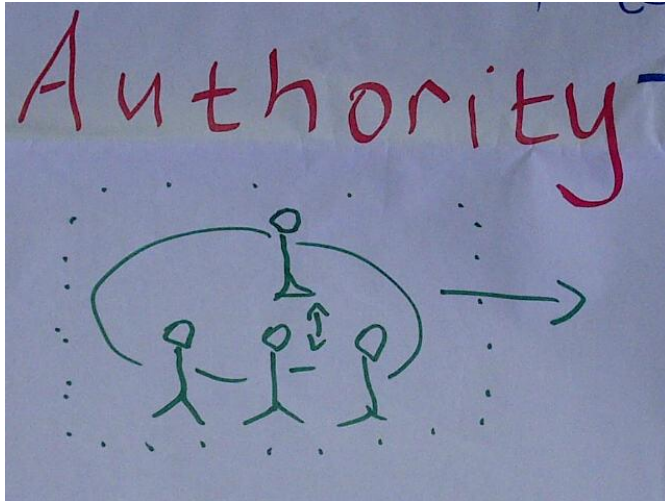


- Slum upgrading is driven by outsiders
- This is a threat – people are not open to tenure discussions – they fear eviction

- Stated practice – what people say happens here
- Actual practice – what actually happens here

CHANGE

Power and authority in tenure arrangements



Custom and Law



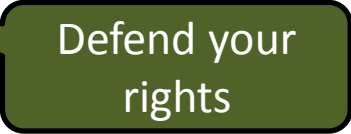

Block
leaders

Chiefs

Others

	Who?
Rights	
Obligations	
Rules	
Benefits	

Tenure security

- Freedom from 
- Freedom to 
- Legitimacy
 - Is what secures tenure
 - Local, social, political



Tenure security in slum upgrading

- Ownership itself not problematic in principle, but ...
- Legacies of dispossession and exclusion : colonisation, apartheid, post colonial freedom
- How property is experienced and valued by people:
 - More of a family asset than an individual one, so titling an individual in some circumstances does not make sense, and neither will it “stick”.
 - This is not a problem of understanding or capacity, to be solved by consumer education, as is often perceived.



Individual ownership

- But ownership simply isn't happening for many poor Southern Africans.
 - nothing in between the potential of eviction and the provision of title
 - ***How can people have more tenure security, to improve their lives, while they wait for a title that may or may not come in their lifetime?***

Tenure security and informal settlement upgrading

- **Recognise** don't replace
- Adaptation
- One step at a time – **incrementalism**

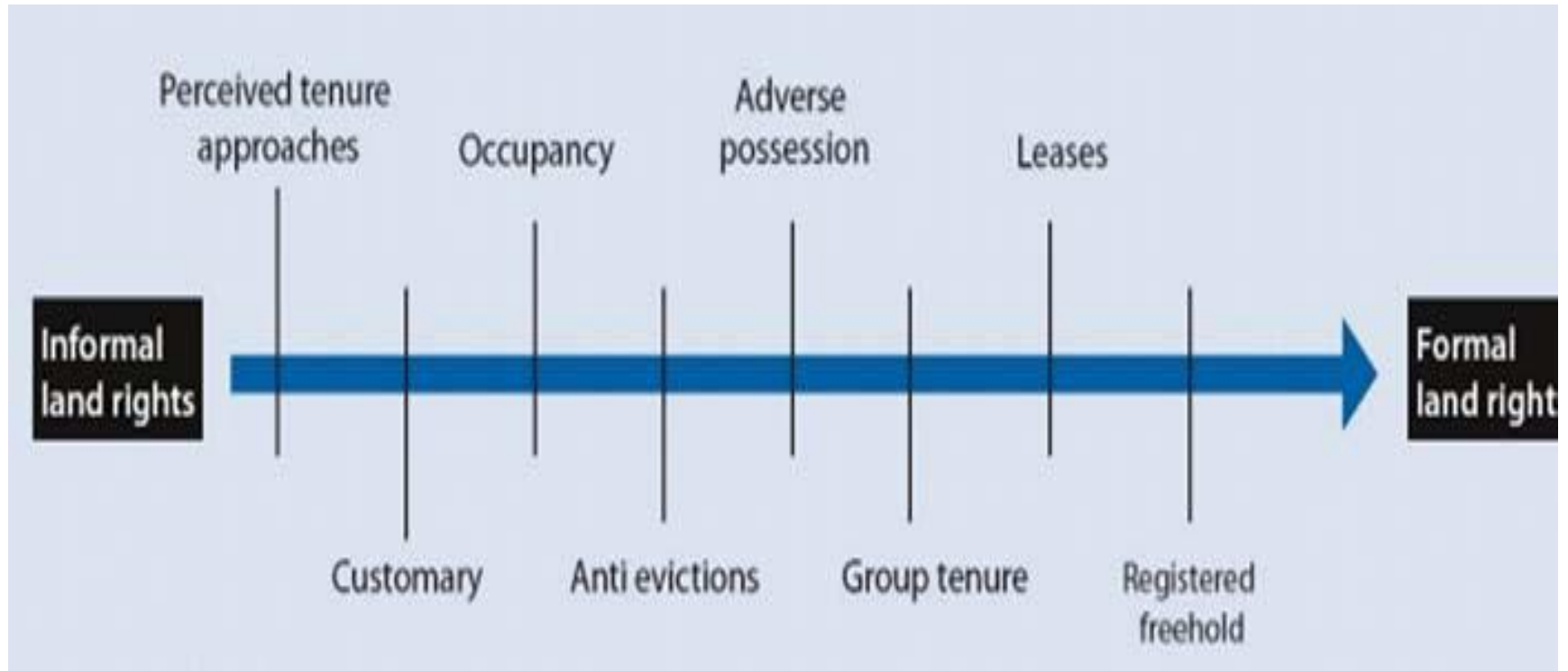
A case for incremental tenure security

1. Opening up more routes into the formal system
2. Giving greater recognition to existing informal mechanisms
3. Unhelpful binaries and the dual economy hypothesis
4. Stepping stones – learning from rural land reform
5. Resource arguments for an incremental approach

The development of a concept

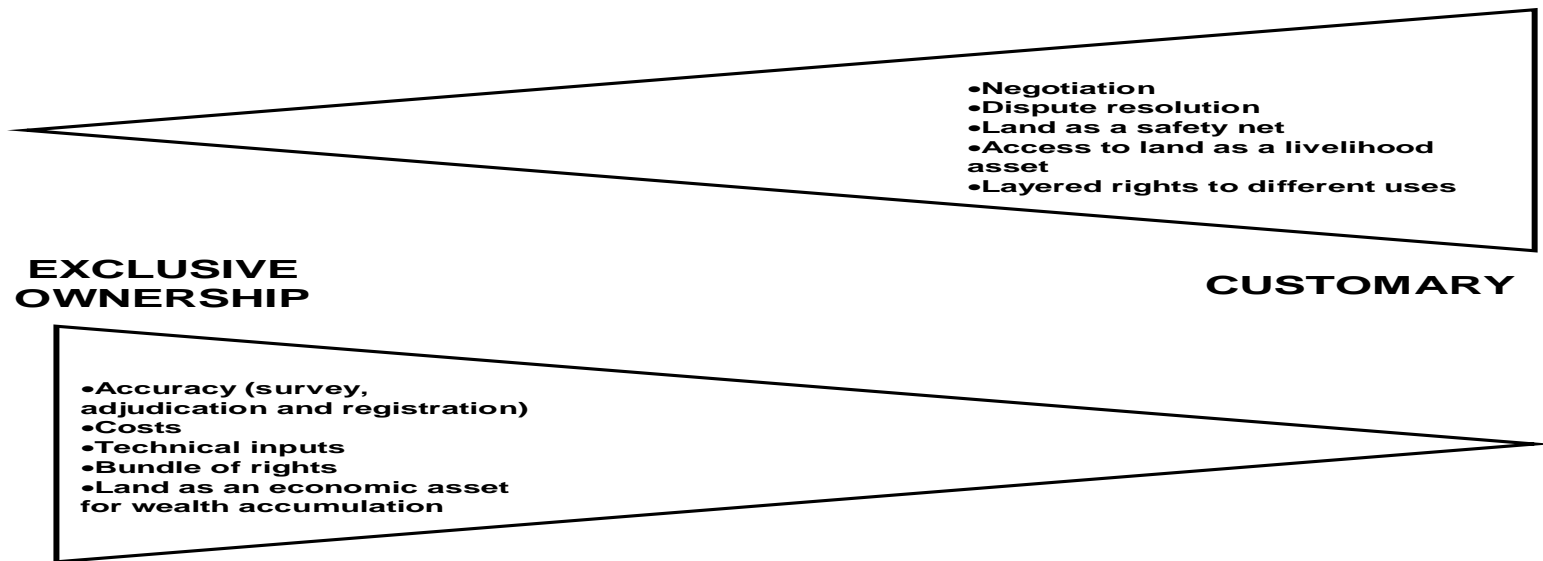
- A short narrative:
 - UN Habitat
 - LEAP
 - Urban LandMark approach
 - Application in Maputo

UN Habitat



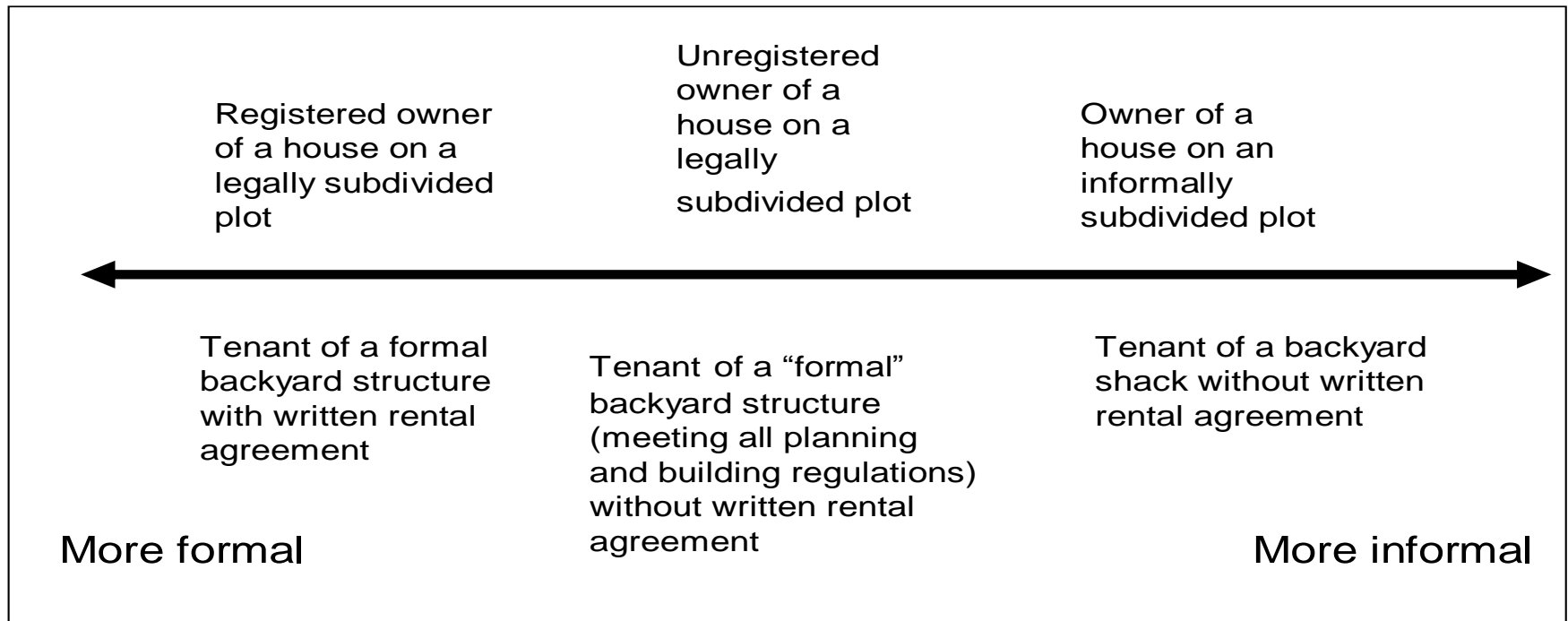
Source: UN-Habitat

Leap (1)



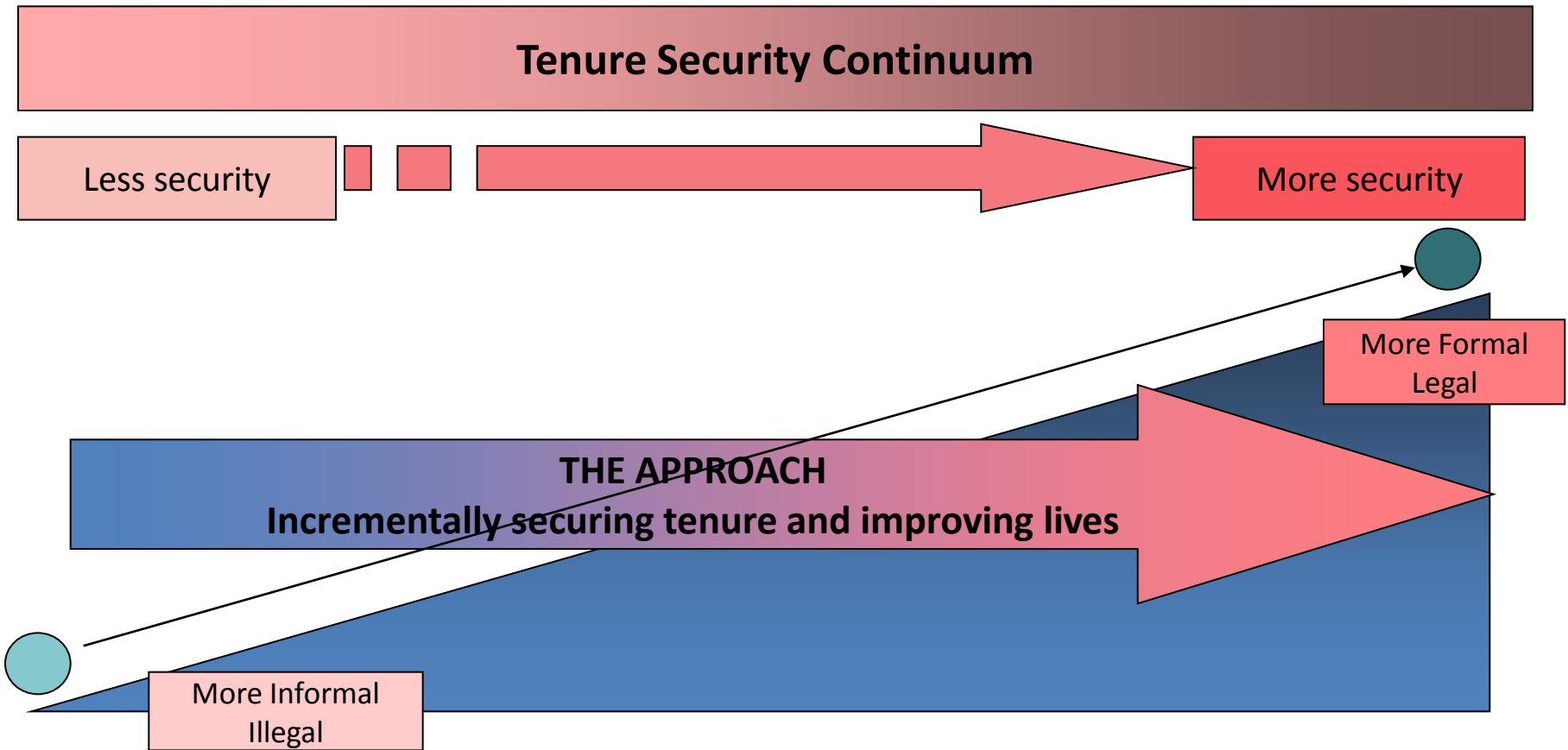
Source: Cousins, Hornby, Kingwill, Royston, Trench, 2005

Leap (2)



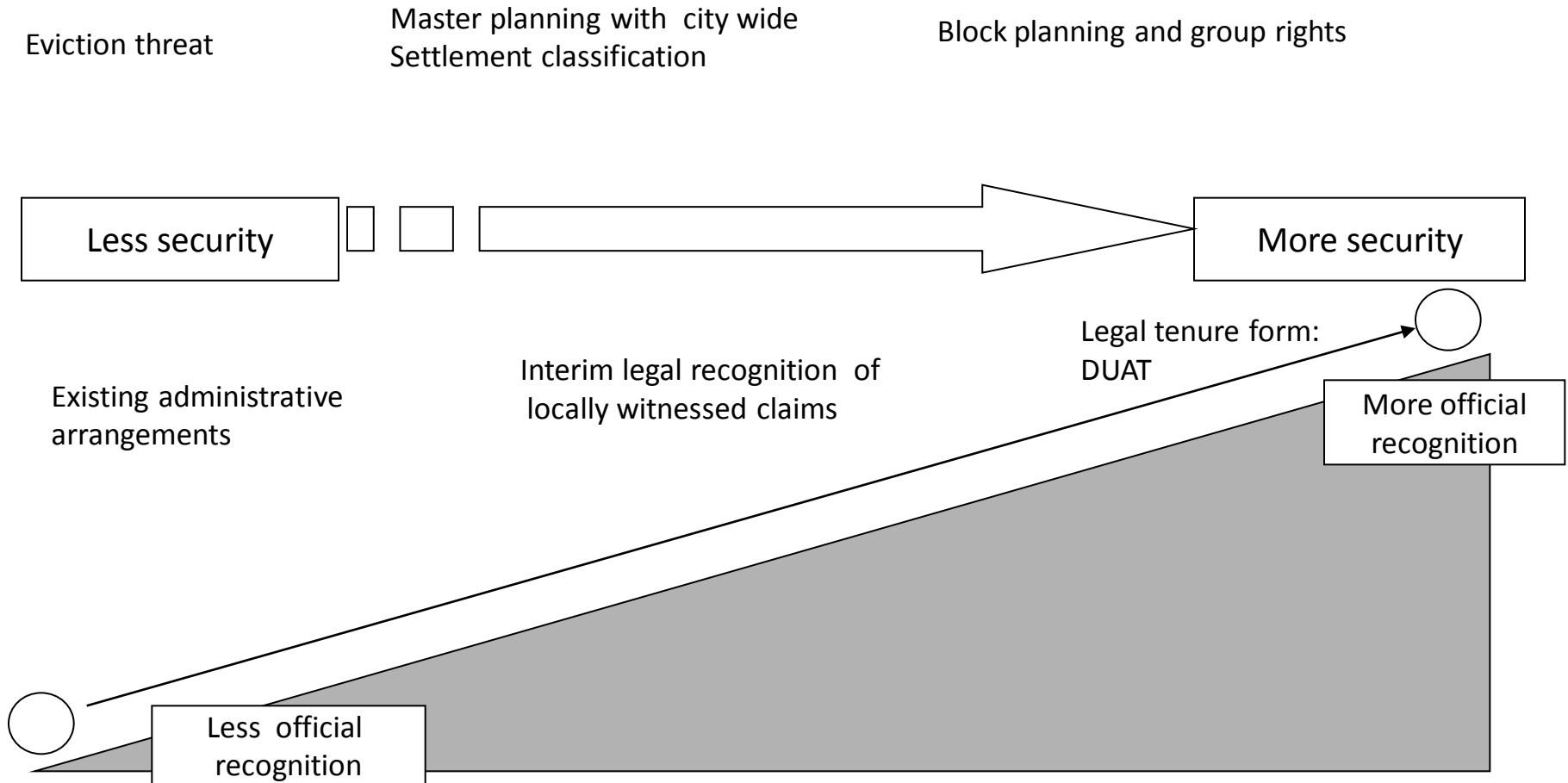
Sources: USN and Development Works, 2003 & Cousins, Hornby, Kingwill, Royston, Trench, 2005

Urban LandMark



Source: Smit and Abrahams, 2010

Maputo?



Incremental Tenure Security in Lilongwe?

- What should happen in informal settlement upgrading?
- How can existing local arrangements be built on (recognise not replace, adapt)?
- Are they secure enough? Do they need some level of official recognition?
- What potential points of intervention along a continuum of tenure security – stepping stones - would result in progressively more recognition, if required?
- An approach distinct from the more conventional policy of introducing land scale titling schemes into urban slums

How to work with tenure

1. Understanding what currently exists
 - Local registration practices – records, evidence and the content of claims
 - OOM surveys & ‘elite interviews’
 - LGAF
2. Institutionalising tenure
 - Tenure as a work stream in slum upgrading
 - Tenure route maps – incremental development
3. Administrative recognition
 - From community held records to more official registers of rights
4. Legal recognition
 - Identification and assessment of potential legal recognition mechanisms (legal dynamism, prospects for innovation)