ANNEX TO THE BAMAKO DECLARATION
BAMAKO ACTION PLAN 2010-2012

1. PREAMBLE

The Habitat Agenda promotes a positive vision where everyone has access to land, adequate housing, a safe and healthy environment, basic services and employment. The latter is further supported by the Millennium Development Goals (MDGs), especially Goal 7 to ensure environmental sustainability, and targets on water, sanitation and slums.

Because of inappropriate or inadequate land policy, administration and management, sixty per cent of people in African cities live in slums and informal developments. This percentage is even higher in post-conflict countries. Land policies need to be developed to facilitate land governance that enhances gender equality, decentralized land management and grassroots participation, urban equity, efficiency and sustainability. Africa’s rapidly growing cities need to be strategically guided for longer-term sustainability. Through the Land Policy Initiative (LPI), African Governments have demonstrated their commitment to improving land governance. AMCHUD seeks to stimulate land policy, administration and management reviews that will enable African nations to address the lingering housing and sustainable urban development challenges.

In Africa, as elsewhere, land is an economic and environmental asset as well as a social, cultural resource. Land also has a strong geo-political dimension that often goes beyond national boundaries. These multiple facets of land, therefore, require clear directives and principles that will govern how land and its resources are owned, accessed, used, managed, administered, transferred, etc. To effectively address these diverse functions, a land policy should aim at enhancing land productivity and contribute to national development, particularly its social, economic, environmental and political aspects. Without a comprehensive land policy, sectoral reforms will not go far enough to create the sustainable development African countries desire. It is within this context that the continental land policy initiative (LPI) was put in place. The LPI is a joint effort of the African Union Commission (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB). The LPI process started in 2006 and has culminated in the development of a Framework and Guidelines on Land Policy in Africa, which has been endorsed by the African Heads of State and Governments in 2009. The LPI Framework and Guidelines was launched in Lilongwe, Malawi in October 2010.

Africa has the highest rate of urbanization - almost equivalent to the growth of slums. These are characterized by poor quality housing, services and infrastructure. Furthermore slums are often located in hazardous places that pose added risks. Three working groups have attempted to identify the major problems affecting property, housing, provision of urban services and the environment of African countries facing rapid urbanization and the impacts of climate change. Issues of regional collaboration and the supporting role of land for sustainable urbanization were also discussed. The groups also identified some realistic solutions and approaches to be undertaken as soon as possible.

2. PROCEEDINGS

Working Group 1: Land in Support of Sustainable Urbanization

The meeting opened with the election of Mali as the Chair. The role of rapporteur was delegated to the UN-HABITAT secretariat.

The meeting was attended by representatives from the following countries: Botswana, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d’Ivoire, Djibouti, Kenya, Liberia, Malawi, Mali, Morocco, Nigeria, Senegal, South Africa, Togo, Uganda and Zambia. The World Bank was also represented.
All countries took the floor to reflect on their land management and sustainable urbanization challenges, to elaborate on specific actions taken in their countries to promote good land governance, land administration and land management and to express opinions on recommended areas for action.

Despite the great diversity in countries and conditions, it became clear that all experienced very similar problems and difficulties. Rapid urbanization creates significant urban governance, land administration and land management problems. National and local authorities are for the most part unprepared for the kind of urban growth that the continent is experiencing. They lack the tools and the wherewithal to manage the unprecedented urban growth, which in the majority of countries is resulting in huge population concentrations in a small number of large cities. Gender concerns in respect to access to land and security of tenure were repeatedly raised. The challenges facing vulnerable groups, including the poor, households headed by children, youth and internally displaced people and refugees are exacerbated by conflict.

Furthermore, participants expressed views on emerging gaps between well intentioned and reasonably good policies, legal frameworks. But they cited a lack of implementation attributed to a lack of political will, tools and or capacity problems at national and local government levels.

Working Group 2: Land and Regional Collaboration

The meeting opened with the election of Mr. Andrus Nnaemeka Ukaejirofo of Nigeria as chair, facilitated by Mr. Alioune Badiane, Director of the Regional Office for Africa and the Arab States and Mr. Hubert Ouédraogo of the Economic Commission for Africa. The rapporteur of the session was Ms. Marie Camara of UEMOA.

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The resource persons for this session were Mr. Hubert Ouédraogo, Mr. Alioune Badiane and Ms. Mariam Yunusa.

Participants presented an overview of land matters in their countries and region as well as in Africa in general. Issues raised included: overlapping land rights and systems, legal and institutional pluralism, insecurity of tenure, the importance of a participatory process, conflicts over land and-based resources, large scale acquisition, colonial legacies, migrations and rapid urbanization. Participants underscored the importance of developing integrated land policies that recognizes all land sectors and actors.

Participants recognized that legal pluralism remained predominant in the region with formal systems co-existing along with customary and other forms of tenure, which should be safeguarded in the development and implementation of land policies. They also recognized the increased threat of climate change, environment degradation and their impacts on urban development and housing provision and noted that regulatory and institutional frameworks for land administration are often dispersed over various government institutions. Capacity building was highlighted as one of the main challenges affecting the development and implementation of land policies, as well as the need to further understand the impacts of large scale land acquisition by investors on urban land.

Participants cited the need to foster adequate urban planning to reduce the growth of unplanned settlements and recognize the role of land and property taxation in supporting land policy formulation and implementation, improving local and central governments revenues, and improving urban infrastructure and services provisions. They also raised unlawful forced evictions with respect to urban dwellers’ rights to shelter including options for relocation and compensation and noted the importance of participatory approaches to land policy development and implementation. Balanced territorial development through the promotion of secondary towns as supported by West Africa Economic and Monetary Union (WAEMU) is considered an important tool to manage cities. The importance of developing land information and record management systems, including land observatories and tracking systems to inform urban development and housing delivery was acknowledged. Participants noted the need to encourage transparency in land administration for better urban land markets in Africa. They reaffirmed the need to allocate adequate budgetary resources for land policy development and implementation processes, including monitoring progress.

Working Group 3: Land, Housing, Delivery Systems and Environment

The meeting opened with the election of Mr. Peter Lubambo, Director of the Ministry of Housing, Infrastructure & Development of Zambia and was facilitated by Mr. Mohamed El-Sioufi from UN-HABITAT. Resource persons were Mr. Claudio Acioly and Mr. Raf Tuts from UN-HABITAT. Burkina Faso served as the Rapporteur.
Representatives of each country reflected on land, housing, delivery systems, environment, climate change, planning and related subjects pertinent to the working group theme. The first part of the discussion provided the participants with the opportunity to share experiences and express their views about the problems they face in their respective countries. Some of these challenges can be outlined as follows: the rate of slum formation is a serious matter to be tackled by robust reforms, planning, housing policies and overall urban development strategies. Several cited the lack of baseline information and reliable data to support policy decision, a matter preventing governments from formulating well-informed and evidence-based housing policies.

Environmentally vulnerable lands and sites unsuitable for human habitation was raised. The difficulty of planning cities to accommodate the current urban growth is one of the greatest challenges. Availability of land for housing and urban development in general was seen as major constraint in housing provision and a bottleneck to planning and managing sustainable urban development processes. Another issue raised by some countries was related to costs of building materials, some of which can only be acquired through imports, which dramatically affect housing production costs and affordability. Some countries reported the need to make more opportunities for the involvement of non-state actors in housing such as private developers and formal builders, so that more housing opportunities can be generated. Countries reported that many people are excluded from formal housing finance and that there is a great need for different options such as micro-financing strategies, in addition to other modalities of housing financing such as cooperatives, condominiums, building societies and others.

They discussed the linkage between the urgent need to review urban and building codes and planning standards and norms and to provide new avenues for planning cities that include a range of plot sizes including reduced sizes, different land occupation patterns, increased densification and optimization of infrastructure and land availability. It was agreed that more compact cities will have positive impacts on climate change mitigation and adaptation, improved mobility, energy efficiency and a better carbon footprint of cities. But some argued that these approaches must take into account cultural adequacy.

Another aspect covered by this discussion was the increasing vulnerabilities that poorer households experience which triggers more slum formation on fragile lands. This needs to be well mapped when creating new planning strategies for relocation and resettlement programmes.

There was consensus that more coordination and institutional alignment should be put in place in order to harmonize resources, planning, delivery systems and regulatory reforms.

Security of tenure and processes of land grabbing were two interrelated themes raised by some participants. There is a need for capacity building and institutional strengthening to establish sustainable land management with the necessary information and record keeping.

3. RECOMMENDATIONS

Working Group 1: Land in Support of Sustainable Urbanization

Participants called for measures to:-

- Promote positive discrimination and affirmative action to address the plight of women and vulnerable groups;
- Decentralize land services;
- Create institutional mechanisms and enabling conditions for government, non-state actors and development partners to work together and achieve results for the poor;
- Prioritize land banking, inclusive and pro-poor planning, planning for growth and the promotion of greater urban efficiencies;
- Capitalize on cities as national economic drivers; and
- Better utilize the urban wealth producing capacities of cities through better shared objectives among the wide variety of urban stakeholders.
Working Group 2: Land and Regional Collaboration

Participants recommended that National Governments in collaboration with Regional Organizations:

- Facilitate the development and implementation of participatory land policy in their respective countries ensuring that the important dimensions of tenure security and legal pluralism are addressed;
- Promote the implementation of the LPI Framework and Guidelines;
- Facilitate the tracking, monitoring and reporting of the implementation of the urban aspects of the LPI;
- Build adequate human, financial, technical and institutional capacities to support land policy development, implementation, and monitoring;
- Establish functional and transparent land administration systems in collaboration with regional organizations to ensure access to land information;
- Work towards the establishment of an appropriate institutional framework to ensure effective coordination of land affairs;
- Support implementation of the recommendations of UN-Habitat’s State of African Cities report; and
- Consider the need to allocate adequate budgetary resources for land policy development and implementation processes, including the monitoring of progress.

Working Group 3: Land, Shelter, Delivery Systems and Environment

Participants called for measures in the following areas:

Land and Housing

- Countries should consider ways to improve available information about their housing sector so that better policies can be developed. Countries to be assisted to develop this critical housing sector information which will be available to all stakeholders;
- Governments should work with financial institutions to make housing finance affordable and accessible to lower income groups, especially micro-finance for the poor;
- Countries are encouraged to review their urban and building codes and norms to enable the use of local building materials and environmentally sound technologies and reduce housing production costs;
- There is a need for state intervention in the delivery and management of housing to allow for alternatives to individually produced housing through housing cooperatives, incremental housing, building materials loans, and developers.

Urban Planning

- Capacity building to strengthen planning capacity of urban planners, policy makers and other actors is needed, so that local governments, cities and planning departments are better equipped to cope with the rapid urbanization in Africa;
- There is a need to promote participatory methods of planning and urban management and create greater synergies between different types and levels of plans;
- There is a need to promote social mixes in cities and neighbourhoods to achieve more cultural diversity, and to make services accessible to lower income households;
- There is a need to establish a national urban forum to gather all the major stakeholders involved in urban development in order to assemble all the necessary information, exchange knowledge and experience, and build a coherent advocacy for better coordination, articulation between local plans and well-informed planning decisions.

Climate change

- There is a need to conduct climate change assessments in African cities, including adaptation and mitigation aspects, with special attention to land use and planning related issues. This should help avoid settlement
and occupation of flood-prone areas and make wiser use of urban wetlands as flood buffer and ecosystem services;

- There is a need to seriously consider the increase of urban density through intensification of land use and to reduce infrastructure investment, urban footprint, demand for transport and energy use;
- Promote public transport and mass transit systems which include non-motorized transport and provision of space for pedestrians and cyclists. This should be promoted with better planning and improvements in the road systems;
- International agencies should be approached to facilitate the access of cities to climate change mitigation and adaptation financing.

4. ACTION POINTS

International

- Organizing an international conference to share experiences on security of tenure and access to shelter for all in particular for slum dwellers in the framework of the Millennium Development Goals.

Africa

- Based on political will and high level leadership and support given to the African Land Policy initiative (LPI), African countries will develop or overhaul their land policies and land laws in line with the guidelines set out in the LPI;
- AMCHUD to support LPI and mobilize additional resources for its implementation and conduct a regional or sub-regional study on institutional and environmental frameworks of land management;
- LPI partners to conduct feasibility studies for the establishment of a fund to promote land policy development, implementation and collaboration with Regional Economic Commissions;
- Governments to collaborate with Regional Economic Commissions (West Africa Economic and Monetary Union -WAEMU- and Economic Community of West African States -ECOWAS- and others) to pilot a regional land observatory to effectively monitor the implementation of urban land policy, land administration and land information.

Land

- Governments to promote security of tenure for all by identifying intermediate tenure arrangements to facilitate access to land and security of tenure for people living in informal settlements and move away from individual titling alone;
- Develop innovative land administration systems that are based on cost-effective technologies and the human resource realities of Africa; land records should be simplified and developed in an incremental manner;
- Anchor land interventions in land governance frameworks. This entails emphasizing both technical solutions and focusing on improving land governance;
- Legislate and enforce new innovative laws to improve women’s and vulnerable groups’ access to land and to secure their property rights; establish measurable national goals to assess progress;
- Develop sector specific (land, human settlement) strategies that particularly address the needs of IDPs (Internally Displaced Persons) and refugees in regard to land and property rights.
- Enhance linkages between urban planning and land management
- Promote experience sharing and peer-learning amongst African decisions makers and practitioners.

Capacity Building on Land

- Organize, with Regional Economics Commissions, capacity building sessions and training of trainers on urban land management, administration and information;
• Establish regional and sub-regional forums to share and disseminate good practices and promote peer learning;

• Design and implement innovative human resources and capacity development programmes commensurate with the new land governance and urbanization challenges.

Land and Housing
• African Ministers to set up a national task force to collect agreed land and housing indicators that will feed into housing policy decisions and enhance knowledge about the housing sector;

• African Ministers will establish a national task force comprising multiple housing stakeholders to review current housing policy and agree on priority actions;

• African Ministers will undertake a review of their regulatory frameworks, urban and building codes and planning norms to release more land for housing;

• African Ministers will organise a regional meeting involving the AUHF (African Union for Housing Finance), Shelter Afrique, African Development Bank and UN-HABITAT to discuss the future of housing finance in Africa.

Land and Urban Planning
• Strengthen the capacity of planners, architects, policy makers, professionals and other actors, including making curriculums more relevant to the urban challenges of Africa; support planning associations to play a key role in the future of African cities;

• Promote broad-based participation as part of all planning processes, particularly in large scale urban programmes;

• Create National Urban Forums, bringing together all relevant sustainable urban development actors, to enhance advocacy, coordination and informed urban policy making, with particular attention to enhancing linkages between land management and planning at all levels.

Land and Climate Change
• Support cities to carry out climate change assessments and explore adaptation and mitigation options, with special attention to land related issues;

• Through land suitability studies, avoid settlement in flood-prone and other environmentally fragile areas and make sustainable use of urban wetlands as flood buffers and ecosystem services;

• Increase urban densities through intensification of land use and through introducing different housing and subdivision typologies, to reduce the cost of infrastructure investment, urban footprint, demand for mobility and energy use;

• Integrate public transport and non-motorized transport components in major road investments;

• International agencies are called upon to facilitate the access of cities to climate change mitigation and adaptation financing.