

ANNEXURE C

A Country Scoping Study on Land Governance in Southern Africa.

Each country partner to prepare a country scoping study of about 25 pages consisting of two parts:

1. Description and analysis of the land governance framework (about 15 pages)
2. Identification of the key challenges to be addressed (10 pages).

1. Draft Template for Description of the Land Governance Framework

Adapted from the Land Governance Assessment Framework, World Bank 2012, pp 40-45 available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.905.6481&rep=rep1&type=pdf>

Country Information

Overall information about the country in terms of area, population (urban/rural), number of land parcels (urban/rural).

Institutional Framework on Land Governance and Administration

A diagram showing the various institutions responsible for land governance and administration at national, regional and local level.

Assessment of the clarity of mandates concerning the regulation and management of the land sector.

Legal Framework on Land Tenure

Tenure regime. The range of land rights (tenure types) recognized by law - statutory as well as customary tenure regimes and regimes, individual as well as groups' rights, and secondary rights as well rights held by minorities and women.

Land registration. The processes and mechanisms for recognition and registration of land rights - including forms of evidence used to obtain recognition, recognition of long-term possession of both public and private land, the costs and time for typical first time sporadic registration.

Enforcement of land rights. The degree of registered individual properties in urban and rural areas. The degree of common properties registered and communal lands demarcated and registered. Safeguarding of land rights e.g. by full compensation in the case expropriation.

Equity and non-discrimination. The degree to which policy and decision making processes are non-discriminatory and incorporate equity objectives.

Land Dispute Resolution

Assignment of responsibility. Description of the dispute resolution system and processes at various levels. The level of transparency and opportunity for appeal.

Conflict management. The effectiveness and costs of conflict management

ANNEXURE C

Valuation and Taxation.

The principles and processes for valuation and taxation. Assessment of the degree of transparency, publicity and effectiveness.

Land Use Planning and Control

Land use planning process. The process at various level of government. Assessment of the level of justification, efficiency, transparency and public participation in urban and rural areas. .

Delivery of services. Assessment of the land use planning process in terms coping with urban growth and timely delivery housing opportunities and services.

Development permits. Assessment of the degree of predictability of applications for restricted land uses.

Land use control. Assessment of the degree of monitoring and revision and enforcement of existing planning provisions and other statutory land use and environmental regulations.

Management of Public Land

Public land inventory. The identification and management of public land and the degree of publicity.

Expropriation. The process and transparency of expropriation processes. The degree of fair and full compensation.

Allocation of public land. The process of allocating public to private use. The degree of transparency, competitiveness and auditing.

Land Information

Public provision of land information. Description of the inventories and their contents. The degree of completeness and reliability

Land administration services. The degree of accessibility and cost-effectiveness.

2. Identification of the key challenges to be addressed

Within the country context, the key land governance challenges are identified and described in some detail. This may relate to the institutional framework, the rural or urban land tenure system, the land use planning processes, uncontrolled informal urban growth, lack of management of peri-urban areas, the general lack of transparency and equity, etc.