

A Country Scoping Study on Land Governance in Southern Africa.

Adopted at the NELGA Regional Workshop on Land Governance Scoping Study on the Southern African Region. Windhoek, Namibia 26-28 June 2018.

Each country partner to prepare a country scoping study of max 50 pages consisting of two parts:

1. Description and analysis of the land governance framework (about 30 pages)
2. Identification of the key challenges to be addressed (about 20 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>

Mainstreaming gender equity, sustainability and capacity. Assessments based on criteria such as efficiency, equity, affordability, publicity, etc.

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

Land registration. The models of registration, 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. Assessment of the degree of completeness.

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. Assessment of the degree to which rights are safeguarded.

Expropriation. The process, legal base, legitimacy and transparency of expropriation processes. The degree of fair/full/fair compensation.

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

Land markets. Incentives for support and regulation of land sales and rental markets.

Land Dispute Resolution

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

Conflict management. The effectiveness and costs (including social capital) of conflict management.

Valuation and Taxation.

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

Land Use Planning and Control

Land use planning framework and process. The process at various level of government. Differentiation between regional / local and urban / rural land use planning. Assessment of the effectiveness, 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. Addressing infrastructural issues in informal settlements. Assessing effectiveness and efficiency of various actors.

Development permits. Assessment of processes, time delays, 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.

Climate change and environmental management. The degree to which climate change issues and environmental sustainability are addressed and integrated into the land use planning process.

Management of Public Land

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

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

Land Information

Public provision of land information. Description of the technologies, inventories and their contents. The degree of publicity, accessibility, , currency, completeness and reliability.

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

References

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.

Each country team may select just one key challenge to presented and explained – or the team may select several challenges as appropriate for specific country context.

The challenge(s) should be presented in style and format as a case study on the key land governance challenge – or challenges – within the country.

In turn, this can turn facilitate identification of further research projects to be undertaken for improving the national land governance concept.