

LAND AND THE NEW URBAN AGENDA: A UN-HABITAT WIDE BRIEFING ON 9 JUNE 2016, NAIROBI, KENYA

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Background:

Land is central to sustainable urban development. Challenges in handling land in human settlements are increasingly similar in countries at all levels of economic development, from small rural settlements in developed countries to megacities in developing countries. This is due to land being a finite resource with a wide range of competing functions everywhere, as well as due to the increasing influence of often unregulated market forces into modes of accessing and developing land and the omnipresent temptation to make a quick profit, whether through legal means or not. However, the scope of land related problems is greater in countries with high population growth, rapid rural-urban migration, low capacity and weak governance. In many contexts the situation is further complicated by corruption and land grabbing.

The Global Land Tool Network commissioned Dr. Babette Wehrmann in March 2016 to conduct a research study on the linkages between land and the New Urban Agenda. The findings have been presented in two formats, a [\[Full version\]](#) and [\[Short Version\]](#) brief. The PowerPoint presentation is available [here](#).

The purpose of the presentation was to introduce an examination the role of land as a key driver of urban development and as a foundation for the achievement of the New Urban Agenda, with special focus on the key challenges for discussion and the relevance of land for sustainable urbanization in existing international and regional instruments such as the Sustainable Development Goals, relevant Governing Council Resolutions of UN-Habitat and the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs). In addition, the presentation aimed to further the continuing conversation on the relevance of land within the work and vision of UN-Habitat and consider ways to strengthen the articulation of land issues within the pillars of the New Urban Agenda.

The discussion focused on ways to strengthen the strategic articulation of land issues, challenges, opportunities and actionable commitments in the New Urban Agenda. Participants were invited to reflect on how they envisioned land as a sector that can be mainstreamed in their work at the global, regional and country level. This brief note summarizes the issues raised during the discussion.

Chair's Opening Statements

The Chair noted the need for the paper to go through a similar process of internal auditing with UN-Habitat staff with a view to identify gaps and areas that need strengthening. The Chair was of the view that the '20-page limit' of the final New Urban Agenda should not necessarily limit the length of the paper. What was important was to present a comprehensive discussion of all key issues. Considering that the UN will not be directly involved in the

negotiations, it was important for the paper to do the ‘talking’ and provide clarity on all key issues to the member states. The Chair recommended that the paper further articulates key messages that will target specific people attending the event. Accordingly, the Chair recommended that a strategy be mapped out on who to target with what key messages.

Discussion Highlights

1. In general, the problem in the land sector is not the lack of regulation. Rather there is ‘too much’ of legislation and lack of implementation/enforcement. Also, the quality of regulations can be problematic, where some countries have poorly drafted legislation. However, there are situations where individual countries do not have adequate legislation at all. The paper needs to explicitly deal with some of these issues.
2. The discussion on land-based financing need to be further improved. Whilst there are proposals to introduce pro-poor land taxation, there is need to elaborate on the benefits that would accrue from the ‘increased burden’ on those affected by the policy. To minimize on resistance from tax payers, it is important for the paper to articulate on why new taxes are required, who benefits and making a statement on transparency in terms of management of the collected taxes. This approach balances the discussion on taxes.
3. The paper should further strengthen the use and application of the continuum of land rights language. To this end, conscious efforts should be made on how to consolidate and mainstream the ‘continuum of land rights’ language as opposed to watering-down the said language. This is important because there are other stakeholders, including member states, who have supported the discussion, debate and shared meaning of the continuum of land rights.
4. It may be necessary to rework the structure of the paper. The view was that putting the social aspects of the land upfront may not be entirely the correct approach. This may send the wrong message, and the proposal was to start with other technical aspects of the land e.g. the economic, environmental etc.; with a gradual introduction of the social aspects.
5. More attention should be given to urban areas in terms of the issues covered. The issue of public land in urban areas needs to be better articulated. A more elaborate discussion is required on the function of open spaces, why public land is needed and the management of such land.
6. The linkage between the New Urban Agenda and the SDGs needs clearer elaboration in the paper. For instance, some member states are unable to correlate between the New Urban Agenda and the SDGs. More discussion is required on how monitoring of implementation of the NUA can be done in line with the SDGs, VGGTs, etc. SDG indicators can also be used to monitor implementation of the New Urban Agenda but need integration, taking note of the fact that NUA focuses on urban issues compared to the broader scope of the SDGs.
7. The paper must have clear recommendations on financing of the NUA. How are all the activities happening under urbanization going to be financed? How best can land be utilized as a source of financing and what the options that exist (e.g. land value sharing etc.)? The paper could provide specific recommendations on what specific stakeholders contribute.
8. In pursuit of Goal 11 of the SDGs, how can cities expand into surrounding rural and peri-urban land in a sustainable and socially responsible manner? How can planning anticipate displacements and minimize on the associated negative consequences of such inevitable processes. Can planning be forward-looking as to be able to articulate who will be displaced and where the displaced will be settled?

9. The discussion on access to land has two main dimensions. The first is on how land is accessed, and the second is on tenure rights accompanying the access to the land. The paper focuses mainly on the tenure rights aspects, with not much discussion on how the land is accessed. Assuming that land access will continue to be market based, the paper can explicitly state so. The discussion can go further on the implications of market based approaches on access to land by the poor, including women. Are there other key questions that the paper can pose in relation to access to land? Other than market based approaches, what other options exist? Are there any best practice examples on access to land by the poor? What key message on access to land is the paper proposing?
10. On land valuation: It must be noted several countries have policies and legislation in place to guide the activity. The main challenge lies in discriminatory and unfair practices of land valuation, such as the irregular way in which customary land is valued in most of sub-Saharan Africa. Majority of states perceive customary land as belonging to the state and hence the practice is not to pay compensation for the land per-se, but for improvements only. The paper can make a stronger statement on the need for equity and non-discriminatory practices in the valuation of land. This calls for rules and standards on land valuation that are acceptable to all key stakeholders, which some countries still do not have.
11. Within the paper, scarcity of land is repeatedly noted as a constraint. Admittedly, scarcity of land can escalate in the face of increased population growth. However, the paper should go further to suggest solutions towards balancing the impact of scarcity of land on the one hand and the need for city extension on the other hand. For instance, one of the key messages can be structured around densification and the promotion of vertical development.
12. The provision of affordable housing is closely linked to the cost of land. The key question is what needs to be done to reduce the cost of land, thereby making it possible to provide affordable housing.
13. The paper needs to call more attention to land as a cause, factor or trigger of conflict.
14. The paper should consider reviewing the list of key messages and commitments with a view to separating causes and consequences.

Closing remarks / Next steps

1. More government champions and spokespeople will be needed to pursue the issues as articulated in the new urban agenda. The champions can be selected from the pool of partners who will attend the event. Prominent local government staff like city mayors can also be selected as champions.
2. More investment is required in the articulation of specific issues, especially the provision of explanatory notes to all the key recommendations and messages. Such explanatory notes can also be presented as annexes.
3. What is the inclusive model/approach that can bring the key urban sectors together – land, economy, legislation, planning and housing?
4. The paper can do more in terms of aligning with the language as agreed in the VGGTs, the Governing Council Resolutions of UN-Habitat and the LPI's Framework and Guidelines for instance.

ADDITIONAL INFORMATION:

1. About the Presenter: Dr. Babette Wehrmann

Dr. Babette Wehrmann is a senior land governance and urban development expert with 20 years of experience in development cooperation. She has been working in Europe, Asia, Africa and Latin America. Her focus is on land policy, land tenure, land management, land administration and public land management in the broader context of sustainable and inclusive gender responsive development, good governance and human rights.

She has been involved in the design and implementation of strategic approaches. She has also contributed to the development of international guidelines and standards on land governance. She is currently involved in the preparation of principles, guidelines and tools to guide responsible land-based investments by the private sector. In addition, she has extensive experience in the leadership of multi-national teams, project management, financial management, human resource management, project (pre)assessment and impact evaluation. Since 2000, Dr. Wehrmann has regularly lectured on land issues at the Technical Universities of Munich and Berlin.

2. Presentation link: [\[click here\]](#)

3. Attendance List:

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