Unpacking the Chemistry of Urban Land Governance in Africa: In Search of Land Governance Best Practices

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Abstract

The purpose of the study was to interrogate the chemistry (best mix practices) and challenges (dilemmas) of urban land governance in Africa. We note that there is an increase in demand for good urban governance by city residents all over Africa. This paper briefly traces the current issues in the region in response to the growing quest for "good governance" in urban land affairs. The paper argues that the paradox of land management and distribution can no longer be taken for granted, given a series of land conflicts being handled every day. This study seeks to interrogate the urban land governance systems in Africa as is experienced in African countries and it then proposes the construction of an urban land governance framework that addresses African urban leadership and infrastructural challenges. An intensive desk review research was conducted by ploughing through various literature and empirical evidence from selected African countries. To complement literature findings (evidence) from secondary data, grey data and personal experiences in urban land governance, we conducted empirical studies in six countries namely Botswana, Namibia, Zimbabwe, Ghana, Tanzania, Ethiopia and South Africa-part of the study triangulation efforts to validate already existing findings. Data were collected from 15 office holders in 8 Urban Councils and Land board chairpersons through questionnaires and face to face interviews. Besides, interviews were conducted with purposefully selected officeholders. The results of the data analysis were presented using mean, standard deviation, Pearson correlation, and logistic regression to see the relationship between the independent variables and the dependent variable. The major findings showed that the elements of good urban governance (participation, responsiveness, accountability, transparency, equity, and efficiency and effectiveness) are not practised appropriately. The major challenges in good urban land governance included lack of resources, corruption, political interference and leadership incompetence.

Keywords: Urban land governance, Cities, Leadership accountability, Incompetence, infrastructure, Council chambers, Sustainable development

1.1 Introduction and Background

To say we are living in interesting times, under reasonable urban governance, in the urban areas could be a gross understatement of realities on the ground. Increasing populations, globalisation and climate change have increased demand for land, while market forces have raised prices to levels unaffordable to many (UNCTAD, 2018). Urbanisation has been the engine of economic development, though conventional

methods of managing urban growth have failed to meet the needs of predominantly low-income migrants and the indigenous urban populations in Africa. As if that is not enough, the challenges faced by urban dwellers are greatest in the peri-urban areas. Conflicts over land are the most common form of litigation in many countries, impeding social and economic development (Guneralp et al., 2017). Bureaucratic and red tape cultures, nepotism, in competencies and lack of knowledge on land management systems are really a cause for concern and dual or multiple legal land tenure systems present both policymakers and residents with major challenges. Findings from other studies conducted across Africa (UN, 2009; AfDB, 2012; 2019) suggest that the government institutions which oversee the land sector management and governance are one of the public entities most plagued by service-level bribery.

This present situation in African cities has moved us (given that we are Real Estate practitioners for years, and that we also do both teaching and practice of this discipline) to take a position, resulting in this study, a vivid attempt to de-contextualize governance issues within the African context. The study is interrogative of the present urban governance systems, and endeavours to pierce through the challenges faced by cities, while proposing a sustainable urban governance model that can be employed by cities in Africa, despite the level of economic growth of the given states. The study further interrogates present assertions that property ownership can help lift people out of poverty have been grossly exaggerated and have not only raised land prices to levels that many cannot hope to afford, but have rendered many vulnerable to market-driven displacement. Even more seriously, unless all subsequent land transfers are formally registered, the certainty provided by titles ceases to exist Many pragmatic responses have evolved which command social legitimacy, even if they lack full legal authority (Novis and Persu, 2019; Madern, 2021).

1.2 Study Problematization and its Methodological Design

Technically, urban land governance itself is highly misunderstood and therefore needs to be re-engineered and re-imagined in light of modern Land administration best practices. Planning standards, regulations and administrative procedures for registering, developing and transferring land exert considerable influence over the equity and efficiency of land markets (Pqakistinova, 2022). We concur in our deliberations and mapping of this study that supporting effective land supply management and land use tracking methods is the main goal of urban land management. Effective land management governance is required for a successful urban land provision system

Categorically, the Mo Ibrahim Index of African Governance (IIAG) in 2017 provided an annual assessment of the quality of governance in African countries with most countries ranked very poor and corrupt. For example, it categorised country X (name concealed for ethical reasons) as one of the least practising good governance with country X scoring 46.5 and was ranked 35th out of the 54 countries. This rank falls below the average African score for overall governance. Beyond that, the country suffers from a lack of services in every public sector. These norms are formulated by professionals but have proved inappropriate to needs in many countries. For example, official minimum plots sizes are too often based on aspirations not realities and impose costs that many cannot afford, forcing them into various forms of unauthorised development and making it impossible for many existing residents to become legal. The number of administrative steps, costs and time required to register and develop land deters many people from conforming to official norms and is a widespread source of corruption. Research shows that most African countries' source of wealth, conflict, illegal actions, and corruption has been the urban land shaker in recent times. Present studies further show that these make urban land governance very complex in the affected countries. The paradox of land governance is claimed by a number of researchers to arise in terms

of the policies and practices that tend to deviate from the norm. Mixed land use stimulates social interaction and economic development and is a key feature of successful cities. However, many master plans seek to inhibit this in favour of superficial forms of order. This position where most countries in the continent are found wanting is a cause for concern. This pushes us to raise our major research question: What is the state of urban land governance in Africa, and why is it, what it is today? What are the major challenges faced in urban land governance? What are the best practices that should be adopted to improve the effectiveness of the governance systems in place? Which model would best put African urban land governance on the global best governance index?

Methodologically, in an attempt to identify and understand good governance gaps and challenges to the practice of good governance in urban land use in Africa, the study used triangulation (review of existing literature, interviews and observations complemented with personal experiences of the two researchers in urban land governance and architecture). This allowed us to collect data from a large number of urban authorities and literature sources that focused on urban land governance. Thus an intensive desk review research (Yin, 2008) was conducted by ploughing through various literature and empirical evidence from selected African countries. To complement the empirical evidence from secondary data, grey data and personal experiences in urban land governance as alluded to above, we conducted empirical studies in four countries namely Botswana, Namibia, Zimbabwe and South Africa-part of the study triangulation efforts to validate already existing findings. We took a position in our sampling to use purposive sampling, given the advantages it provided to our study. Purposively selected the informants considering their information related to urban land and their direct or indirect relationship to the land sector in their daily activities, due to which they were considered valuable providers of information. Thus data were collected from 15 officeholders in 8 Urban Councils and Land board chairpersons through questionnaires and face to face interviews. Besides, interviews were conducted with purposefully selected officeholders. Data were collected using surveys, interviews, focus groups and secondary sources. In terms of data analysis, we employed descriptive analysis to examine the qualitative and quantitative information collected from respondents. In mixed data analysis, qualitative data analysis was predominantly used, with quantitative data analysed qualitatively, in a number of instances. At this early juncture we need to share with you why this study is significant, and indeed there are fundamental benefits accruing from undertaking this study-mainly anticipating that this study will or does provide an in-depth pictorial abstract of the present challenges, systems and culture to practising urban land use (Governance) planning from governance and management perspectives that cities in Africa face on the path towards promoting good governance in urban land use planning. Policy makers are informed of the existing policy Gaps both at construction and implementation of the policy within cities Across Africa. The proposed Urban Governance Framework for African cities will go a long way in reducing and improving decisions that affect sustainable development in Africa, both in urban and peri-urban areas. In addition, this study can also aid governments both at national and local levels to review their land policies, especially in regions where urban land management is a barrier to good governance.

1.3 Review of related literature on Land Governance

Fundamentally, the term Governance" has gained excessive usage in contemporary public administration (UNESCO, 2006; UNCTAD, 2018). It is paramount at this juncture for us to mention in concurrence with other studies that the concept of governance relates to the quality of the relationship between the government and the citizens whom it serves and protects (Afegbua & Adejuwon, 2012). Notably,

governance has been around in political , socio-economic and academic discourse for a long time, referring in a generic sense to running a government or any other appropriate entity, for example, a nation (Afegbua & Adejuwon, 2012).

Empirical studies in this area are scarce in Botswana if not non-existent. For example, a study by Tessema et al. (2016) and Belay (2016) found that the challenges of urban land governance are low participation in decision-making, lack of transparency, absence of a system, and lack of accountability. The studies by Aldorado (2013) and by Kebede (2017) also showed that the archaic land information management system, informal land acquisition, corruption, land speculation, and land-related conflicts are the challenges of urban land governance not only in Botswana but common among African states.

Governance is about how a country manages its affairs (DFID, 2007, Tagesse, 2015; Salem et al.,2021). It also entails formulating and implementing public policies across organisational and sectoral boundaries through coalitions, contracts, and networks (Page, 2013). Researchers advocate that land governance comprises a multifaceted field of activities concerned with all aspects of land management and development (Roberts and Hohmann, 2014; Shu et al., UN Habitat, 2016; Tesfaye, 2018). Literature at hand is indicative of a number of issues, including historically, land governance's confinement to those interested in land administration and management. The study has this view that poor governance is the critical factor in inefficient and ineffective land management (Sungena et al., 2014) and must be treated as such.

Of essence in this study is to understand that good governance and its concept emerged because the practices of bad governance, characterised by corruption, unaccountable governments, and a lack of respect for human rights,(Tesema et al.,2016; Melese,2016; Koroso etla.,2020) had become dangerous, and the need to intervene in such cases had become urgent (Addebayo, 2012; Tagesse, 2015). Studies conducted by UN (2021) shows that Urban land governance, by its growing importance to researchers and policymakers, is not an end product (Asaduzzaman & Virtanen, 2016). Empirical evidence shows that urban land governance is becoming an essential issue in many developing countries, where corruption and rent-seeking are becoming more common (Sungena et al., 2014; Tessema et al., 2016; Pallant, 2016). From a scientific point of view, any discussion of urban land governance needs to be based on an assessment of the political and socio-economic context that determines its outcomes. It is not surprising that after the collapse of the Soviet Union and the limitations it exposed on socialist state planning, and the influence of capitalist forms of market-driven development or neoliberalism accelerated globally (Easywell, 2022). In this study, the reader is reminded that urban land governance is all about decision-making. Whether the decision goes bad or good, favorable or against the beneficiary, it is all about governance. Literature available (Nong et al., 2011; Pallant, 2016; Simbizi et al., 2019) suggest that sound land governance, more so urban land governance, is fundamental to achieving sustainable development and poverty reduction (Enemark et al., 2009). Neoliberalism was conceived as a balance between state planning and classical liberalism. However, prima facie it became a more regressive form of economic theory and exerted a powerful influence over the policies of Reagan and Thatcher, not to mention the World Bank and IMF (Global Report, 2019). Fundamentally, the global recession of 2008, land and property remained a key asset class of choice for those with funds to invest and today as we speak, studies show that land has now become a commodity like any other, dramatically reducing its social and cultural value (Melese, 2016; Fairle et al., 2017; Gebrihet and Pillay, 2020). This situation led to the birth of the many governance problems being experienced today, and who knows, tomorrow and the foreseeable future.

1.3.1 Brief Urban land Governance in the African Context

Fundamentally so, land in Africa and elsewhere remains an important resource for (urban) development (Ubink, 2008; Hadush, 2019; Crocker et al, 2019). Significantly, it serves as an indispensable factor of production and wealth creator and is estimated to account for between half to three-quarters of national wealth worldwide (World Bank, 2003) supporting the livelihoods of many people (Boamah, 2014). We note, in our study, that land use planning (LUP) as a concept has received considerable research attention (e.g., Verheye, 2009; Amponsah, 2011). A study conducted in 2019 by the African Policy Circle (APC, 2019) - a platform for African civil society actors to jointly develop new solutions to African problems- shows that Africa is the world's least urbanised continent, and yet the rate at which its cities are expanding is growing faster than no other worldwide – at an average of 3.5 percent per year. The study further shows that this growth of urbanisation does, however, vary across the continent, ranging from the already heavily urbanised North Africa (47.8 percent) to the least urbanised Sub-Saharan Africa (32.8 percent). Findings show that the aggregate rate of urbanisation on the continent was projected to grow from 40 percent in 2015 to 56 percent in 2050. It is important to highlight the reliability and significant of studies conducted by this body, which factually is based on robust and evidence based research, the APC develops common positions and policy recommendations on pressing issues regarding Africa's development, such as economic development, human rights and good governance, illicit financial flows, natural resource governance, or localising the UN's Sustainable Development Goals (SDGs). We significantly note in our review of related literature that the enormous speed at which Africa's cities are growing is linked to other key development trends, most prominently accelerating economic and population growth, increasing migration from rural to urban areas, and the youth bulge. Studies conducted in mega cities shows that there is a strong perception among Africans, driven by Africans' perceptions that cities – in contrast to the continent's rural areas – offer an abundance of livelihood opportunities, including employment and income generating opportunities, food security, and access to finance, education and social capital as well as social protection (APC, 2019; Dadi et al, 2016; EU, 2012; Diep et al., 2021).

1.3.2 Sustainable Land Governance

We have taken a position to explore the area of sustainable urban land management, as an important facet for this study. Land issue considerations need to be placed at the heart of how urban land governance is packaged and responded to in a resilient and democratic manner (Crocker, 2019; Dube, 2013; Byamugisha, 2013; Chakwizira, 2021). Fundamentally so, the post-pandemic moment of policy reflections in Africa creates an opportunity to support sustainable urban growth, vulnerable populations' resilience and prosperity. Land access, land tenure security and land reform are critical areas to address in an improved policy environment to take advantage of new opportunities posed by the post COVID 19 environments (Anane, 2022.

One of the major developmental challenges facing Africa with a strong linkage to land tenure is the phenomenon of poor governance and propensity for conflict. The study acknowledges that good governance leads to peace, stability and economic development, but in many African states, the upheavals of colonisation, independence and rule by post-colonial elites have resulted in weak social contracts between states and societies (Guneralp, 2017; Adam, 2020; AfDB, 2017). Studies conducted across Africa and in Europe shows that Land governance is technically very relevant for sustainable development both in urban areas as well as in the rural areas (Afgbua,et al., 2012; Ahani and Adejuwanon, 2021; unctad, 2018). The present study is more interested in urban land governance and how this can create sustainable development for cities. Over politicking in the management of cities in Africa is a major concern that

likely will affect the spectrum of how and where land constitutes a central prerequisite for sustainable development. Studies show that both physical and psychological securities are critical preconditions for people to thrive in urban spaces – and to do so sustainably (Alves et al.,2020; Alden,2021; Aimiro, 2015). Available literature suggests that there are basically five Main areas of governance that the urban land authorities should pay heed to. The Land Governance Assessment Framework (LGAF) a holistic diagnostic review at country level that can inform policy dialogue in a clear and targeted manner built around five main areas for policy intervention: rights recognition and enforcement, management of public land, public provision of land information, land use planning, land management, and taxation, dispute resolution and conflict management (UN Habitat, 2016).

Studies conducted by the World Bank (2022) shows that the World Bank put forth its Urban and Local Government Strategy at a critical time and for the first time in history of cities more than half the world's people live in cities. It is estimated that over 90 percent of urban growth is occurring in the developing world, adding an estimated 70 million new residents to urban areas each year (World Bank, 2022). We note with interest that Africa is part of this wave. Studies have also revealed that successful cities change their ways, improve their finances, attract private investors, and take care of the poor. Putting in place an effective Urban and Local Government Strategy aids governments at all levels in making cities more equitable, effective , efficient, sustainable, and environmentally friendly. The strategy draws on two principles. The said strategy according to observation and existing data (UN Habitat, 2016; AfDB, 2017) shows that firstly, that density, agglomeration, and proximity are fundamental to human advancement, economic productivity, and social equity and second, that cities need to be well governed and sustainable. The plethora of existing studies (Alemie et al.,2015; Asaduzzaman and Virtamen,2016) do show that the strategy rests on five key business lines name city management, governance, and finance, urban poverty, cities and economic growth, city planning, land, and housing and urban environment, climate change, and disaster management. Focusing on these pillars provide a fertile ground for breeding sustainable cities.

Literature review form other similar studies (Awumbila, 2017; Borrow et al., 2016; Chiweshe, 2013) , and our personal observations provides a clear platform to argue that for sustainable growth to take place , cities needs land despite the fact that land resources can be used for a variety of conflicting purposes. Agreeably the acquisition, distribution, development, and maintenance of land are all part governance policy. The management and planning of all land uses should be integrated. We argue that intelligent land planning and management are beneficial to national progress when they contribute to the overall sustainable development of the nation in question. In this study, we consistently come across the revelation that the practice of urban land governance in Africa is unsatisfactory-the elements of good governance are not effectively implemented in urban land offices (Braimoh,2007; Chirisa et al, 2015; Diep et al, 2021; Grover et al., 2007; Huang, 2015). A study by Belay confirms the same –where for instance, Belay (2014) found that good urban governance practices concerning the principles of good governance (transparency, accountability, participation, and the rule of law) has not been successfully implemented by municipalities.

1.3.3 Challenges of Urban land governance

Urban land governance in Africa can never be taken for granted as the surging demand for living space in urban areas is growing every day. We observe in this study that attempts to address urban land governance challenges have been subjected to the paradigm shift in African countries, especially in the post neo-liberal period (Kindu et al.,2015; Ju et al. 2016; Briggs and Mwamfupe 2000). Thus the need to address these challenges of urbanisation in Africa cannot be overemphasised. The table below provides a comprehensive literature on challenges faced by cities with regard to urban land governance. A number of studies shows

a variety of challenges faced in urban land governance, including the study that was conducted by Dube (2013) and Tessema et al. (2016) identified the challenges of urban land governance as land-related conflicts, archaic land information management, informal land acquisition, proliferate slums and squatters, and land speculation. A study conducted by Belay (2018), also found out that enacting land titling and registration systems with no clear objectives and institutional capacity constraints were also some major challenges to urban land governance. We consistently see in our review of urban land governance and from our personal observation and experience that corruption and rent-seeking behaviour, negligence of officials, lagging response, lack of monitoring and responsibility, political patronage, lack of financial and material human resources, and lack of institutional capacity-as major challenges to good urban governance with more attention needed in these areas. We note with concern during the time of our literature gathering that empirical studies show that urban land governance practices are inappropriately implemented in most African country's urban management and development offices. However, a significant number of challenges have been identified in different areas, as stated above. Most of the studies have been conducted in a single town/city or sub-cities, which did not represent the entire country or region.(AfDB, 2017.Simbizi et al, 2017). Additional challenges include lack of control over illegal buildings, a frequent change of commercial land to residential, converting temporary land to the permanent, fake house plans, land invasion, and building out of the plan also make the urban land governance more complex and complicated. A notable challenge in urban land use is 'Land can be central to violent conflict (Locke, Langdown, and Domingo, 2021; Melse, 2016; Saghir et al., 2018). Research conducted in Africa on issues of causes of conflict shows that land is at the Centre of most of them (AfDb, 2017). From 2000-2015, land was at the Centre of conflict in over half of violent conflicts (Bruce, 2017), and "where there is conflict, land and natural resources issues are often found among the root causes or as major contributing factors" (EU and UN, 2012).

Table 1: Challenges of urban land governance

Challenge Dimension	Challenge description
Rapid urbanisation	The majority or two fifths of the urban population in Africa are young people. With only 1 in 6 African youths in wage employment,10 the question whether this growing urban youth bulge will be able to sustain itself is cause for mounting concern, along with young people's relative vulnerability to political, social and economic disaffection; movement of people from the rural areas to urban areas;; Research shows that many African megacities such as Lagos, Cairo, Kinshasa, Nairobi, Johannesburg Pretoria, and Khartoum already struggle to absorb the bulk of the urban population; pockets of urban poverty in major cities and towns, most poignantly in the form of slums, and all the main conditions of overcrowded living: congestion, unemployment, stark inequalities, a lack of social and community networks; Rising Insecurity and Violence(the population of the urban poor increases, rising insecurity and violence constitute one of the most dominant risks of urbanisation)
Collapsing Infrastructures and Flawed Urban Planning	Rapid urbanisation also has implications for infrastructure and strains already deficient urban planning efforts; Collapse of transportation infrastructures, especially in cases where these have not been designed for

	the new mix and increased volume of traffic; water and sanitation complexities in all aspects of development, a lack of or flawed planning at the country level; poor ownership, governance and a lack of political will for action; a lack of knowledge and poor maintenance as well as inefficient usage of existing systems; an unclear distribution of roles and responsibilities between the public and private sectors; and a lack of capacity to deal with these issues.
Weak institutional capacities	weak institutional capacity is a cause for concern; has often meant that pressing infrastructural needs are not met or that access to key services, including health care, education, and water and sanitation, does not improve
Corruption	Officials bribed and charged money in return. leaving the poor vulnerable; a major challenge in land governance in Africa, over politicisation of land allocation and ownership
Lack of urban planning.	Lack of sound urban planning for addressing key challenges resulting from accelerating urbanisation: unserved slums, pollution, issues tied to land ownership and use, or waste management, among others; Without proper planning and infrastructure development that matches the influx of people moving to cities, demand for already scarce resources like employment, energy, housing, transport, water, sanitation, health care, security, and education becomes too high
Lack of actual implementation,	Citing poor political leadership, , a lack of funding, and the exclusion of different stakeholders from planning processes as key reasons for these failures
Poor dialogue and feedback mechanisms between urban councils and their citizens	Incompetency: Municipal leadership and politically appointed city fathers and mothers-based on electioneering party systems.

Source: Compiled by Nyendwa and Toitoi (2024)

1.3.4 Best practices for urban land governance

Studies conducted elsewhere shows that urbanisation is a double-edged sword (Salem et al., 2021; Saghir and Santoro, 2018). On the one hand, it is an essential part of development and can lift societies up by prompting diverse urban environments that stimulate creativity and innovation and ironically on the other hand, rapid urbanisation without appropriate policy responses to its particular challenges for example in unplanned cities can disrupt livelihoods and threaten the security of life and property. We note with enthusiasm that urban governance as an issue, as an option and as a strategy to leverage the inherent potential of urban areas has been well recognized and assumed critical importance in the context of ever growing role and importance of urban areas in the overall economic growth, employment generation and contribution such centres make to the national/state wealth (Roberts, 2014; Sungena, 2014).

Revelations from studied literature shows that urban areas are likely to emerge as the hub around which entire African economies and polity would gravitate (UNCTAD, 2018; Tessema, 2016; Dafinger, 2006). Given this importance, we argue that an appropriate environment should be created in these areas to attract

investment, provide employment, reduce and eradicate poverty, and make them more productive and sustainable. Data we gathered through ploughing on existing literature confirms that contemporary urban world has its genesis in three major developments namely growth in size, number and spread of human settlements; increase in the proportion of population that lives in urban areas and transformation of the society based on large proportion of population making urban areas as place of residence besides following a pattern of life which has its origin and character in urban environment (Enermarrk,2009;Decree and Doss,2006, Dube ,2013).

Table 2: Urban land governance best practices

Practice	Description
Creating Environmentally friendly cities	adopting a new regime of transportation based on least priority for personalised mode of transport, using more efficient and economical city forms, making cities more compact and humane,
Reducing considerably new slums formation	-through slum up- gradation and ensuring adequate supply of land for development of affordable shelters in safe and accessible locations; provide incentives for non-slum settlements
Building sustainable economic growth	-adopting livelihood focus in the urban planning, helping in the process reducing urban poverty and rural-urban migration by creating appropriate level of gainful employment opportunities. Re-planning declining cities and derelict areas and reusing/ recycling urban land leading to sustainable economic growth and better governance.
Creating safer and crime-free cities	adopting planning based on inclusiveness and partnership and providing a comprehensive framework for different interest groups to work together for a common purpose. Planned reconstruction and a governance approach used in the post- conflict reconstruction in strife-torn cities found to be highly effective to create sustainable communities.
Generating Resources	-leveraging the inherent potential and capacity of urban centres to generate resources for development of basic infrastructure and service and providing amenities which are critical to human sustenance and growth. -Planned development has capacity to usher a new era –promote mechanism of levying the development charges, land use conversion charge
Reducing vulnerability to natural disasters	-carefully siting and planning urban settlements and designing them as energy efficient and green settlements by addressing key issues of climate change.
Creating land bank	-the framing of land pooling and distribution schemes by involving land owners as co-partners in the planning and development process.
Re-inventing planning	-Promoting planned development and involvement of Town Planners have amply demonstrated that good planning can lead to good urbanism and good governance; Master Plans /Development Plans can be extensively be adopted by urban planners ; Legal framework guiding the planning profession and practice also needs to be relooked into in order to make it supportive of the new planning goals

Integrated Planning:	Involving economic, physical and environmental planning, set in an institutional framework to deliver efficiency and effectiveness that support urban centres operations
Sustainability	Based on integrated, social, economic and environmental considerations in human settlement planning taking into account impact of today's development on future generations
Planning with Partners	Involving all stakeholders including government, private sector, voluntary agencies and civil societies to foster voluntary collaboration. New urban planning works on the premise that planning is less an instrument of government and more a process of good governance; making city planning more participatory
Subsidiary:	Decentralisation is key in enabling local bodies to play the leading role; involving community based organisations on matters that can be determined at local level and integration of processes to create efficiency and effectiveness
Market Responsiveness:	Creating opportunities for the private sector; anticipating impact and reducing risks. Plans having credibility are bound to receive good market response and succeed.
Pro-poor and Inclusive:	recognition of rights to the city of poor, old, children, women, homeless and the low-income group of people and changing from 'area based' to ' area focus' approach to protect and safeguard the interest of have-nots
Cultural Variation:	Through replacing uniformity imposed by existing Master's Planning Model by including cultural priorities and preferences; replacing outdated legal regimes; and capacity building through skill development for professionals, community based organisations

Source: Compiled by Nyendwa and Toitoi (2024)

We propose further research on urban land best practices but however as at now, looking critically and objectively at the entire context of good urban governance, it can be fairly concluded that effective urban planning holds the key to good urban governance and that poor urban governance in the present context has its genesis in poor urban planning. Hence dealing with poor governance produces favourable good governance practices. Good governance should remain people cantered. Thus urban planning and urban governance invariably remains people centric having prime concern/focus on looking at promoting the welfare of the people, improving their social, physical, economic and environmental conditions besides improving quality of their life.

1.3.5 Empirical Studies-Country Comparison

We collected data for five countries, in an attempt to show their land governance practices. See table below;

Table 3 Empirical cases in Africa

Zimbabwe	Literature available concurs that Urban land in Zimbabwe is a lucrative economic and thus political asset. Increased demand for urban land across the country has been driven by multiple factors including high rates of urbanisation, increased

	rural-urban migration, urban population growth and serious challenges in housing provision post-independence. Zimbabwe, local government is a political reality that ruling regimes manipulate, associate with and advance political interests. Zimbabwe's politics continue to shape and destabilise a functioning, independent, and autonomous form of urban governance Urban governance remains under incessant threat from central government. Central-local government contests are leading to poor service delivery; a development that is affecting social change The present system in Zimbabwe requires a radical approach in restructuring of urban governance. Following peri-urban land reform, the state owns significant land in secondary cities of Zimbabwe. Public land ownership raises governance issues because the power to allocate public land is of great economic and political importance and has become a focus of corrupt practices. In our search for literature we found out that there are multiple land management authorities who make it difficult to deal with transparency and accountability in the land governance value chain, multiple legislative frameworks, limited supervision of housing cooperatives leading to non-compliance, and also rampant unprocedural and corrupt acquisition of peri-urban land in violation of the standard procedure in Zimbabwe. Councils and municipalities in Zimbabwe are still lagging behind in the adaptation of the new technological innovations which allow for automation of processes. We note that they have moved on to adopt some technology in advancing their land governance. They have since adopted Geographic Information System and the Local Authority Digital System which will help in reducing corruption and eradication of traditional methods of storing data.
Ethiopia	Fundamentally, Ethiopia is a world-renowned country with a long history of questionable democratic rule and substandard governance. The current government has introduced a democratic system and other reforms to ensure political and economic stability. Despite government efforts and support from the international community to promote and implement it, Ethiopia's current level of good governance remains inadequate both at national and local levels affecting urban land governance. Ethiopia's system is essentially hierarchical at both the federal and regional levels. The system provides for local government broad powers over land management practices. As regional differences in systems and socio economic frameworks, each regional authority strives to assimilate and interpret government laws while maintaining system harmony. We need to note the prevalence of state constitutions, laws, rules, and regulations. Fundamentally, land and concrete land are the exclusive property of the state and other Ethiopian residents when considered pure natural resources as provided for in Article 40 of the Federal Constitution. Principles of good governance have not been implemented at the municipal level (transparency, accountability, participation, and the rule of law). As a result, land use planning and development processes lack the essential components of good governance, participation, openness and accountability, equity, efficiency, and effectiveness

Namibia	Namibia is a large country on the West Coast of Southern Africa bordering South Africa, Botswana, Zambia and Angola. .Article 16 of the Namibian Constitution ensured that pre-existing property relations created under colonialism and consolidated by apartheid, remained fundamentally unaltered. Rights to land acquired during colonialism and apartheid were constitutionally guaranteed. Of significance to note is the1991 National Land Conference laid an important foundation for the development of Namibia's legal and policy framework on land reform. We note that out of the 24 resolutions taken at the conference addressed urban land reform in Namibia. The 1998 National Land Policy was the first attempt since independence to address the issue of urban land and to accommodate the rights and needs of the poor in urban areas. Fundamentally, the 1998 policy recognizes that Namibia is experiencing rapid urbanisation and that the urban land system is inadequate to address the needs of low-income residents, failing to make urban land more accessible and affordable to them.. Currently two out every three people live in an informal settlement and 67% are employed in the informal sector.2018 National Land Reform Conference policy propose to establish urban land reform as an integral part of the national land reform programme and develop a national urban policy and spatial development framework, supported by transparent land administration structures; Good news is that the government of Namibia have of late made strides to improve life in urban areas through the draft Revised National Housing Policy of 2022 which is now out for consultation and available at https://ilmi.nust.na/node/129. We note that , among other things, the policy aims to facilitate stakeholders' efforts to refocus public expenditure, improve housing opportunities at local levels, advance equitable housing subsidies and unlock private sector investment.
Ghana	Cities and towns in Ghana are fast expanding with daunting challenges for orderly physical development. Urbanisation and the increasing need for urban infrastructure have escalated the need for effective implementation and management of land use plans. Fundamentally, Ghana, like many African countries, is fast urbanising as a result of rapid urban growth fueled by a high birth rate, rural–urban migration, and intensified economic liberalisation and globalisation. We established that urban land use planning in Ghana has adopted the three-tier land-use planning model which considers spatial planning at various levels and the types of plans that will be prepared to address the needs of all stakeholders. Thus urban land-use plan implementation and management in the country are thwarted by a number of obstacles that includes but not limited to slow, cumbersome, and unending land delivery processes, weak participatory approach to land use planning and obsolete land-use policies and methods, This is further exacerbated by lack of qualified personnel and financial resources. Growth of urban population necessitates additional space (land) for residential and other urban infrastructural development. According to Osumanu et al. (2022,) as urban centres

	grow in size, there is always a high demand for land for different uses and purposes. Available data shows that in Ghana, the growth cities comes with sporadic physical development in the context of municipal authorities' inability to minimise the negative externalities associated with rapid expansion while increasing the benefits of urbanisation .We observed that - unmanaged growth of cities and towns in Ghana has resulted in problems such as over-stretching of infrastructural facilities and services, scanty shelter, deteriorating sanitary conditions, chaotic physical developments, and slum developments or shanty towns. Violating provisions and proposals in land use plans is common in Ghana
Botswana	Botswana, like most countries in Sub-Saharan Africa, has introduced numerous land related legislations, policies, strategies and programs Since independence (tribal Land Act of 1968; the Self-Help Housing Agency (SHHA) scheme initiated in 1972; the National Policy for Rural Development approved in 1973 and the Tribal Grazing Land Policy (TGLP) launched in 1975). The process for formulation of Botswana's latest land policy started in 2001 when the Government of Botswana (through the Department of Lands, Ministry of Lands and Housing) appointed a group of Consultants[1] (Natural Resource Services and Land flow Solutions) "to conduct a comprehensive review of land policy and prepare the groundwork for a government paper on the subject" (Adams et al., 2003: 65). The Botswana Land Policy that was approved by the National Assembly in 2019 addresses challenges and opportunities on land matters. The overarching goal of the new Botswana Land Policy (BLP), as stated in the 2019 revised version, is *"to protect and promote land rights of all land holders and promote sustainable human settlements"*. Breaking the policy into its components we note that there are two sets of objectives: namely: To guide all land operations for sustainable human settlements, land utilisation and socio-economic development and to promote access, equity, efficiency, land rights security and transparency in land. There are three main types of land tenure in Botswana. These are all regulated or administered by administrative bodies created by specific Acts. The primary ones are the Town and Country. Planning Board, the Land Boards and the District Councils. Land tenure impacts directly on the nature of use and so its importance. Land tenure in Botswana takes the following forms. . State Land, Tribal Land and Freehold land
Tanzania	Tanzania is the largest country in East Africa with a total area of about 948, 740 km^2 with approximation of land covering 889, 460 km^2 (Kombe 2010a, b; URT 2012). Today, Tanzania's legal framework recognizes customary land rights and grants that equal status to formal land rights. Land Acquisition Act of 1967, the Land Act of 1999 and the Urban Planning Act of 2007, the President of the United Republic of Tanzania is mandated to acquire land needed for public use or interest (URT 1967, 1999, 2007b). Customary tenure is defined as a right of occupancy; Land ownership is by means of obtaining Right of Occupancy for citizens and for non-citizen investors may occupy land for investment purpose

	through a government Granted Right of Occupancy, through Derivative Right granted by Tanzania Investment Centre or sub lease through a Granted Right of Occupancy; We note from our study that in Tanzania, for example, Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999 provide for two systems of land tenure, Granted Right of Occupancy (GRO) and Customary Right of Occupancy (CRO). Peri-urban land governance in Tanzania and other developing countries is shaped by divergent or complementary roles of actors emanating from their authority, power and interest which create a complex relationship affecting the land governance process. Digging through our research sources we note that the situation in Tanzania is not an isolated case; but does cut across Africa. Mabin et al. (2013) notes that African urban land tenure systems and markets have undermined formal institutional land administration mechanisms because they are complex, ambiguous and expensive. Major actors in the governing of urban land and other lands in Tanzania include but are not limited to the ministry of land and local authorities (city council, municipalities and town councils), the national land commission, registration boards, utility agencies and oversight institutions –for example Police Force and the Prevention and Combating of Corruption Bureau [PCCB] (PCB 2005; Katundu et al. 2013). These are the major actors playing a leading role in ensuring access to land and land governance (Kombe 2010b; Katundu et al. 2013; Msangi 2011).
South Africa	Planning for the development of South African cities has largely failed to address patterns of inequality, social segregation and urban sprawl since 1994 because difficult challenges related to urban space and land have struggled to find political favour, concerted technocratic consideration or coherent grassroots-supported mobilisation. Review of existing literature indicates that in 2019 South Africa had a population of 58.5 million people. The country has a land surface area of 1,220,000 km². Of this, around 11% of the land is arable. There are significant ecological variations ranging from dry conditions (desert and semi desert) in the west to two bands of higher rainfall in the east. South Africa is considered to be a water scarce country, with this scarcity exacerbated by extreme social and economic inequality; We note through secondary data and observations that throughout the 20th century numerous discriminatory laws and policies aimed at racialized forms of social engineering continued the dispossession of the black majority, and severely restricted their access to rural and urban land. The Constitution of 1996 advocates a radical break from past patterns of land ownership. Section 25, known as the 'property clause', provides a constitutional imperative for all the land reform legislation and programmes that have followed. Section 25 contains subsections which protect property rights and specifies the circumstances under which land may be legally expropriated. Subsection 25(3) sets out a detailed set of criteria which must be taken into account in the determination of compensation. Urban Land Mark recently developed a guide for local government in South Africa to assist municipal officials involved in urban land

	governance to carry out their functions in ways that ensure pro-poor outcomes in the urban land market. The objective of the guide is to provide easily accessible material based on the urban land governance work of Urban LandMark over the past five years to provide practical ways of working differently. In our review of literature and documents on urban governance, it emerges that the lack of a coherent approach to argue here that the 'land question' has consistently been associated with the rural development agenda and positioned within the government department responsible for this agenda. Arguably the conservative private property clause in the constitution, the eclipsing of the work of the Development and Planning Commission, the failure to produce national Land Use Management legislation or adequately address tenure reform, and the inability of the state to pursue a concerted programme of urban land reform are the result of this association.

Soure: Cases compiled by Nyendwa and Toitoi (2024)

1.3.6 Urban expansion and peri-urban informality

Worth noting from research reports is that Africa's cities are the fastest growing in the world, creating high demand for land for housing, business and transportation (World Bank, 2017). Urban land access and security is at the heart of the urban policy reform agenda. We argue that, in support of other research reports, that, from a policy position, the structural problems affecting African cities are institutional, and regulatory constraints often misallocate land and labour, fragment physical development, and limit productivity studies. Existing literature to date shows that across Africa, 60% of the urban population is packed into slums, much higher than the 34% seen elsewhere (United Nations, 2015). Studies show that large bands of mixed residents (UNCTAD, 2018, AfDB,2017) and agricultural areas around most African cities are key flag posts for urban development needed for this desired process of equitable, rapid growth and absorption of young people. Researcher Watson (2013) notes that:

"Around African cities, peri-urban areas have been growing very rapidly as poor urban dwellers look for a foothold in the cities and towns where land is more easily available, where they can escape the costs and threats of urban land regulations, and where there is a possibility of combining urban and rural livelihoods. These are the areas usually earmarked for development by new urban extension projects"

Literature that points at the insecurity of urban land rights is abundant and can be benchmarked by the PINDEX (2022) surveys. Fundamentally, findings reveal substantial insecurity among urban dwellers in most countries. This insecurity is most prevalent among renters, followed by those staying with permission on a family member's property

1.4 Findings from the Study

The findings from the qualitative studies conducted across selected five countries showed that citizens are not active participants in the urban land governance issues; are sidelined when it come s to consultations that involve land issues. About 80% of African governments do not conduct policy and governance process consultation with the concerned bodies, especially direct beneficiaries. This finding is similar to the finding on study by Gebrihet (2020) on determinants of urban lease and governance. It was also revealed that fear of committing political errors is the main reason many urban authorities in charge of

urban land governance are unresponsive to their clients. It also noted in this study that recent African urbanisation analyses (African Development Bank, 2021) have confirmed the problems of limited job creation, inadequate structural transformation, and poor livability seen in many sub-Saharan African cities today

Results from the interviews conducted from selected country cities show a very interesting scenario. While one out of every three respondents in African countries selected said corruption in land management was a serious problem, nearly four out of every six people in low income countries shared the same concern. Consistently both from literature reviewed and empirical results, it has been revealed that the major challenges of urban land governance among key and those with significant negative impact on the sustainable growth of cities include but not limited to lack of commitment, rent-seeking, lack of technology, materials shortage, budget inadequacies, illegal land occupation, political influence, frequent change of regulations and leaders, contradictory proclamations, the extensive bureaucracy of complaints, and a shortage of skilled and competent staff. We further noted that lack of suitability, political intervention, monitoring, and evaluation, institutional structure gap, and lack of implementation of the land lease are challenges that affected land use planning to effectively control the urban spatial expansion in 90% of the studied areas. Study by AfDB, (2017) reported similar outcomes.

Piercing through the existing literature on urban land governance (Ju et al (2016) and Kebede (2017), we noted that land tenure insecurity is a problem hiding in plain sight in Africa. Further analysis and diagnosis of existing literature, shows that the issue of land tenure insecurity, impacts the entire spectrum of human development in the continent. The study has also shown that the rules and regulations governing urban land contain many ambiguities, and hence misunderstood by those who are supposed to implement them. The questions regarding the challenges of urban land governance were targeted to the employees of urban land management offices in the selected countries 'cities. The findings show that there is fear among employees making decisions, incapacity, population growth, the illegal work on urban land, and leaders' volatility before addressing cases and poor governance. The results of this study shows that rules and regulations governing urban land governance in 70% of the selected countries are complex and ambiguous. These findings are in tandem with reports written by UNCTAD in 1918, on the same subject matter.

Similar studies across the continent show that good governance consultation forums are uncommon at the regional and municipal levels. This has deprived citizens' opportunity to get feedback or participate in the decision-making process for urban land governance. Emanating from the study is that urban land matters take a long time to resolve, employees are not proactive in resolving issues, and the urban land management board receives many complaints with little intervention being put in place.

From the five selected countries, it emerged that (on the issue of transparency) the process of urban expansion/infrastructure development is not transparent. The participation of the community in the planning and expropriation of urban land for the development process was low. All the planners and land experts interviewed showed that all processes depended on the approval of technocrats and officials.

It emerged in 60% of the countries selected that equity is one primary problem in urban land governance, and is most visible in the land lease programs and land allocation. We noted with displeasure the current lease price not only disregards the financial capability of the publics, but also oppresses the poor-in all the selected countries. It was also revealed, in addition, information on planned urban expansions and infrastructure developments for public engagement with urban land rights by stakeholders did not fully meet the standards set out by World Bank on urban land governance requirements, as bench marked with other countries.

We also noted one astounding finding in more than half of the selected countries in terms of protection of cultural heritage and buildings. Results revealed that local heritage has not been, in most cases, fully protected during urban expansion and regeneration-a cause for concern for future generations.

The study also showed that the issue of illegal settlements and slums was common in mega cities including Johannesburg, Cairo, Abuja and Accra for example. The existence of these informal settlements in the cities and squats are still growing in high-risk and environmental protection areas. A similar study conducted by AfDB (2017) reported issues of informal settlements as a headache to many cities and needed a sustainable and permanent solution. Apparently from the literature gathered and the interviews conducted , there is little being done in more than two thirds of the selected countries ,measures taken to date to solve the problem were either resettlement of informal settlers included in the regularisation plan or stopping of new informal settlements. Running through the reviewed literature, we noted that these data showed that most illegal buildings were demolished in towns.

Given the problematic discourse of peri-urban land governance, we concurred to recommend that the political economy of urban and peri-urban land developers create opportunities for informal land developers, land prospectors and quasi-criminal land mafias to operate informal markets. Hence the development of a full fletched Peri-urban policy framework for African cities is a 'must' to address the ills of slumps that develop around the areas.

1.5 Recommendations and Future Research

Literature from this study suggests that there is a need to upgrade essential infrastructure in Africa's cities, especially in underserved areas. The growth of cities and towns is associated with the growth of slums. It is evident from the studies conducted in Africa that limited infrastructure hinders the delivery of key public services like policing, resulting in insecurity and violence. Most of the continent's urban areas are already densely populated, making tensions more likely to arise in the event of poor service delivery. Formalization of settlements that are conducive environments for safety and security, African governments need to promote sustainable urban planning structures that cater to all communities in urban areas. The study recommends the establishment of youth education centres, clubs, recreation centres, and employment programs. Prevention projects and initiatives that specifically focus youths are particularly important in the school curriculum providing strong awareness campaigns on alcohol, drugs and other risky behaviours. On addressing mobility and transport issues, this study emphasises the pressing need to factor urban mobility into city planning and to develop integrated public transport systems. Transport cannot be planned and implemented in isolation; communities must be included too in the planning process.

This study sees it as paramount, to recommend the gradual movement or shifting away from private transport and toward a public transport model. Governments must provide incentives, to encourage urban residents to make this movement and allow public transport to become more attractive and reliable-allocating separate lanes for public transport vehicles, as is done in Tanzania. Clear policies and policy guidelines must be put in place to enable pinning those individuals who attempt to derail and hinder progress-for public good.

We take a position as part of our recommendation throughout this study that the various decision-making stages of the planning process should allow urban land management affected by development projects to participate. The issue of slums in African cities is a cause for concern. We propose the rationalisation of land use, governance and management and the upgrading of informal settlements to allow residents to

invest in their human and physical capital and support urban services and infrastructure are key processes to enable Africa's cities to become drivers of development through positive economic spillovers. We also, based on our experiences on feedback we got from respondents and the secondary data we collected, recommend that African cities should develop and implement mechanisms to ensure public participation in urban land governance. The development of a participatory urban governance model is needed. We will elaborate on this model in our next publication on sustainable urban growth in Africa. It can happen by empowering people, strengthening existing and new civil society movements to participate in communities or individuals in urban land issues, and implementing governance methodologies based on stakeholder involvement. We concur with other studies on the need to take practical action in land governance. Actionable data that can be used to create realistic targets and lock in political and financial commitments for progress on securing land rights is a key driver to improving the advocacy, policy and research processes to transform land rights in Africa.

We also recommend the need to eliminate fronting and underutilization of resources, plots should be allocated or and sold to those who are able and ready to develop them. Holders of large undeveloped or underdeveloped land should be taxed to avoid hoarding underutilised land. The objective should be to collect so much revenue to facilitate servicing of more land while minimising speculation games which may lead to increase in the price of land, disadvantaging the poor

1.6 Conclusions

Closing this study, we concurred that this study aimed to interrogate through in-depth assessment of challenges and best practices on urban land governance in Africa. This study highlights the role of secure and inclusive land rights in addressing some of the most salient, urgent and impactful development \ challenges facing urban areas of sub-Saharan Africa at the current time. Significant insecure property rights across the region contribute to foregone investment and productivity, social vulnerability, instability and environmental degradation-affecting sustainable growth of African cities. The urban land governance culture in the study area was mainly interrogated based on its elements of responsiveness, effectiveness, transparency, accountability, participation, equity and efficiency among other determinants. Fundamentally, we concur with the position where it is argued that urban land use, urban land value, social inclusion, and access to finance -all emanates and are affected by good land use planning, which is a critical ingredient to securing urban land tenure. The need to monitor and benchmark land rights security and other indicators like documentation, conflicts and land use for sustainable development can help African policymakers and civil society to develop, create and implement fair and sustainable solutions in the long run. The study also concludes by arguing that tenure security in Africa can be improved through recognition of existing rights, protection of vulnerable groups, re-imagining of state sponsored investment projects, and better data to link land, food and climate. We argue that African cities hold the key, future growth and development of Africa and that growth will be contingent largely upon the proficiency, efficacy and efficiency of 'Planning urban authorities. We further conclude our paper by arguing that local self-governance of cities where interference from national and regional governments is limited or completely scrapped would allow city administrators and their residents to develop sustainable growth plans and implement activities to fulfil the specific needs of their city through land-based methods –not politically inclined.

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47. **PRINDEX** | WORKING PAPER 2022

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