



EFFECTIVENESS OF PLANNING LAW IN SUB-SAHARAN AFRICA

URBAN LEGAL CASE STUDIES | Volume 8



UN**HABITAT**
FOR A BETTER URBAN FUTURE

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VOLUME 8

2019

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EDITOR'S NOTE

The research for the city of Beira was conducted in November 2018, barely four months prior to the devastating Cyclone Idai making landfall near Beira on 14th March 2019 and consequently destroying 90% of the city according to the International Federation of Red Cross and Red Crescent Societies.

SUMMARY FINDINGS

I. THE PLANNING LAW RESEARCH

Using the Global Sample of Cities (see Annex) as a statistically representative dataset, the Urban Legislation Unit of UN-Habitat has conducted an objective, evidence-based assessment on the application of physical planning laws. The Global Sample makes it possible for individual values to be assigned to cities after which the variations in these figures can be studied among the world regions, income groups, or population sizes.¹ The following comparative analysis considers the Sub-Saharan African regional sample, which consists of the following eighteen (18) cities:

Global Sample of Cities in Sub-Saharan Africa	
Angola	Luanda
Dem. Republic Congo	Kinshasa Lubumbashi
Ethiopia	Addis Ababa
Ghana	Accra
Kenya	Nakuru
Mali	Bamako
Mozambique	Beira
Nigeria	Gombe Ibadan Lagos Oyo
Rwanda	Kigali
South Africa	Johannesberg Port Elizabeth
Tanzania	Arusha
Uganda	Kampala
Zambia	Ndola

Figure 1: The 18 cities in the Sub-Saharan Africa Regional Sample

¹ Shlomo Angel et al., Atlas of Urban Expansion Volume 1: Areas and Densities (Co-published by New York University, UN-Habitat and Lincoln Institute of Land Policy 2016) pages 12. <https://www.lincolnst.edu/sites/default/files/pubfiles/atlas-of-urban-expansion-2016-volume-1-full.pdf>

For the data collection process, the Legislation Unit developed a questionnaire, consisting of 17 questions, categorized under the following four thematic areas: 1) Urban Areas; 2) Urban Plans; 3) Land Administration; and 4) Institutional Framework. The questionnaires have been completed by a variety of UN-Habitat offices and partners but, in all cases, the Legislation Unit has guided and finalised their development. This has ensured the comparability of findings in all except the instances where data was not available.

The data gathered from this research will support an assessment of whether existing planning laws are being applied in urban areas. This is particularly relevant for UN-Habitat's work on urban law; to promote enabling legislation adequate to meet the challenges of rapid urbanization. By providing substantive knowledge on the state of planning law regionally and globally, it is hoped that the study will help city managers to rethink the sustainability of the urbanization model; and create systems that can result in equity, shared prosperity and environmental sustainability. These are the key principles reflected under international commitments such as the New Urban Agenda and the 17 Sustainable Development Goals (SDGs) – in particular SDG 11.

This study considers whether the law is being applied as written. This informs discussion of the effectiveness of legislative design, i.e. are laws being designed to be effective on the ground. There is no intention to consider the relative merits of the planning outcomes that the laws seek to achieve. That would be a question of planning policy rather than law. In colloquial terms, we are only asking, 'does the law do what it says on the packet'?

II. THE FINDINGS

A. URBAN AREAS

This section assesses whether the city has a mechanism to separate urban (built up or buildable) from non-urban land (i.e. agrarian, forested, environmentally-protected, etc.). It also describes the current density of people in the growth boundary or the closest equivalent to this, which is the current population density in the existing urbanized area. Finally, this section considers how long it would take to reach the UN-Habitat recommended minimum average population density of 15,000 people per km².

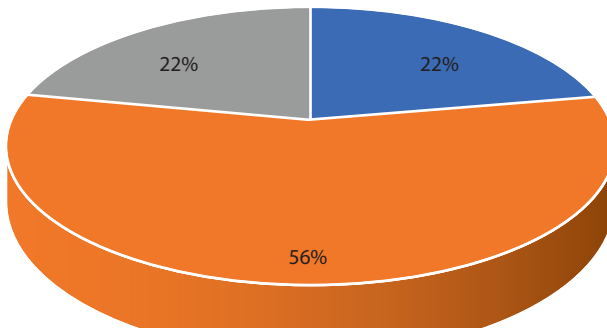
Growth Boundaries

An urban growth boundary is a growth management tool designed with the aim of limiting urban expansion but not necessarily with the intent of densifying the entire urbanized area. As such, it provides an indicator of whether the law reflects a policy of compactness, even if not as a direct proxy. In the Sub-Saharan African region, two types of growth boundaries are in use:

- a) An *explicit* boundary line that is set by either a spatial plan or regulatory instrument. Four cities² (22%) use this mechanism.
- b) An *implicit* boundary line that is established by the accumulated boundaries of land use zones in spatial plans. This is the prevalent type applied by ten cities³ (56%).

A further four cities⁴ (22%) have no form of growth boundary.

Urban Growth Boundaries



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