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Reshaping Land Management and Strategic Planning Relationship

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Table of Contents:

Executive summery.....	3
Introduction	4
Approach and methodology:	4
Theoretical review:	5
Section II: Show Case of Egypt	10
Main Challenges Facing Effective Land Use In Egypt:.....	10
Section III: Conclusion	16
References:	19

Executive summary

This paper aims to draft a clear framework and relationship among strategic planning, spatial planning and land administration, provide policy guidelines for effective land administration approaches that help achieve the targeted strategic economic and social sustainable development and more importantly, draw a map for integrate land administration system within strategic planning processes through empirical study of Egypt.

Main finding is ineffective land administration was very apparent in Egypt. Due to urban plans are concerned only with urban designing rather than providing a comprehensive and balanced special plan. As well as Limited participation of the different stakeholders in preparing the designing the urban plans. also, the longtime used in designing the urban plans which negatively reflect on the housing problems.

The road map of reform starts by an effective and comprehensive institutional structure/framework that consists all planning relevant institutions and clearly identify the roles and responsibilities of each institution. As well as an effective land use planning can help achieving proper sector trade-offs that maximize the developmental outcomes of land use options. Also Ensuring decentralization of the political decision making as a way towards decentralized land planning system that allow decentralization authorization to be placed on different planning levels which enables the cumulative impacts of future development and ensure sharing of responsibility for protection and management across a wider number of stakeholders.

Introduction

The world is facing many complex urban related challenges such as climate change; rapid urbanization; increased demand for natural resources; scarce food, water and energy; informal settlements; in addition to wars and civil violent conflicts that severely reflects on the land uses. Issues such as unequal access to land; insecurity of tenure and unsustainable land use became very familiar in many countries. That might explain why contemporary theories of planning are giving more importance to spatial planning and effective land administration as a way towards effective public investments management. Taking into consideration the complexity theory, traditional linear ways of analysis is not the proper path to follow. Despite of the developmental status of any community, the high level of uncertainty and turbulence makes us obliged to revisit the strategic- spatial planning relationship in terms of concepts, structure and process. That will urge us to raise important questions such as; what is the role of spatial planning and land administration in sustainable development? To what extent it relates to achieving economic and social development? Why do we need efficient land administration? How to reach that? What is the relationship between land administration, effective spatial planning and sustainable development? What are the main pillars of effective Land administration and/or governance? and What are the challenges?

Approach and methodology:

Trying to discuss these questions, the paper aims to draft a clear framework and relationship among strategic planning, spatial planning and land administration, provide policy guidelines for effective land administration approaches that help achieve the targeted strategic economic and social sustainable development and more importantly, draw a map for integrate land administration system within strategic planning processes. The paper will focus on the case of Egypt as an example to be used in analyzing such relationships.

The paper will be divided into three sections. The first section discusses the conceptual framework of strategic planning and land administration. The second section discuss gaps and challenges relating to practices in developing countries providing the showcase

of Egypt. The last section provides a policy guideline for reshaping strategic – spatial planning relationships.

Theoretical review:

Many of the world's problems involve threats such as global warming, rapid urbanization, increased demand for natural resources, limited food, water and energy supplies, informal settlements, wars and civil violence. Combining those two points, led to limited development and missed opportunities. Inequality of access to land; insecurity of tenure; and unsustainable land use became very familiar. It could explain why modern planning theories are more interested in spatial planning and land administration. Linear approaches fail to account for certain phenomena, especially those involving complex systems. Under the pressures of current changes, however, our planning system has to reflect the fact that the society is going through a great deal of uncertainty and turbulence. We need to consider things like; the role of spatial planning and land administration in sustainable development.

There has been a major shift of planning process by moving to spatial planning, which is mainly based on the use of land in the process of development and the optimal selection of these lands in development processes. There are a very important needs for spatial planning especially for transition Economics and having rapid growth in population. (United nations, 2008).

As well as There are increasing in land demand for multiple uses (Agriculture, Housing, Industry, ... Etc.), on the other hand the supply of land is very limited. Also, there are many challenges (institutional, regulation, economics, Social, and Environmental). (Hildegard Rohr, Juaneé Cilliers, Werner Fourie, 2018).

The integration between spatial planning and land uses lead to effective land management and resolve all challenges can be raise according to the deficit between demand and supply (Epson, 2012; GIZ, 2012).

There are needs to huge information to create geospatial information framework for land sector, develop a comprehensive vision for land management is a

part of Strategic Planning. As well as strategic guidelines for action plans. (United nations, 2019).

South Africa have a very good experience in Spatial planning and effective land management by update the regulations for land uses, and institutional reforms towards decentralization and expand the role of localities in planning and determined land management (South Africa, Ministry of Rural Development and Land Reform, 2019).

Section I: Conceptual Framework

COVID- 19 pandemic, as one of the most complex challenges that put governments of different developmental levels in an uncertain position as they were unable to predict the consequences or order to control it. That raised questions about the recent increasing roles of the states, role and magnitude and directions of public expenditures, and the effective allocation of financial and non-financial resources. It also raised questions regarding developmental approaches and priorities and the effectiveness of the ongoing planning and public investment management approaches. It is also important in this regard to reflect on a new development paradigm featured in opposing the liberalization and Washington Consensus and its imbedded concepts of globalization, free markets, limited role of the state, limited public expenditures, etc. All that together urged rethinking the role and model of planning organizations, theories, concepts and approaches providing more space to spatial planning and land administration as tools that enables responding to the emerged concepts dominating international development movements such as inclusive growth, leaving no one behind, regional balanced development (figure 1).

Table (1): Main Conceptual Shifts Affecting Planning and Developmental Approaches

Old Approaches	New Approaches
Trickle Down Effect	Inclusive Growth
GDP Growth Rate	Sustainable/Comprehensive Development
Distribution Equity	Social Cohesion
Jobs Creation	Decent Work
Community Development	Regional Balanced Development
Central /Indicative Planning	Decentralization/ Strategic Planning
Development	Green / Circular Economics
CGE Models	CGUE Dynamic Models
Factor Based Economics	Knowledge& Innovation Based Economics

Table (1) and figure (2) presents the Main Conceptual Shifts that affect planning and developmental approaches, which consequently, helped introducing land administration related concepts such as Urban Sustainable Development, Sustainable Land Management and Urban Governance.

i) Urban Sustainable Development:

The emerging concept “Urban Sustainable Development” appeared to stand for challenges facing urban planning and design. Two main issues could be considered in this regard; 1) the expected increase of the cities and its population, as according to the UN-DESA, in 2018 around 55% of the world’s population live in urban areas, which is expected to increase to reach 68% by 2050 proving a gradual shift from rural to urban areas (United Nations, 2018). That led to emergence of many new concepts such as

Figure (1): Land Sustainable Development Framework



Source: Illustrated by the authors

“Sustainable Cities” and “Resilient Cities” which must have an immediate reflection on land administration. 2) Countries’ commitments towards the adoption of SDG number (11) entitled “Sustainable Cities and Communities”, and its implications on land related uses, policies and plans as tools and mechanism to reach effective urban design and planning (UN HABITAT, 2017).

ii) Sustainable Land Management (SLM):

Sustainable land management is an approach that enables land users maximize the developmental economic and social benefits of land use, while maintaining or enhancing the ecological support functions of its resources (soil, water, vegetation, and animal resources) (Liniger et al, 2011). SLM concept combines technologies, policies, and activities aimed at integrating socioeconomic principles with environmental concerns to make economic activities socially and developmentally acceptable.

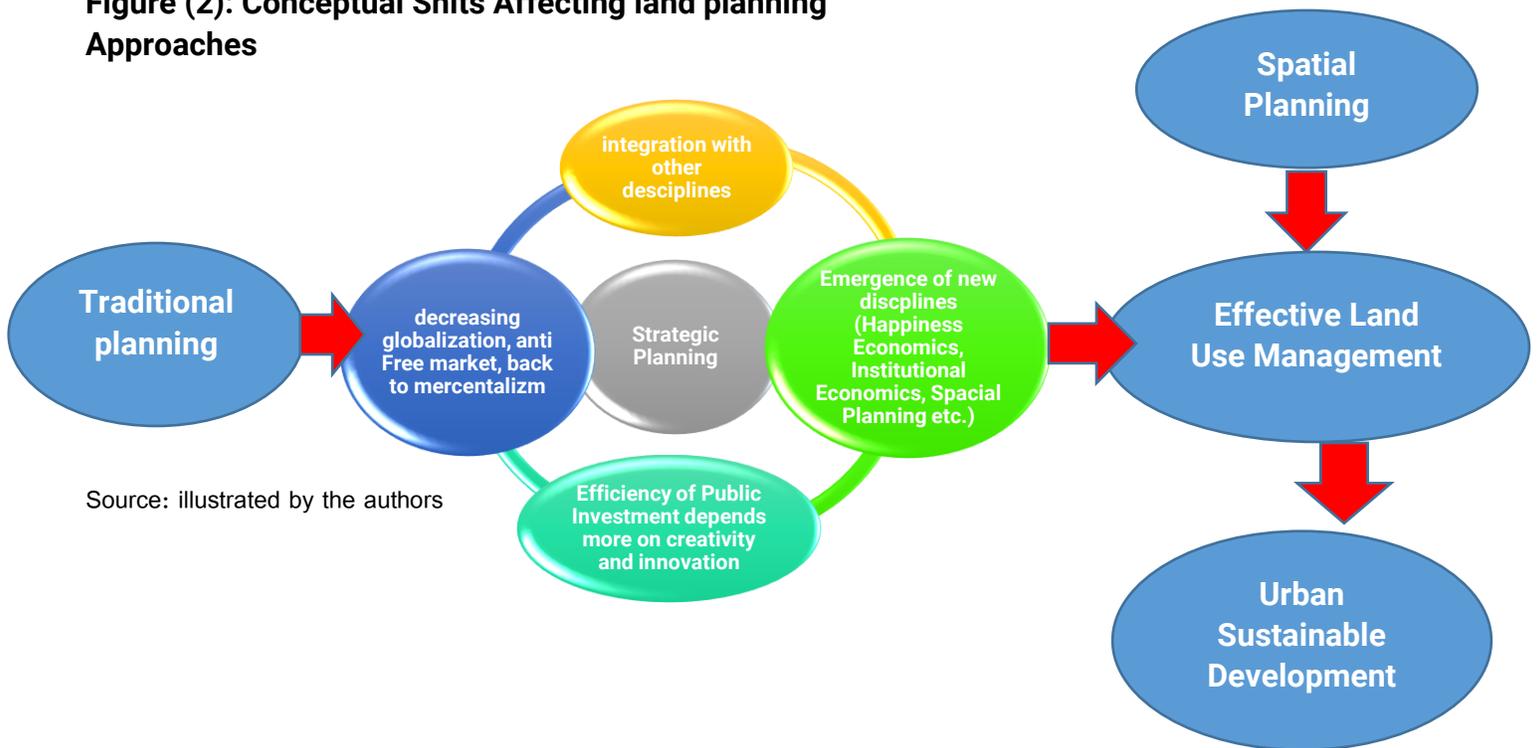
Land Use Planning, also called Spatial Planning, is an important part of SLM as it help addressing desertification/land degradation and drought, climate change mitigation and adaptation, accordingly, it helps better allocation of different social and economic use of land. SP have important advantages on both national and local levels. On the national level; it help governments design effective interventions that promote regional economic prosperity by: (a) mitigating competing land uses and land tenure conflicts; (b) protecting public goods and implanting amenity improvements; (c) ensuring higher efficiency in the provision of public services; (d) better use of potential urban areas; (e) improving transportation outcomes; (f) reducing the uncertainty and transaction costs involved in land development, (g) considering all ecological concerns, and (h) strengthening land governance. On the local level; it helps villages develop joint land use plans, entering into agreements for resource sharing and protection and more importantly, it helps reducing potential land use conflicts (Jason Kami, 2016).

iii) Urban Governance:

The emergence of the two concepts; Urban Sustainable Development and Sustainable Land Management mentioned developments led to transforming the concept “urban Management” into “Urban Governance”. The ever increasing natural and human-made disasters combined with the rapid urbanization, in addition to the impact of

accelerated communication revolution and the role of the social media in community participation in public policies (Yurian Edelbus and Mayen Peter Van Dyck, 2017), all that together, urged policy makers to rethink policies and regulations governing urbanization processes, and setting more room for the involvement of the private sector, civil society organizations and the communities(Avis, W.R. 2016), in addition to changing the role and competencies of the urban planner to be transformed from being a technocratic person to be a facilitator that respond to the emerging concepts and approaches.

Figure (2): Conceptual Shifts Affecting land planning Approaches



Source: illustrated by the authors

Section II: Show Case of Egypt

Talking about Egypt, the magnitude of economic, social and environmental misuse of land due to ineffective land management in Egypt is proved by many scholars as well as practitioners. Although the recently established cities and industrial parks are applying contemporary planning concepts that narrow the strategic-spatial planning gap, however, we still need to ensure the institutionalization of land administration - strategic planning processes, assess the strength and use of geospatial information databases, if any, and more importantly, assess the awareness of the planners and decision makers regarding the role and importance of having an effective land administration system. We might say that the current system in Egypt is becoming aware of the challenges and potentials related to sustainable land management and introducing a comprehensive reform framework that will be discussed in the following part of this section.

In sum, LUP provides an integrated programmes that serves achieving effective national and regional development and management. It is that only way to effective trade-offs between sectoral policies that drive economic, social and environmental processes as a dynamic system that consists of different factors that are: industry, transport, energy, mining, forestry, agriculture, recreation, and environmental protection. LUP helps building land use trade-off models and scenarios of future social, economic and environmental impacts of any land use. Such functions help reaching efficient land allocation and an anticipating competition for land resources.

Main Challenges Facing Effective Land Use in Egypt:

a) Economic Challenges:

The last two decades in Egypt has witnessed remarkable decrease of the public investments. That could be attributed to the implementation of the Economic Reform and Structural Adjustment Program started in 1991, followed by the 25th of January 2011 and 30 June 2013 revolutions and the associated rebels that continued for more than four years which negatively affected the public expenditure leading to huge budget deficit. COVID- 19 pandemic that started in 2020 has worsen the situation as more burden were put on the public expenditures due to health and education, unemployment and other expenditures. Governments usually face budget deficit by decreasing expenditures and/or increasing

revenues and national growth rates, however, due to the COVID-19 both solutions were impossible.

b) Complex Institutional Framework:

The number of governmental bodies' governing public land is very confusing. Who have the authority to assign certain piece of land for a certain activity and on which bases is not really clear in Egypt? Overlapping roles and responsibilities are very clear when analyzing the roles and responsibilities of the main two responsible institutions that are General Authority for Urban Planning (GOPP) and the National Centre for Planning State Lands Usage (NCPSLU), however, no clear framework that link the out puts of the two institutions. For example, NCPSLU established in 2001 aiming at collecting the public land information that are scattered among different governmental entities. It was able to produce a map with scale of 1:1,000,000, however, it provided extremely limited information. Improving these maps by producing a map with scale of 1:250,000 was a very hard process due to the lack of coordination among the different entities that manage the lands, nevertheless the available data at these governmental bodies are not that accurate and no coordination with GOPP was established in this regard. That returned into lack of existing of a reliable national unified database of land tenure and uses.

c) Inefficient Role of Regions in Public Investment Management:

Since the seventies, the role of regional planning and local planning in designing a comprehensive national plan realized and reflected in both the institutional and legal frameworks.

1- Regional Planning Supreme Council that was established in 1977 by a presidential decree no 475/1977 through which Egypt was divided into seven regions that are Cairo, Alexandria, Delta, Swis Qanal, Nourth Upper Egypt, South Upper Egypt and Middle Upper Egypt region. Based on such presidential decree, a supreme regional planning committee was launched in each region to be headed by the capital governorate of the region, and members include governors, local administration, heads of regional planning associations, in addition to representatives of the different ministries performing in the region. This committee was assigned the following:

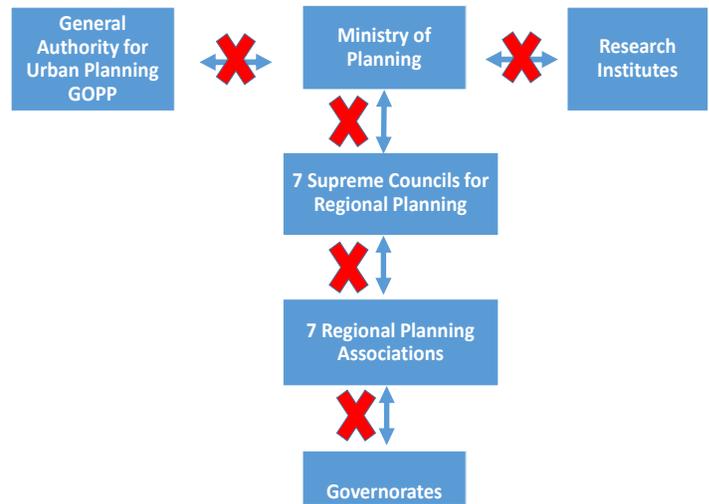
- Setting standards of regional planning

- Approving the regional urban plan of the region that was designed by the urban planning association, and addressing priorities.
- Seeking credence of the minister of planning on the urban plan.
- Monitoring plan implementation processes. (Abouziied Rageh, 2012).

2- Seven Regional Planning Associations were launched under the direct supervision of the Ministry of Planning and Economic development. These associations were assigned to study the social and economic portfolio of the region, address different types of challenges and future economic potentials and translate them into well prepared proposals for economic project that serve the different developmental priorities of the region. These proposals were supposed to form the midterm and yearly investment plans. However, as presented in Figure (3), these bodies were unable to effectively perform due to the following:

- It is role and linkages to the national planning system was not clearly determined.
- No clear linkage between regional and national plans.
- Lack of any authority on the governorates which made them administratively very weak and unable to perform.
- No clear relationship or role with the central ministries in preparing regional plans.
- No authority to monitor the projects implemented within the region.
- And no clear relationship between these regional bodies and the local administration on the governorate level.

Figure (3): Inefficient Relationships among Planning Levels



Source: Illustrated by the authors

In addition to these two laws, on the private land ownership level, land registration laws and procedures are very complicated. Only 8% of private lands are registered.

Unregistered lands are not included in the national asset system and more importantly it cannot be economically employed.

3- Lack of Coherent Land Policy Framework:

Fragmented policies and comprehensive vision governing land administration in Egypt is a real problem. That caused fragmented institutional and legal frameworks which caused disposition and male valuation of public lands, and leveraging of land as an important asset in economic plans that target investment attraction both national and international investments, economic growth, equity and social development, and fiscal and environmental sustainability considerations (World Bank, 2016).

4- Complex Legal Framework:

Ministry of Justice stated that there are about 40 fragmented laws and presidential decrees¹ governing the public land administration in Egypt. While no clear philosophy or developmental approach that frame these laws and regulations leading to a complex² institutional framework and overlapping responsibilities as in addition to governorates, a number of ministries and associations are authorized to allocate lands for certain activities with no comprehensive developmental vision that lead to effective spatial planning. (Abouzied Rageh, 2012).

Different Planning Eras, Two Recent Revolutions, but Same Laws: Although the fact that in the last decade, Egypt went through two revolutions leading to new constitution, still laws and regulations governing planning activities in general and land use and planning in particular remain the same since the socialism era.

a) Planning Law: Public investment and planning in Egypt is governed by law no. 7- for year 1973. Many drafts for new planning law, lately entitled “Unified Planning Law” were proposed and discussed in the parliament over the last ten years, but none of them brought to life. Important to mention that even the proposed law does not provide a clear shift in the relationships among national planning relevant institutions. On the contrary, planning activities still fragmented and no clear institutional framework that harmonize such relationships

There is a crucial need for a new planning law that set an effective comprehensive framework for national planning that set clear roles for different governmental organizations, private sector, civil society organizations as well as local communities (MPED, 2020).

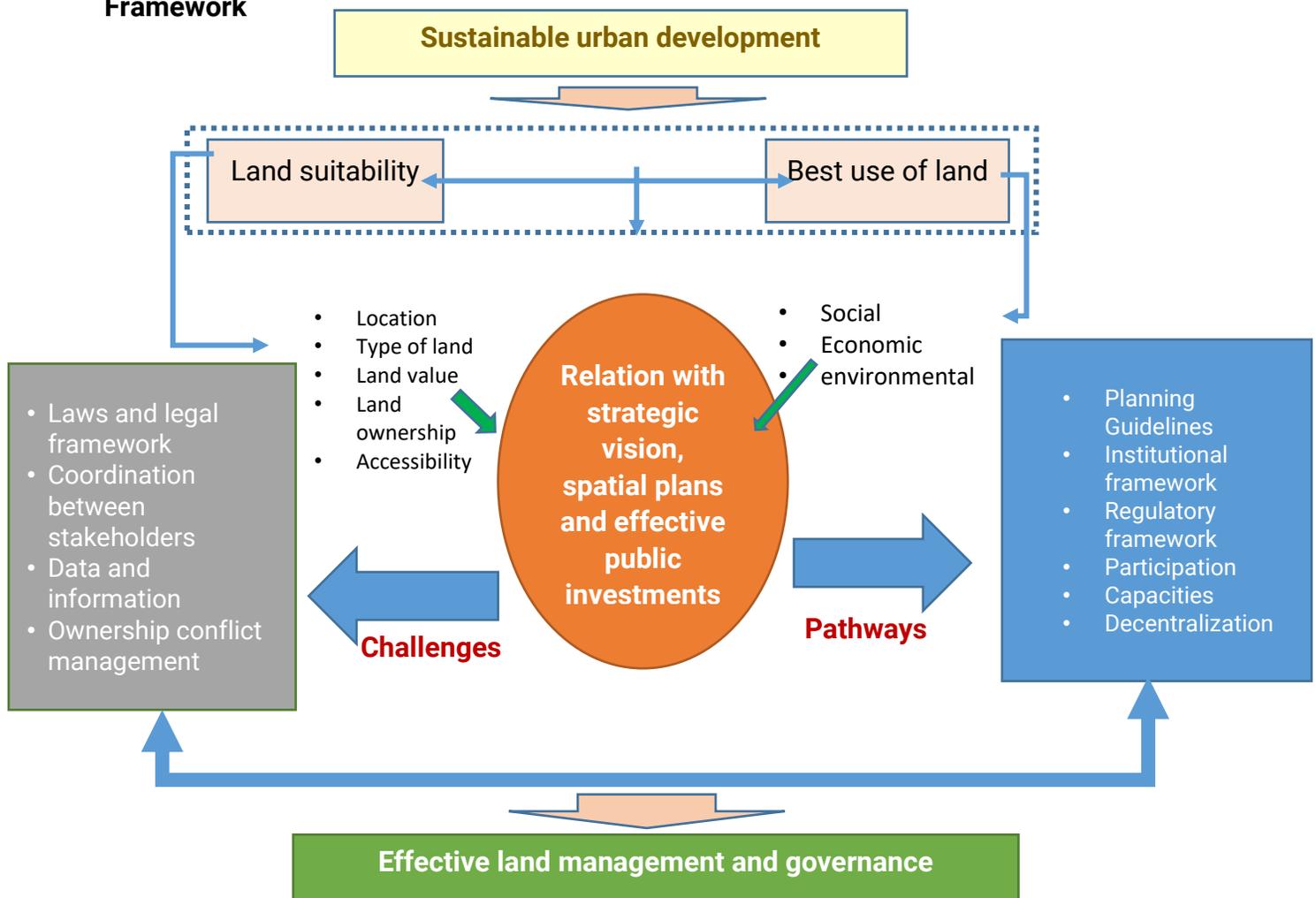
b) Local Administration Law: One of the main reasons of inefficient public investment management is the sever centralization that does not consider local communities view points while allocating financial and none financial resources. Same as planning law, the working public administration law no 43 is dated back to year 1979. A new law is crucially needed for the following (Fared Abdelalal, 2012):

- Cleary distinguish between “local government” concepts that hold more of political issues and the “local development” that holds a developmental concept that would reflect upon the formation of the national and local budgets (Saad Hafez, 2012).
- Enhancing the role of the local planning bodies on all levels starting from the village, markaz, governorate reaching the region and national levels.
- Enabling effective coordination between the national, regional and local plans.
- Ensuring the approval of local councils on the designed plans and empower them monitor the implementation. It should be a prior compulsory step for approving any investment plans.
- Ending the dual subordination of the directorates (14 directorates) that are technically following the central ministries while administratively under the direct supervision of the governor. Practically speaking, they follow the orders of the central ministry rather than the governor. That of course negatively reflect on the translation of the needs and priorities of the governorate in the national plan decided by the central ministries.
- In addition, solving the conflicts with the philosophy of the constitution of year 2014 as well as the local administration law that calls for enhancing decentralization that transform more authorities from central ministries to the local administration at the governorate level which enable them respond to the developmental needs and priorities of the local communities.

To conclude, as presented in Figure (4) below, in light of the above challenges, the sustainable urban development is based on many aspects and dimensions, but there are

two main pillars, the 1st one is land suitability which includes the location, type of land, land values, land ownership, and accessibility. The 2nd pillar is the best use of land, achieving the best outcomes economically, socially and environmentally. The strategic planning for each country should take in consideration the two previous pillars for an efficient sustainable urban plan, which is translated into the spatial planning and the allocation of public investment for each region or governorate. An efficient sustainable urban plan faces some challenges; (a) weak coordination between stakeholders, (b) ownership conflict management, (c) lake of information and data and (d) prescription law and legal framework. A reform and restructure the regulatory and institutional framework, update the planning guidelines towards the new approach to strategic and spatial planning, effective participation from all stakeholders is also crucial, Political and financial decentralization for localities, and more capacity building for the human resources. All these reforms will lead to the effective land management and governance.

Figure (4): Sustainable Urban Development and Land Management Relationship Framework



Section III: Conclusion

Pathways:

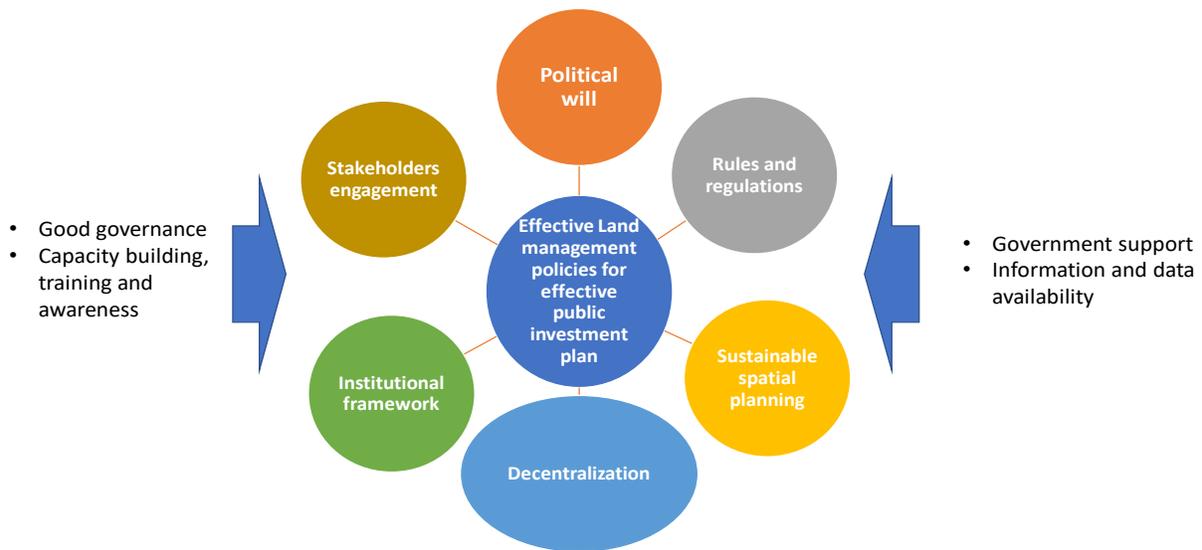
In light of the aforementioned challenges, ineffective land administration was very apparent in Egypt. That might be summarized in the following main problems:

- Urban plans are concerned only with urban designing rather than providing a comprehensive and balanced special plan.
- Limited participation of the different stakeholders in preparing the designing the urban plans. They are only allowed to provide their objections after the urban plan is approved by the local administration.
- The very long time used in designing the urban plans which negatively reflect on the housing problems.

Accordingly, the paper proposed the following comprehensive sustainable land planning framework presented in figure (5) that focuses on the following aspects of reform:

- Introducing a map for an effective and comprehensive institutional structure/framework that consists all planning relevant institutions and clearly identify the roles and responsibilities of each institution.
- Considering that effective land use planning can help achieving proper sector trade-offs that maximize the developmental outcomes of land use options.
- Ensuring integration of cross-sectoral policies (e.g., land use, energy, and water management) into a single planning instrument at the regional level.
- Revising all presidential, ministerial and cabinet decrees and laws issued over the years which created a huge complicated legislative system aiming at removing all existing confusions and affirm transparency for the different stakeholders on both local and national levels.

Figure (5): Proposed Comprehensive Framework for Urban Sustainable Planning



Source: illustrated by the authors

Ensuring decentralization of the political decision making as a way towards decentralized land planning system that allow decentralization authorization to be placed on different planning levels which enables the cumulative impacts of future development and ensure sharing of responsibility for protection and management across a wider number of stakeholders.

- Ensuring application of an active participatory planning method. That would require a sincere political will of all central levels of the government.

In light of the above, Tools and guidelines for effective land management can be as follows:

A-Regulatory and legal framework

1. Revising current working law concerning land administration
2. Reviewing land taxation process
3. Evaluate the legal procedures concerning land registration
4. Enhance the institutional framework for land management process
5. Provide technical assistance and capacity building programs for local municipalities

B- organizational and Institutional framework

1. Enhancing coordination between entities and organizations in charge with land management systems.
2. Restructuring the current institutional framework for land administration, involving all stakeholders
3. Encouraging all stakeholders to work together on a more coherent and comprehensive plan for land governance

C- Spatial planning and urban development

1. Evaluate the current spatial plans and urban development plans to address specific problems or conflicts concerning land use
2. Ensuring the coherence between strategic plans on the national level and spatial plans on the local level to meet the goals of a better and more efficient land management
3. Empowering the local authorities through a decent decentralization action to implement participatory planning methods
4. Implementing a more integrated policies framework for planning process to enhance the conflict between cross-sectors and land owners (state land or private land).

D- Data and information

1. Importance of data availability about land plots, especially vacant land, public or private land
2. Implementation of a geodata base for available land, land ownership and land suitability
3. Ensuring data sharing between all stakeholders to ease the land management process
4. Data about land transactions and registration should be available for a more efficient land governance and administration.

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