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Article in *DISP* · July 2018

DOI: 10.1080/02513625.2018.1526503

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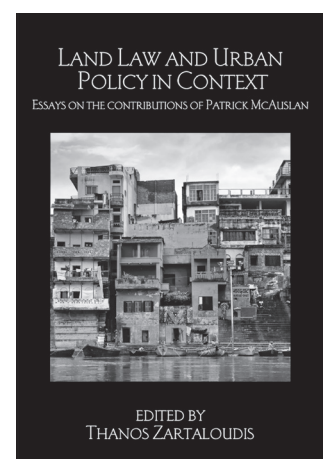
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use planning standards including land-use zoning were based on the model of a small low-density, green city with large plots reflecting the ideals of a colonial version of the Garden City. It was combined with ideologies of sanitation and health issues which also asked for low population densities. This model may have been adequate for colonial towns with modest growth that were physically and socially limited through restrictions of migration, as McAuslan previously pointed out (McAuslan 1995; see pp. 13–34 of the contribution). However, today, it cannot cope with the high urban growth rates since independence and, above all, it cannot be implemented by weak public administrations with limited resources. A colleague from Kent University, Thanos Zartaloudis, edited this volume at the honor of McAuslan, collecting contributions, inter alia, from Martin Loughlin, William Twining, John McEldowney, Leslie A. Stein, and Liz Alden Wily. The contributors address parallel system of governmental legal procedures, including the planning legislation on the one hand and leaders of the ruling party or neighborhood committees on the other (see chapters: Twining; Loughlin; McEldowney). The contributors also deal with planning-related topics including land management. This parallel system can benefit from loopholes in and failure of the legal planning system, and receives, in many cases, a higher degree of trust from local residents due to tradition (see contribution: Wily, “Grand larceny in the tropics”, pp. 110–128).

A new planning system, as McAuslan taught, should always reflect political power relations. There is the need to involve all stakeholders including civil society and non-governmental organizations in the development process. This contribution on McAuslan comes at the right time. Because in the wake of the Sustainable Development Goals and the Habitat III conference in Quito, topics of urban governance, urban planning, land valuation, taxation, and comprehensive real estate development entered the stage of broader scientific, academic and – most importantly – political interest. Instead land and planning law teaching and research have to be more culturally sensitive to African issues and also in respect of social and economic problems of land and natural resource use. William Twining and Leslie A. Stein argue that the development of towns and cities is hardly ever influenced by statutory or formal planning policy because of the strength of customary landholders and local leaders and the weakness of the current institutions for building land delivery and infrastructure supply without costs recovery. The unmet demand for affordable building land is thus largely covered by the informal land supply system which operates with average plot sizes of only one fourth of the official plot size standards. It can thus be argued that inappropriate planning standards, especially the plot sizes, have compounded the problems of urban governance, mushrooming informal settlements and the absence of ba-

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This book is a celebration of the work of Patrick McAuslan. McAuslan was more a practical reformer than an armchair thinker and theoretician. He had a philosophical orientation towards planning, law, and development. His experience ranges across 30 developing countries with different nuances of security of tenure and political realities. When Professor McAuslan died in January 2014, *The Guardian* wrote: “The legal scholar Patrick McAuslan promoted land reform in English-speaking Africa. By strengthening the protection of traditional land tenure, these reforms overthrew the old colonial structures that had been retained at independence.” Undoubtedly, the masterpiece of McAuslan was his groundbreaking publication, *The Ideologies of Planning Law* (1980). There, he showed how many African cities face problems with the application of outdated planning legislation that are based on colonial rules for segregation and still reflect a totally different understanding of the size, function, and role of the cities as well as rural lands. Land-



ZARTALOUDIS, T. (ed.) (2017): *Land Law and Urban Policy in Context – Essays on the Contributions of Patrick McAuslan*. Abingdon, UK: Birkbeck Law Press, Routledge, 246 pages, ISBN 978-1-138-66910-9.

sic infrastructure services even in most of the new planned and surveyed areas. Most of the urban poor, therefore, can only find a place to live in the informal settlements, where they can access smaller plots at affordable prices for land that is not serviced (see contribution: Stein, pp. 151–170). In exchange they will have to cope with higher costs for services and utilities like urban transport and water from street vendors. The lack of buildable land provided through the formal system has also increased the development pressure on existing settlements by commercial real estate and the redevelopment of plots with multi-story buildings following increased land values.

“Land” is the central resource for urban and rural development, as it was for McAuslan’s research; however, there are capacity gaps within the existing curricula (see contribution: Paliwala). Mostly, the current land-related programs still concentrate on technical modules such as cadastre, surveying, and land titling (supported by remote sensing and unmanned aerial vehicles; see contribution: Twinning, “McAuslan in context”, pp. 35–55), ignoring the comprehensive land policy tasks, challenges, and scientific “stumbling blocks” such as rapid urbanization and environmental implications. In theory, academic materials, documents, and policy papers for the “evolution of land governance” are available; the limiting factor is the lack of capacity building guided by a holistic view on land policy and land management. However, the recent newly agreed declarations and “roadmaps” such as Habitat III with its closing document, the New Urban Agenda (NUA), the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, and the SDGs, call for an update, follow-up, and revitalization of the existing as well as of newly introduced curricula, e.g. at Ardhi and KNUST University, as well as the mushrooming of university (planning) law faculties and schools (see contribution: Paliwala, p. 68).

Land-use changes from residential to commercial activities are taking place, since plots for commercial activities are not sufficiently available on the land market due to an insufficient designation of plots for commercial activities in former and current planning schemes (see contribution: Wily). While this development tends to support a more compact city, most construction activities under redevelopment ignore the need for adequate setbacks, leading to inadequate space between buildings. The planning standards do not consider multi-story constructions and their higher demand for setbacks (see contribution: Loughlin, “The rise and fall of urban law”, pp. 129–150). They were designed for single-story buildings as the dominant type during colonial times and do not deal with floor ratios or setbacks in relationship to the height of the building. These facts show the need to rethink the central elements of the statutory land-use planning system, focusing on the increasing pressure on land, the need to guide urban develop-

ment effectively, to create more functional settlements, to assist the urban poor to access affordable building land, and to release financial assets for the urban economy.

Order and disorder in urban development and land management coexist (see contribution: Azuela, “Public participation and legal standing”, pp. 220–240). As the creation of order always involves disorder, the question of “whose order and at what cost” becomes important. The urban planning initiatives targeting orderly development involve activities that often lead to displacement of people, establishment and transfer of authority, institutional changes and interpretations, transfer of (property) rights, and thus different meanings for different interests (McAuslan 2003; McAuslan 1980). In the case of 20 000 plots project in Dar es Salaam, a large-scale governmental program to develop residential areas at the periphery on the basis of a revolving fund, the quest for an orderly urban development led to disorder for the local landholders, who were dependent on land-based activities and whose livelihoods were based on local social, economic, and cultural networks. The statutory intervention for order is also incomplete as it tried to achieve it without attending to the disordered state of the statutory institutional and administrative practices that not only limit success of such initiatives but instead create further disorder. The institutional rigidity and inadequacy, authoritative top-down planning practices, absence of proper recognition of local participation, and lack of inter-departmental coordination are a few examples of the disordered statutory and administrative practices in Dar es Salaam. In short: Those planning and law scholars who are interested in the emerging field of planning law – mechanisms as well as “ideologies” in comparison – are recommended to study the multi-faceted contributions on the late planning and legal scholar, Patrick McAuslan.

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