

Rethinking Precarious Neighborhoods

Scientific Editor: Agnès Deboulet

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SCIENTIFIC EDITOR

Agnès Deboulet, *LAVUE-CNRS*

COORDINATOR

Irène Salenson, *AFD*

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List of contributors

Thomas AGUILERA, Lecturer at Sciences Po Rennes (France), head of the Master's program in Expertise of Territorial Public Action, member of Research Center on Administration and Politics in Europe (CRAPE/Arènes)

Solomon BENJAMIN, Associate Professor, Department of Humanities and Social Sciences, at the Indian Institute of Technology (IIT) Madras, Chennai

Armelle CHOPLIN, Lecturer in Geography and Urban Planning at the University of Paris-Est Marne-la-Vallée, Paris School of Planning

Valérie CLERC, Researcher at the French National Institute of Research for Sustainable Development (IRD), Center for Social Sciences Studies on Africa, America and Asia (CESSMA), Paris

Agnès DEBOULET, Professor of Sociology at University Paris 8, Associate Director of the Laboratoire Ville, Architecture, Urbanisme, Environnement, LAVUE-CNRS

Éric DENIS, Research Director, Géographie-cités Research Center, CNRS – University of Paris 1

Véronique DUPONT, Senior Research Fellow at the French National Institute of Research for Sustainable Development (IRD), Center for Social Sciences Studies on Africa, America and Asia (CESSMA), Paris

Mona FAWAZ, Associate Professor of Urban Studies and Planning at the American University of Beirut, Lebanon

Alan GILBERT, Emeritus Professor at University College London

Marie HUCHZERMEYER, Professor in the School of Architecture and Planning at the University of the Witwatersrand in Johannesburg Director of the Centre for Urbanism and Built Environment Studies (CUBES)

Barbara LIPIETZ, Lecturer at the Bartlett Development Planning Unit (DPU) and director of the DPU's MSc in Urban Development Planning, University College London

Diana MITLIN, Professor of Global Planning at the University of Manchester

Caroline NEWTON, Guest Professor in Critical Urban Theory and Urban Design, KU Leuven (Belgium)

Janice PERLMAN, President of The Mega-Cities Project and Senior Fellow at the UPenn Institute for Urban Research, formerly tenured Professor at UC Berkeley

Bhuvanewari RAMAN, Associate Professor and Assistant Director, Centre for the Study of Urban Transformation, at the Jindal School of Government and Public Policy

David SATTERTHWAITE, Senior Fellow at the International Institute for Environment and Development (IIED) and a Visiting Professor at University College London

Rafael SOARES GONÇALVES, Coordinator of the Laboratory for Urban and Social-Environmental Studies (LEUS), Associate Professor at the Pontifical Catholic University of Rio de Janeiro (DSS/PUC-Rio)

Serigne Mansour TALL, UN-Habitat Program Manager, Senegal and Cabo Verde

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Introduction

Rethinking precarious neighborhoods. Knowledge and recognition

The permanence and extremely swift growth of precarious housing require us to reconsider both our understanding of the phenomenon and the policies for urban poverty reduction. As early as the 1970s, researchers and activists were proposing alternative approaches, while the international debate was shifting from an injunction for slum clearance towards a preference for onsite upgrading – a trend that was particularly visible at the Seventh World Urban Forum at Medellín (Colombia) in 2014 (Chaboche *et al.*, 2014). Now that the 2016 HABITAT III conference in Quito (Ecuador) is upon us, this volume is a call to avoid the snare of catastrophist visions of the “planet of cities”^[1] by proposing an in-depth reflection on the challenges of tomorrow’s precarious settlements, on the basis of a coherent body of knowledge and references and a filiation with the founders of this line of thinking and its subsequent contributors.

The “New Urban Agenda” to be adopted at the Habitat III Conference advocates the model of an inclusive and participatory city. This vocabulary demands a critical review that crystallizes around the debate on the right to the city and the question of urban integration: on this new horizon, what place could migrants have and, occasionally overlapping this, what place could the inhabitants of precarious settlements have, given that these settlements are often unrecognized and threatened with demolition and displacement?

At the current pace of urban demographic growth, the projected increase of the world’s city dwellers by 2030 is 1.1 billion people, while the number of precarious settlement (“slum”) dwellers is already close to one billion in 2016 and is projected to rise to two billion by 2030 according to UN-Habitat, that is two city dwellers out of five.^[2] How can one imagine that “officially” produced housing will be in sufficient quantity, especially as four-fifths of this increase is set to happen in States that already have many other urgent issues to attend to and themselves no longer offer public housing?

The authors of this volume are all researchers specializing in issues related to the production and transformation of precarious settlements. The diversity of their geographical and academic backgrounds is central not only to apprehending the multiplicity of situations encountered,

[1] Which is also the title of S. Angel’s book (2012).

[2] UN-Habitat (2016), *Issue Paper on Housing*, p. 2.

but also to underlining the key convergences that are absolutely vital if we wish to unseat the paradigm of modernization and normalization and have the fight against precarious settlements replaced in the near future by an approach that supports them. Yet, this day is no nearer than any real regard for climate-induced risks, even though the underlying trends point to a heightened awareness that we will have to “make do”, with these settlements and with their inhabitants.

Without shirking the issue, the researchers who have contributed to this volume bring fresh insights that now need to be heard, seen, and pondered. They employ methodologies that avoid the risks of one-sided visions and instead rely on an in-depth understanding of the processes and effects involved in the incredibly varied production of precarious settlements. Janice Perlman tracks back over 40 years of the anthropological “ground” in Rio and presents an original longitudinal approach to these settlements; Diana Mitlin has developed an ethnographical approach and action research in several countries over several decades; Bhuvanewari Raman, Éric Denis, and Solomon Benjamin have studied all the documents and jurisprudence produced by three precarious settlements over a thirty-year stretch, while Rafael Soares Gonçalves draws on archives and surveys with residents and Marie Huchzermeyer on a considerable body of case law. Among the other contributors, Mona Fawaz examines the repeated production of exceptions in the city using a corpus of building permits; like Véronique Dupont who conducted interviews with NGO, residents, and officials; Thomas Aguilera and Valérie Clerc have conducted surveys involving actors in charge of developing public housing policies; and, finally, David Satterthwaite and Alan Gilbert rely on multiple research projects to consolidate their transversal approach to modes of informal production, whilst Serigne Mansour Tall grounds his analysis on a body of regulatory material.

An unprecedented rise in precarious housing

In all countries experiencing rapid urban expansion – which coincides with half a century of what is now a massively urban civilization – it is unplanned settlements that have known the highest population growth and an urbanizing trend set to increase significantly. According to the latest estimates, precarious settlements will account for some 40% of urban growth (Davos Forum). And, while estimates indicate that today one-quarter of urban dwellers live in “slums”^[3] (UN-Habitat, 2012), projections suggest that they will account for at least 40% of the total world population in 2030 (UN-Habitat, 2016).

Can we ignore this from a public policy point of view? In fact, everything happens as if this huge urban surge and its most visible phenomena – expanding cities with many millions of inhabitants – had obliterated the capacity of decision-makers, urban planners, and sometimes even the academic community to grasp the historicity of this reality, leading them instead to see it as a

[3] Here, the term “slum” complies with the definition of UN-Habitat. Since 2008, five criteria are used to define and thus target poor households in terms of housing: (i) inadequate access to safe water; (ii) inadequate access to sanitation and infrastructure; (iii) poor structural quality of housing; (iv) overcrowding; and (v) insecure residential status.

transitory phenomenon. This massive presence is partly ignored or else discredited, if not treated in a catastrophist mode that focuses constantly on the same large settlements that inspire rejection (Valladares, 2006). Which is why we should not give way to oversimplification, but instead deepen our investment in this field. This calls for multi-scale analyses that are attentive to the logics of settling processes and community organization, as well as to the controversies and alliances in such settlements (Peattie, 1968) – and that take into account the three main phases of national policies: direct production of dwellings; a focus on service provision – in a neo-liberal perspective (cf. the chapter by D. Satterthwaite); and finally the selection of households targeted by poverty reduction schemes on the basis of their place of residence.

The access to adequate housing, as well as to water, sanitation, and a decent standard of living, are human and social rights enshrined in the Universal Declaration of Human Rights, and reiterated by the United Nations Conference on Human Settlements (UNCHS) following the Habitat II Conference in 1996. Yet, the “right to adequate housing” remains one of the challenges for Habitat III in 2016. Some are predicting that this right will not become more actionable, except probably for cities like Medellín that have adopted a “right to the city” charter, or in a few European or Latin American cities. In these public policy configurations, the urban dimension is largely forgotten in favor of inaction or eradication. Urban planning projects pass over these settlements or else trample on them. Unlike other neighborhoods, these settlements do not benefit from soft urban renewal or integration into the continuum of public space, except in a few municipalities such as Medellín or São Paulo in Brazil. The ineffectiveness of urban planning in contexts of rapid growth is still chiefly attributable to ignorance about their needs and thus incomprehension of the processes whereby non-recognized occupants of land settle into an urban setting, as J.F.C. Turner was to point out in 1968.

Revisiting some pioneering research, observing how ideas circulate

The uncertainty prevailing in 2016 on the fate of cities means that it is now even more important to take a retrospective look at the works produced in the 1960s through the 1980s by theorists like John F.C. Turner, William Magin, John Habraken, who share with anthropologists such as Lisa Peattie an empirically grounded analysis of the effectiveness of self-help and self-organization. Berated at times in Marxist and statist approaches, this vision has certainly been instrumentalized to some extent. Yet, it has also proved immensely useful in that it has opened up reflection on the capabilities and competencies of those that were seen as no more than a “reserve army.” In silence, following a logic of individual and collective action driven by the grassroots (Bayat, 2009), these pioneering inhabitants have built a world at the cost of considerable effort; they have created a variety of dwelling types adapted to all levels of income, thus preventing hundreds of millions of inhabitants from becoming homeless, even if inequality in accessing land is a source of economic precariousness (Karam *et al.*, 2006).

When reading these settlements “from below”, it is useful to cross viewpoints, between an analysis of urban production processes and that of family and residential trajectories, both

being dimensions very often sidelined by the media and official descriptions, and even by some research.

While most studies on precarious settlements, broadly speaking, come from the field of urban studies and/or urban planning, the early “pioneers” were careful to decode built forms through the lens of societal processes. Very often the geographic, architectural, urban planning, and sociological approaches were tightly interlinked, whereas these connections have now been lost. We are again advocating an integrated approach and a dynamic, transdisciplinary reading in which diverse social structures (such as kinship) are better grasped when the modes of land occupation and processes for the formation of the urban fabric have been deciphered. Yet, for very recent and mostly self-built settlements, it is crucial to know precisely how the actors of urban production have drawn on family structures to conduct plot subdivision, as long-run surveys show that the actors involved in land and property development totally change over two or three generations, especially when land begins to take on market value (Yonder, 1998; Fawaz, 2008). This picks up on a controversial point regarding the work of J.F.C. Turner, who seems to have minimized the importance of the market and of a value that is not simply use value (Burgess, 1987) – an aspect that will not be discussed in the present volume. On the other hand, there is little point in cultivating the myth of self-help construction, which today has decreased.

Changes in the regimes for accessing land in more or less consolidated settlements also lead to substantial changes in population types. Urbanization processes are intertwined with life histories. The decision to settle down somewhere is not always the result of urgency or a lack of options. The choices of location may be equally strategic as those made by other citizens. Likewise, the social hierarchies and divides between and within precarious settlements are as pronounced as in the rest of the city. This means that individual residential trajectories cut across the trajectory of a settlement and the scales of urban development. The “pioneer” inhabitants in the settlements studied have chosen their location following a rationale that marries their housing and income priorities. Depending on whether the city is in a “early transitional, mid-transitional or late transitional” phase (Turner, 1968) and on the individual’s – changing – social position, the trade-off between the criteria for choice of housing (location, occupancy status and, particularly, security, amenities) and income varies. The inhabitants may behave more or less as “bridgeheaders” (those that take the risk in an unregulated settlement) or “consolidators” (*ibid.*). If they have more income and security, individuals seeking social status will look for a less precarious location or settlement. Thus, the diversity of people, trajectories, and low-cost housing sub-markets (cf. the chapter by D. Satterthwaite) calls for differentiated treatment. It is at least as important to understand what housing enables in terms of individual trajectories (cf. the chapter by A. Gilbert) as to conceive it in terms of physical quality. The cities covered by the present research have sometimes seen considerable increases in size over the last forty years (threefold in Lima or Cairo, and even more in more recent cities). Today, no city is spared the commodification of land, and the years when squatting land could be free of charge are well and truly over. The impact of these structural changes on the trajectories of squatters and landowners, and more so on the trajectories of tenants, is thus quite specific and needs closer

investigation. Yet, now that thinking on precarious housing has become globalized in the wake of renewed interest from international institutions, what is this intellectual legacy becoming?

It is also useful to take a careful look at how different currents of research on precarious settlements circulate and have (sometimes) cross-fertilized each other. In what way will research contributions from colonized countries, marginalized in the history of thought, cast new light on this already old but ever-changing reality? It is in fact the research on Brazil (Valladares, 2006), the Middle East, or India that has brought a fresh outlook on cities in the Global South, starting with the informal practice of the city by populations long deprived of real citizenship – the subaltern classes (Roy, 2011). According to Roy, “slum” has become a metonym for the megacity and is now part and parcel of the itinerary taken to discover the city, certainly as far as tourists are concerned. But the practice of “subaltern urbanism” in fact points the way to recognition, which goes beyond an essentialist vision – limited to spaces of poverty – and chooses to distinguish between the periphery, urban informality, areas of exception, and grey areas (Roy, *ibid.*: 9).

Questioning the circulation of ideas also helps us grasp the key role played by knowledge on these spatial realities and urban entities. How is current knowledge produced, and what empirical approaches are used to capture the diversity of urban situations? How is access to knowledge about these sensitive areas negotiated? What are the grey areas in such approaches?

Slums or *bidonvilles*: politicized designations

This volume belongs to a strand of research that is attempting to go beyond the legal/illegal divide and the dualistic formal/informal vision. Notwithstanding the research studies cited hereinafter, this split vision has dominated studies on economic activity or urban production since the 1970s and shaped the terminology used (Al Sayad, 2004). All of the designations in use pose some problem. Most often, the name given to these neighborhoods is “informal settlements.” But since housing was included as a poverty reduction component under the Millennium Development Goals (MDGs) adopted by the United Nations (UN) in 2000, the term “slum” (in French, first dubbed “*taudis*,” then dethroned by “*bidonville*”) has prevailed in official development terminology and in the vocabulary used by some researchers. Originally, “slum” was used in Victorian England to describe unsanitary housing conditions and districts of poor repute (Gilbert, 2007; Huchzermeyer, 2015), while the term “*bidonville*” and its English equivalent “shantytown,” initially denoted in European countries dwellings built out of recycled materials to house migrants from Europe and North Africa (Blanc-Chaléard, 2016). Marie Huchzermeyer (2014) shows that in the case of Kenya the exported term “slum” has come to embody the antipode of urban planning principles – an analysis that could also very largely apply to countries colonized by France. Moreover, while makeshift dwellings have been tolerated in Latin America, urban planning in African cities has allowed so-called “slums” to develop, as planning rules often render the construction of formal housing unaffordable (easements, street size) (*ibid.*). In these cities, urban planning conforms to an idea of urban modernity supported by technobureaucracy (Tribillon, 2015), which is both a means of control and a way of creating illegality.

Nonetheless, the mainstreaming of the term “slum” (in French “*bidonville*”) is pegged to a logic of designating, classifying, and ultimately financing by international authorities with total disregard for the stereotype it conveys. “Slum” and “*bidonville*” may be used in their historical meaning to denote unsanitary and fragile buildings made out of recycled materials. Some of the authors in this volume have however chosen to use the term “slum” in line with the UN-Habitat definition, as it has the advantage of enabling them to cite statistics. But these data must always be interpreted with the utmost caution, as the yardstick for the UN-Habitat definitions is based on an aggregate body of source documents that include significant variations.

For the sake of comparison, albeit minimal, we have chosen to qualify this spatial production by the generic term “precarious settlements or neighborhoods,” leaving it up to the authors to use local, national or vernacular terminology for the realities they describe. Yet, the writing of this book has confirmed a number of translation problems and terminology choices that reveal the ambiguities of the various categories and point up the need for caution when using them. Some countries have used the notion of “slum” for many years and, like India, use it as a statistical category to designate housing unfit for human habitation, without referring to the legality of tenure (Dupont *et al.*, 2016).

Is it justified to keep the term “slum” given that it lumps together very different land and urban statuses, ranging from squatter neighborhoods or invasions to substandard or illegal subdivisions that imply some recognition of a land transaction? In many countries, the term “informal” is used (South Africa and Senegal); it is sometimes used as an equivalent to “spontaneous” or “unregulated.” In Egypt, the word “*ashwa’iy*” means haphazard or informal. As in Algeria with its “anarchic” settlements, the term is sometimes used as a noun, which gives the “*ashwa’iyyat*” (Denis, 2011), or the “*anarchiques*,”^[4] or in Morocco, the “*bidonvillos*.” Informality is often employed as a default term, and those who use it take its shortcomings on board while hesitating to use other designations. Eschewing such definitions, this volume specifically chooses to depart from the “default” or imposed categories in favor of terms tailored to the reality of such settlements and their dynamics. In Tunisia, a law of 2012 on rehabilitation makes no distinction between the different types of precarious settlements according to the mode of production of space. In Lima, on the other hand, the strength of social movements and the longer-standing presence of such settlements have led to the more contextualized designation, “*urbanizaciones populares*” – also known as “*barriadas*” (Escalante Estrada, 2016: 19).

Informal settlements, precarious neighborhoods?

Informality as opposed to formality is still an ambiguous category. Many underline that informality lies on the continuum of formality, but the notion nonetheless remains inextricably tied to representations that convey the idea of non-compliance with urbanistic norms and hence spatial and social disorganization, whereas it is, first and foremost, an “urban

[4] The “*anarchiques*” is an expression often referred to by Rachid Sidi Boumedine.

underside of public policies for land and urban planning” (Clerc, 2010: 70). Steeped in the precepts of modern architecture, urban planners in fast-growing cities basically perceive the norm as straight lines, replication, sites and plots structured around a road network geared to motorized travel and/or hygiene principles, illustrated by the spacing between shacks in Nouakchott in Mauritania (Destremau *et al.*, 2012), but hardly ever as the capacity to organize space around the supply of affordable building plots. Construction is reserved for those actors who can afford to build in compliance with high standards. In this formal city, there is no room for the poor – who represent the majority – to access land, and the production of social housing gives rise to a heteronomy already denounced by Turner (1972), given that these settlements are far from the city and dispossessed of the capacity for self-management. Above all, an approach based on informality runs the risk of underestimating the capacities for self-organization and for the production of urban and social norms endowed with their own logic (Deboulet, 2009).

In this volume, we have chosen to open a discussion on the notion of “precarious neighborhood.” Although little used, this expression has several advantages, the main one being perhaps its relative neutrality. Precariousness refers to the fragility of built structures or to the economic, social, and even environmental difficulties that stem from living on city fringe areas (Sierra *et al.*, 2008), an aspect that was first documented in the seminal work of Hardoy and Satterthwaite (1989). But urban precariousness is primarily related to insecurity of tenure, which goes hand in hand with potential threats from the authorities responsible for urban development or the police – the threat of demolition and eviction of whole settlements clearly being the most important factor – which can also spark strong resistances (Cabannes *et al.*, 2010). It exposes some households to a heightened risk of impoverishment and prevents many others from attaining a wellbeing whose linchpin is security. The term “precarious settlement” makes no references to any legal framework, but underlines the need for a dynamic that can consolidate and transform a precarious settlement into an “ordinary neighborhood,” where precariousness has been eliminated. The discussions around Habitat III on security of tenure are reinforcing the focus on the overriding responsibility of States and local authorities in recognizing these settlements and city dwellers and re-integrating them into the “urban common” and full-fledged urban citizenship. This opens up a first dimension of the right to the city claimed by the residents of these settlements: the right to “remain,” and have a recognized right to the city.

Regarding this last point – whose political significance needs to be gauged – far-sweeping changes in the forms of urbanization and capitalist accumulation, and thus in the importance of cities in decision-making and governance systems, have had an unquestionable impact on both the *de facto* and future role of precarious settlements. As a result, the related policies and ways of thinking need to be reconsidered in the light of the major changes that have affected the cities of the Global South since the 1970s – changes driven by metropolization and internationalization, but also by the spatial, demographic, and civilizational importance of the symbolic and real role of precarious settlements.

A radical shift in the issues of a globalized urban world

Precarious settlements have been growing at dramatic speed over the last fifty years, a fact that cannot be understood without taking into account the State's withdrawal from its role as purveyor of affordable housing. The diversity of housing production through self-build until 1990 but also by gradual settling and self-help development is summarized in the chapter by Satterthwaite. Yet, what has been left aside is what all these dwelling stocks have contributed to the question of the right to adequate housing.

From an urban perspective, the Brazilian "favelas," for example, formerly isolated from one another now form vast complexes of settlements of far-reaching globalization (Perlman, 2010); mega-slums are now an integral part of the fragmented landscape of the Global South's largest megacities (Saglio-Yatzimirsky, 2002) and, like Dharavi in Mumbai, they are becoming essential economic centers that help preserve some of the oldest trades such as potters. Cairo has at least four neighborhoods built by its poor populations, including two squatter settlements and two that developed on agricultural plots, and their populations exceed that of a mid-sized French city or Manchester in England. For example, 'Izbat Khairallah settlement had a few thousand residents in the early 1990s. However, the statistics collected in 2016 by our latest research project range from a low estimate of 350,000 people according to the Cairo City Government, and a high estimate of 750,000 according to a local NGO... with only one state school for the entire neighborhood!

What raises even more questions than the size of their populations, sometimes bordering on one million inhabitants, is their demographic growth rate. As there are many young people, the age pyramid leads to a much faster increase in these settlements than in the agglomerations they belong to. It is more than likely that their population will double every 20–25 years, but what are the prospects of accommodating and supporting not just the existing households, but also new migrants and new generations? For many years, the weakening responsibility of States and local authorities was viewed relative to a rural exodus designated as the main cause of the urban crisis. The alleged lack of civility was blamed on an uncouth population that had brought their backward lifestyles to the city and was partly responsible for debasing traditional social fabrics and disfiguring urban environments. If the influx of rural populations is continuing today, this phenomenon is mainly observed in countries or sub-regions suffering from major climate crises or armed conflict. Today, we are seeing a radical change in settlement patterns: most inhabitants were born in urban areas and the uprooting is not as brutal as was previously the case. Urban societies are now highly composite, and precarious settlements have become places that epitomize the co-presence of populations from diverse national or international backgrounds (Dorai *et al.*, 2012). Current research would gain deeper insights into the richness of these new mega-settlements, were they to look at what such population diversity and migration bring to ways of living and what they offer in terms of potential for intercultural creation.

Both the formation and consolidation of these settlements should be understood in relation to major changes in the systems of urban governance. Today, most global cities – be they

first-tier cities or global cities in the making – entertain the ambition of becoming a competitive metropolitan hub (Deboulet, 2012). The cities in the Global South can now be thought of as a category characterized by new assemblages blending a form of economic hegemony and political alliances (Roy, 2014). In this fast-changing setting – driven largely by the formation of economic value mostly through policies promoting large-scale projects or mega-projects (Barthel *et al.*, 2014) and by the opportunity of capturing new rents – the public authorities’ role in treating precarious settlements needs to be reviewed, taking into account forms of governance that vary depending on the city (driver, mediator, responder; cf. Dupont *et al.*, 2016).

Old recipes and new perspectives

Superposing international terminology on national language habits is often a difficult challenge. Thus, does “rehabilitation” still coincide with the French term “*recasement*” (relocation) in West Africa or with resettlement on the city’s periphery? This is a reminder that the “Cities without Slums” program also refers to a rhetorical framework formulated in view of capturing development aid; yet the program’s stated objective of justice is failing to win the day over the persistent drive to evict precarious inhabitants from city centers in order to “recover their high-value-added land” for the construction of tower blocks (Choplin, 2014). There is still a great deal of reluctance to accept what is deemed to be irregular urban planning and this justifies a deepening inequality of treatment and the public authorities’ or the market’s forced evictions (Dietrich, 2005), which are a growing cause for concern (Cabannes *et al.*, 2010). And these evictions are increasingly justified on the grounds of security: in Rio de Janeiro for the preparations to host the Olympic Games (Soares Gonçalves, 2014; Ninnin, 2014), in Istanbul (Kuyucu *et al.*, 2010) or in Cairo (Singerman, 2009). These eviction policies (Vitale, 2009) signal the return or the strengthening of selective policies for population displacement, sometimes notwithstanding the charters meant to protect the inhabitants of these settlements.

The cyclical character of public policies produces a swing between rehabilitation and resettlement or renewal. But inhabitants do not wish to be forced to leave: they sometimes call on researchers to play an active role of intermediation or advocacy. It has been shown that since the 1970s relocation and forced eviction,^[5] as well as demolition without consent have been the worst solutions. In 2010, Perlman refers to – as does Pétonnet (1979) in the French context – a self-fulfilling prophecy: the fact of blaming favela residents creates a climate conducive to demolition or urban renewal programs. The initial social cohesion in these settlements, which often relies on the residents knowing one another, is shattered by rehousing policies and replaced by a sometimes catastrophic social disorganization and an isolation that fragments social networks (cf. the chapters by J. Perlman and S.M. Tall). Another problem that arises is access to the economic and social resources that are absolutely vital to the most vulnerable populations.

[5] Notably in the sense of the UN Committee on Economic, Social and Cultural Rights.

National or municipal rehabilitation programs have also been promoted in most countries, but these have not become the norm as resistance to precarious settlements still has the upper hand. Rehabilitation as such rarely affects buildings, but aims rather to improve basic services (cf. the chapters by D. Mitlin and S.M. Tall). These interventions are sometimes coupled with plot reallocation (to create subdivisions, for example) or “new subdivision” (Tribillon, 2015) and accompanied by a road network layout that may be relatively normalized. However, the provision of building plots under sites and services schemes is becoming less and less frequent for ideological reasons (Taher, 2001; Dorman, 2013). Some governments reject this type of solution, preferring the construction of non-adaptable apartment blocks that often quickly deteriorate, rather than self-build initiatives (or self-help development). Yet, they are totally unacquainted with the studies on self-help builds or part-contributions to building work (Ward, 1982, Burgess, 1982). Additionally, the rise in land prices has meant that rehousing is increasingly delivered through buildings finalized by developers. These interventions are often limited given the reluctance to integrate precarious settlements. When they do exist, resources are invariably dispersed across only a handful of settlements. This erratic approach makes it impossible to respond to the immense need to foster urbanity and the possibility of living well.

Some Latin-American cities swept by a democratic wind have paved the way for more ambitious, more integrated programs. In Lima, the “*Barrio mio*” program has enabled the residents of regularized settlements to access grants for basic infrastructure, and subsequently incorporated an environmental component (Escalante Estrada, 2016). In Medellín, the municipality has spearheaded a specifically urban aspect with its public gardens and parks scheme to create a link with poor self-built settlements. In Mexico City (Goulet, 2011), the Community Neighborhood Improvement Program (CNIP) takes as its starting point a requalification project based on high-quality “micro-urbanism” proposed by a local group from a so-called “highly marginalized” sector, to propose a requalification project based on good-quality “micro-urbanism”. The municipality’s support covers the whole process of community engagement to provide local amenities (educational and artistic activities), consolidated by initiatives of the neighborhood committee (community restaurant, etc.).^[6]

However, regularization and rehabilitation have ambivalent and sometimes even “counterproductive” effects, as their impact on deepening inequalities is rarely anticipated (Semroud, 2015). Improving housing conditions in Morocco does not compensate for the losses generated by the displacement of populations to serviced sites far from the city (Zaki, 2013). Whatever the raft of interventions used, rehabilitation programs (which some confuse with clearance-demolition policies) in the Arab world and likely elsewhere have deepened the inequalities between settlements selected for intervention and the others (Barthel *et al.*, 2013). Evaluative research into Morocco’s slum policy and programs, conducted notably by Navez-Bouchanine, has revealed contrasted social effects and concrete forms of social diffraction. It shows that, since the 1980s, some slum dwellers have indeed benefited from these policies, but this does not mask the fact that operations have systematically shifted in favor of better-off

[6] These points have been developed in the report published for UCLG in preparation for Habitat III: Deboulet, Butin, Demoulin (2016), *Les métropoles, entre compétitivité, défis environnementaux et justice spatiale*.

populations attracted by new infrastructures (Navez-Bouchanine *et al.*, 2013). Certainly, the shifts in land and property values induced by built infrastructure are a permanent feature of urban policies, but clearly the perverse effects on the most vulnerable populations are rarely anticipated, and even less rarely countered by supportive action. The evaluation of the Cities Without Slums program highlights the unquestionable success of access to hard-wall dwellings for the populations who actually moved in, but also the difficulties due to inadequate levels of urban integration (Toutain *et al.*, 2014). Among the most adversely affected are tenants, who are the main losers of these urban renewal projects, as well as the poorest residents, who often cannot afford the cost of connecting to services. This is particularly the case for those groups that have been made invisible, such as women or widows, who have little means of generating income (Kantor *et al.*, 2005), and migrants. On this count, creation of a social management scheme (*maîtrise d'ouvrage sociale* – MOS) in Morocco to accompany residents in their steps towards rehousing heralded some inclination to provide support to such households. However, as the initiative did not draw on adequately substantiated socioeconomic studies, it was unable to anticipate all the impacts of these operations or to set up any real participation in decision-making. In Algeria, experimental “requalification” projects operating on a participatory basis emerged supported by World Bank funding for dilapidated mass housing and slums, but few evaluations have reported on the results (Safar-Zitoun, 2013).

In the 1980s, several countries, under World Bank leadership, launched rehabilitation programs in tandem with sites and services schemes. Clearly linked to the drive to keep poverty at a “manageable” level following the structural adjustment programs, these programs met with certain successes, notably in Jordan, where a dedicated agency was created in the early 1980s (Ababsa, 2012), as well as in Dakar in Senegal (the Dalifort pilot project; cf. the chapter by S.M. Tall). In Egypt, the evident interest of the Hay al-Salam program in Ismailia (Davidson *et al.*, 2000), which is often held up nationally and internationally as “best practice,” has not led to any convincing replications. On the other hand, the Orangi pilot project in Karachi, which is generally said to be low-cost and with an exceptionally long lease of life, has apparently involved a sizable number of settlements, drawing on local know-how and supporting the residents’ efforts to self-organize in view of connecting to urban services and improving their homes (Satterthwaite *et al.*, 2014). A pivotal element of the program’s success has been the creation of an urban resources center to train professionals “from the perspective of low-income communities and interest groups” (*ibid.*, 120).

The success of these programs nonetheless remains very limited and localized. The selection of beneficiary settlements and cities is subject to a sort of “prioritized geography,” and interventions have mustered too little funding and been insufficiently engaged a long-term perspective to have produced substantive outcomes (Sims, 2012). Proven successes were largely due to the fact that, even when no land policy existed, governments had managed relatively easily to find land reserves near to rehabilitation sites that could rehouse the populations displaced during road widening works or the demolition of some plots for services and infrastructure installation. But the history of these sites and services schemes must also be kept in mind. In Morocco under

the French Protectorate, public action had been two-pronged: eviction on the one hand and schemes for access to collective housing on the other, including so-called “embryo” housing, which together with the “Ecochard Plot” program are the precursors of the sites and services schemes (Navez-Bouchanine, 2012). In a similar vein, assisted self-build programs were launched in Porto Rico at the end of the 1940s (Burgess, 1987). As elsewhere, the city’s slums finally came to occupy central or pericentral locations, and their inhabitants were increasingly reluctant to be displaced to the periphery (Navez-Bouchanine, 2012). The “tacit pact” with the government collapsed as the trend towards metropolization set in, while increasing land costs in the main cities showed that solutions are limited in number and need to adapt to a changing context, notably that of financialized city (Denis, 2011). As collective urban protests have shown since 2010, space has now clearly become a factor of exclusion that truly characterizes megacities and generates on the rebound a growing and multifaceted demand for the “right to the city.” This notion of the “right to the city” is debated in international fora, particularly in the preparations for the New Urban Agenda of 2016, although some governments prefer less constraining notions and fear an increased recourse to the law in urban struggles. Some national or local governments continue to intervene on sites or in situations deemed strategic, preferring as in France and Spain to alternate between slum evictions and “clearance with selective rehousing” and to limit rehabilitation to a few third-sector initiatives, as shown in the chapter by Aguilera.

Other openings, far-removed from procedures

Finally, some of the contributions to this volume focus on a host of initiatives with a potential for social innovation on the different continents concerned (Asia, Latin America, Africa, and the Arab world), opening up new channels for thinking and action and redefining the paths to social and urban recognition.

Clerc’s retrospective study shows that, in at least four countries, rehabilitation programs are now implemented in areas where little is at stake. As soon as a site becomes sought after, programs go off track or come down in favor of urban renewal, which entails the residents’ displacement or eviction (with or without compensation). The most socially innovative solutions cannot be replicated identically in other urban contexts if the social and political conditions are not similar or at least favorable.

Among such innovative initiatives is the slum redevelopment procedure piloted by the Slum Redevelopment Authority in Mumbai (Bautès *et al.*, 2011), whose main dynamic is rooted in the formation of the city – in other words, the difference in land values between the central and peripheral areas. The program plays on this gap to attract private or associative developers likely to share an onsite reconstruction operation with the residents of centrally located slums. An interesting example of this is described in the chapters by Raman, Denis and Benjamin, and by Dupont, although the conditions of its implementation are a subject of debate.

As for land sharing programs (Angel *et al.*, 1988), these were launched in Bangkok in Thailand in 1985. Their radically original feature was to focus on land-use rights rather than legalizing

property rights, which would have compromised either the occupants' socio-spatial integration, as in Brazil or Mexico (Fernandes, 2011), or the possibility of accessing land for the poorest (Salazar, 2011). In this example, the occupants are able to regularize their situation via long-term leases paid to the landowners, which permits onsite reconstruction even in central areas. The principle of land sharing offers a win-win opportunity to all stakeholders, providing that it is effectively assumed by the local social groups. In the Cambodian examples, however, land sharing is organized between the owner and the developer, but also leads to numerous displacements to peripheral areas (cf. the chapter by V. Clerc).

Since 1992, other innovative initiatives have been implemented by the Community Organizations Development Institute (CODI) in Thailand. These enable "communities" to access loans and steer their urban development or redevelopment projects themselves either in whole or in part. Somsook Boonyabancha from the Asian Coalition for Housing Rights has played a key role in implementing this system, which is underpinned by the belief that collective action helps foster integrated development. The year 2003 saw the launch of the *Baan Mankong* (secure housing) project, which helps fund initiatives designed and managed by the grassroots communities. These groups notably work with professionals and researchers (cf. the chapter by B. Lipietz and C. Newton) which enables them to obtain government subsidies for infrastructure and housing loans. By 2005, 300,000 households had benefited from this initiative (Boonyabancha, 2005).

In the same vein, over recent years, restructuring interventions that are less disruptive for residents have been implemented in the form of re-blocking operations (i.e. the reorganization of plots). These operations are organized on the basis of the residents' self-enumerations carried out with help from NGOs such as Slum Dwellers International or other support groups (e.g., the NGO Islandia in South Africa). The outcomes of these experiments are all the more conclusive as the decisions concerning the re-blocking of each plot are approved by each of the residents concerned (cf. the chapter by D. Mitlin). This type of diagnostic study is also carried out for each plot in the improvement schemes for the *barrios* in Caracas (Venezuela) involving participation of the neighborhood committees.

Accessing secure tenure or being part of the city

Today, international organizations are again taking on board the need to promote onsite rehabilitation, even concerted land reallocation, and adopting a critical stance towards resettlement policies. This major challenge has already been discussed during the preparatory phases for Habitat III, notably at the Thematic Meeting on Informal Settlements in Pretoria in April 2016. Yet, it comes up against *de facto* resistance from governments and the many incentives pushing in favor of relocation to city peripheries. Given the ever-growing trend towards metropolization and the scarcity of available land, slums or precarious settlements in central or pericentral locations are now competing directly with real-estate developers or indirectly with middle or upper classes keen to live centrally and enjoy the advantages of their city. However, the bodies that are reflecting on ways to implement durable instruments

to reduce land inequality are struggling with the refusal of many African, Asian, and European governments to see precarious settlements persist at the heart of their cities. The discourse on illegality is omnipresent and at odds with the international positions in favor of compromise (cf. the chapter by T. Aguilera). The “tangled nexus of land” (cf. the chapter by V. Clerc) is well and truly present in representations that are buttressed by hardening positions in the race for land and by the competition between and within institutions (Dorman, 2013), not forgetting the now quite frequent situations where the “informal” is pre-empted by mafias (Weinstein, 2008).

Moreover, some cities do not have the resources to sustain policies designed to include these settlements or anticipate for the future. The Habitat III Thematic Meeting on Financing Urban Development held in Mexico in March 2016 made headway on this topic by showing that only a substantial financial leap forward would be able to make a difference, notably by organizing the capture of appreciation in land values generated by infrastructure projects and the redistribution of land value gains.

When it comes to securing land tenure, in practice, titling programs very often fail since no real account is taken of the power relations that structure land ownership, their historicity, and the different land claims of an ethnic or political nature – including in cities that aspire to becoming international flagships such as Bangalore (Benjamin *et al.*, 2011). This failure can also be attributed more pragmatically to the resistance of some local governments whose concern is to not relinquish their control or not appear lax in their treatment of squatters (Deboulet, 2011). On the other hand, this type of program has proved highly successful in smaller agglomerations more able to resist the pressure of competition very often related to the injunctions of international donors. This problem of insecurity extends to the older and recognized settlements and, clearly, nothing but an effective drive for simplified but guaranteed recognition (e.g., on the basis of evidence or the recognition of use rights) can bring the security that property ownership is unable to ensure.

Too often left aside in evaluations that focus on national programs or multi-component development programs (Satterthwaite *et al.*, 2014), many regularization experiments are initiated by local actors operating outside any regulatory framework and most often through ad hoc actions. For instance, dwellings built in violation of planning rules in pre-war Syria in what are known as “collective tenure areas” (*manatiq al-mush’a*) became subject to taxation and thus acquired a de facto existence thanks to the declaration documents (Ferrier, 2012). Similarly, the Urban Development Department set up by the Municipality of Amman (Jordan) has recognized the oral proof (*hujja*) furnished by the Bedouin populations for their pasturelands. In a thesis presented in 1991, Omar Razzaz describes the land claims of the Bedouin populations living in “informal” settlements on the outskirts of Amman, who challenged the sovereign State’s definition of land rights; ultimately, these claims are what have stratified the legality and legitimacy of land rights. The areas in question were “contested”, as the Jordanian State had laid claim to them, judging their indigenous tenure status to be incompatible with private land ownership. With infrastructure upgrading these cases of local improvements through de facto regularization – or quite simply by establishing an address system – belong to the panorama of initiatives that daily orchestrate the relative integration of some settlements into the city and

above all help lessen the stigma inherent to the “informality” label. At the juncture between land policy and the residents’ efforts to collect proof of occupancy, we find cases where innovative tools have emerged, as for example acquisitive prescription or the donation of private land to municipalities (Fernandes, 2011). These intermediary solutions give residents security of tenure.

Research has played a significant role in land questions, but the interest in how urban planning and law interrelate date back no more than fifteen years in the anglophone world and slightly more in the French anthropological tradition (cf. the works of Le Roy). Often linked to the domain of expertise (Fernandes *et al.*, 1998), this strand of research has been vastly enriched by departing from a unitary view of law (see the work of Durand-Lasserve, notably Durand-Lasserve *et al.*, 2002) and by approaching urban production in the Global South as being hinged on legal pluralism. In doing so, research has shown a marked distance from the legalist stance of Hernando de Soto and his followers, also taken up by the World Bank, who regard extra-legal construction as resulting from an excessive number of controls (Gilbert, 2002). This strand of research, which critiques the vision focusing overly on property ownership, highlights the importance of use rights and occupancy rights, as well as an aspect that is almost totally absent from academic research – the wholly ignored place of tenants (cf. the chapter by A. Gilbert).

Public extra-legality

The comments of Hasan pointing out that “informal settlements (...) have been developed on government land, illegally occupied by developers with the support of government servants, and protected through bribes given to the police” (Hasan, 2004: 69) refer to the situation in Karachi. Apart from the fact that, in this case, it is illegal land developers themselves who inform journalists of the inhabitants’ dreadful living conditions, his analysis could well apply to most urban contexts (cf. the situation in Beirut, Lebanon, Fawaz, 2008). In Morocco, Ameur (1983) and Aboughani (1988) have clearly shown how, in the 1980s, illegal developers were often local dignitaries who enjoyed backing from within their local government. The State, which guarantees urban-planning and building regulations and sets itself up as the keeper and “guardian of urban legitimacy” (Belguidoum *et al.*, 2010) nonetheless produces informality worldwide by constructing planned neighborhoods (as on the outskirts of Oran, Algeria) in violation of these rules or by authorizing gated communities for the upper classes, who are their closest allies (cf. the chapter by R. Soares Gonçalves). Several authors in this volume refer to Roy (2004), who shows that extra-legality, as illustrated by Calcutta’s lack of cadastre, is an instrument of power insofar as it allows for endless land claim negotiations with citizens without ever tending towards a resolution of these issues (*ibid.*: 159). This extra-legality is theorized in the chapter by Mona Fawaz, who shows how the State is able to keep full control over the individuals and social groups that it either wishes to favor or on the contrary deprive of their rights by deploying an array of exceptions that vary in line with the social and economic power of these groups and their position on the confessional or political spectrum.

Cities are also built on regimes of special derogation.

The dual challenge of knowledge and recognition

Can research inform and enlighten public policy? It is difficult to count on these two fields being in sync given that their timeframes and final objectives are so starkly different. Researchers often dream that policymakers will read their output and finally show interest in some aspect or other that is disregarded yet crucial to the question of precarious neighborhoods, but few university studies reach decision-making spheres. More often than not, research is combined with study contracts that make short shrift of the long-term span required by research and sometimes abandon a critical approach. Yet, these are studies that at best find their way into policymakers' hands.

On the one hand, anthropological approaches are those that drill down the deepest, but they seldom reach ministerial offices or development agencies. On the other hand, urban-planning and urban approaches readily adopt a functionalist bias that takes into account "what does not work," chiefly the lack of public spaces and inadequate circulation, but sometimes produces options for urban access infrastructure or proposals to restructure the urban fabric. Moreover, what has predominated for decades is a security-based vision, which calls for settlements to be made accessible to fire trucks and emergency services, or for their pacification.

Research work still finds it difficult sometimes to cast off the millstone of the prevalent stereotypes of precarious settlements: the predominance of rural migrants, marginality, deviant behavior. Perlman's pioneering works have insightfully retraced how such representations have further marginalized the inhabitants of favelas (Perlman, 1976), whereas, in fact, these inhabitants' interest in political life during the 1970s is strongly indicative of their civic integration. Yet in Brazil as elsewhere, the force of these negative representations continues to irrigate the dominant views. Forty years of research has not succeeded in changing these representations. The social sciences, however, have shown that representations intervene (to a large extent) in policymaking as decision-makers draw on them to legitimate their choices (cf. the chapter by V. Clerc). Regarding precarious settlements, these representations are the linchpin of policies that still largely vacillate between a laissez-faire approach, negligence (Dorman, 2009), and the temptation to eradicate them.

Moreover, non-recognition also materializes as "non-mapping," which has an eminently political character, as shown by the works of Yiftachel and Yacobi (2003) and Roy (2004). The examples of the Bedouins in the Israeli Negev have clearly depicted how informality is produced by ethno-national rationales, but the same could be said of the "Roma" slums that are wiped off the map each year in France (cf. the chapter by T. Aguilera) or in Italy (Vitale, 2009) in a climate of tension sparked by "pro-eviction policies" with regard to other public policies.

Research can help deconstruct then reconstruct the poverty-city nexus, and dispel the images of precarious or informal settlements as being areas to which only the poor are relegated. It can also encourage the creation of urban observatories that cut across questions of health and all the indicators of "*buen vivir*^[7]" (good living), and promote monitoring and follow-up bodies.

[7] This concept of pre-Colombian origin is used in Latin America and elsewhere by alternative and green movements. It is enshrined in the constitutions of Ecuador and Bolivia (2008, 2009).

Four themes little mentioned so far can join the debate: (i) the possibilities of intervening in situations of densification, which has reached unprecedented levels in some cities (around 1,500 inhabitants per hectare in Cairo's most poorly serviced precarious settlements), and the highly sensitive issue of managing the built environment and services, now that the inadequate sanitation and waste management have become the most pressing problems; (ii) the conflict between tenure status and interethnic relations in what can sometimes be high-tension situations (e.g. East Kibera in Nairobi, Charbonneau, 2016); (iii) the linkage of gender issues and social hierarchy with respect to land distribution, (Varley, 2007); and finally (iv), collective measures in view of social mobilization.

As data on these settlements have been so scarce, knowledge is being produced from below, driven by social movements and NGO federations and using new technologies such as self-mapping, self-enumeration (counting of plots). Backed by associations such as SPARC and Slum Dwellers International, these grassroots initiatives have proved their worth over some fifteen years, and even convinced local authorities of the soundness of their approach and their need for support. For example, the enumeration of a sub-settlement in Pikine in the Dakar suburbs by a local NGO has partly resolved the recurrent problem of flooding. On the other hand, Mitlin shows in this volume that, in some cases, municipal authorities tend to showcase this type of approach even though their programs amount to no more than conventional resettlement schemes with a modicum of participation.

The emergence of a collective actor

Bayat (2004) pointed up an ambiguity of the "ordinary resistance" observed by researchers, which is beginning to replace the myth of the "passive poor," a perspective which nonetheless over-interprets each individual action. An analysis of ordinary people's actions can create confusion between the feelings of injustice voiced and effective coordinated action. He highlights the fact that in the Arab world primary ties still take precedence over forms of political and collective organization, which are more developed in Latin America. His analysis is especially relevant if it is extended to include the occupation of land. For want of archive material on precarious neighborhoods,^[8] it is important to conduct a timeline study starting from the residents' first settling, rather than simply make do with recomposed and sometimes fanciful interpretations. Precarious settlements are being created and densifying each day and the creative dynamics of this movement need to be captured. In line notably with Turner's findings, the literature on Latin American settlements has shown the massive scale of collective invasions of land from the 1960s through the 1980s. In Latin America, a history of struggle, led by politicized rural people and trade unions or activist organizations, confirms a degree of convergence between social and urban struggles,^[9] which have been well-documented over many years from Peattie (1968)

[8] This archival or museographic work is starting up in countries where few precarious settlements remain and where there is a need for work on memory. See the conference *Les bidonvilles dans la cité*, Marseille, March 2016.

[9] *Villa el Salvador*, a documentary by J.M. Rodrigo, Mécanos productions, 2009.

through Merklen (2009). To some extent, the most pronounced features of these movements – which have doubtless left their legacy to the squatter movements in city-center buildings in today’s Sao Paulo for example – can be contrasted with the type of land occupation prevailing in the first large-scale urban developments on the periphery of Arab and some Asian cities. These are basically community invasions, or in other words occupations organized in advance by individuals from the same territories who share ties of solidarity at a village level or company level, or who share a common language or practices.

In this setting, Bayat’s depiction of “ordinary people’s resistance” or “silent encroachment” recognizes the silent, but persistent and inevitable growth of irregular settlements in the suburbs of Teheran in Iran or of the precarious neighborhoods in Cairo. What’s more, the least visible are also the most resilient. Their mobilization becomes de facto political in that they are salient players in the game without however appearing as a visible source of conflict. On this point, Bayat (2009) concurs with the findings from the action of associations linked to Slum Dwellers International (SDI) in fifteen countries (Mitlin *et al.*, 2014): poor communities living in tenuously legitimate settlements do not have the means for a head-on antagonistic struggle; they have too much to lose. Their priority focuses more on the consumption of better quality goods and services and on the search for a form of legitimacy. Over the last two decades, they have acquired the most obvious influence, as they concentrated their efforts on increasing their representativeness, their presence, and their analytical capabilities to make their voices heard (Satterthwaite, 2014). The literature on countries where SDI groups are active shows that confrontation can be tempered by negotiation. Generally, residents follow active strategies to maximize their options (Mitlin *et al.*, 2014). The demand for services and recognition are at the center of all the ongoing efforts to finally ensure that precarious neighborhoods become embedded in the city, even if paradoxically the formalization and privatization of services can entail unaffordable costs (cf. the chapter by D. Mitlin). The search for legitimacy also relies on bypass strategies – for accessing services (mainly water, electricity, cf. Zaki, 2013, and the chapter by Raman, Denis and Benjamin) through all sorts of means – in order to survive and ultimately gain de facto recognition, which is a much more common strategy than legal recognition.

On the other hand, various studies on cities of the Middle East reveal a radical change since the late 1990s: political and social demands have also reached the cities of the Arab world, and particularly their precarious neighborhoods. Open contestation has grown in Moroccan cities, parallel to liberalization, and in 2010 a national slum coordination was created (Zaki, 2013). The freedom messages of community organizations and of empowerment have gained ground, fueled by greater international circulation of ideas, experts, and sometimes engaged residents who often have ties with human rights NGOs (Ibrahim *et al.*, 2014) or networks like the Habitat International Coalition (HIC). If these mobilizations are not exempt from compromise with local and national powers, this is because the latter have final control over the financial resources for rehabilitation schemes and basic service budgets. Our efforts to synthesize the different national traditions and the large gaps between declared principles – often relaying the international doxa – and the actual practice of interventions have required us to exercise particular vigilance when translating the terminology covering improvements to these settlement.

Participation and co-production: deciphering forms of involvement

In the 1970s and more particularly in the 1980s, the participation of inhabitants fitted into the “software” of precarious settlement rehabilitation or restructuring programs and sometimes also into that of programs for urban renewal coupled with dislodging-rehousing.

Here, drawing on a dozen case studies from across the world, Perlman shows that the participatory dimension has more often than not been abandoned to ensure that programs fit with the required funding timeframes. Two chapters in this volume focus specifically on the effectiveness of the participatory model for onsite rehabilitation schemes involving displacement (cf. the chapter by V. Dupont) and for the case of a gradual grassroots process aimed at tenure recognition (cf. the chapter by Raman, Denis and Benjamin). Although precarious neighborhoods appear to be true laboratories for community participation, this fails to translate into practice unless it is supported by already existing mobilizations or by collective organizations already in place (Dupont, 2016).

The *colonias populares*, representing 60% of housing in Mexico City, grew out of informal settlements and offer favorable ground for rehabilitation schemes thanks to the tradition of community participation in the *patronatos* (neighborhood councils) (Lombard, 2013). These councils propose service provision and organize thematic working committees, which in no way put a stop to the development of independent self-build strategies or to acts of resistance such as roadblocks. Navez-Bouchanine (2012) shows the extent to which these settlements and their formation, the extant social and collective organization, and the role of informal mediators and intermediaries impact the success or failure of a restructuring operation just as much, if not more, than all of the efforts deployed by public authorities. This “intermediation” (*ibid.*) linked to a collective history is little known, ignored, or silenced. It should be remembered that in the Peru of the 1960s, the pioneering waymarks in precarious settlements coincide, according to John Turner, with times of more fervent community and associative activity. The moments that saw the creation of the future precarious neighborhoods are key. Yet, it is precisely in the early days that the danger of eradication is the greatest and that the “bridgeheaders” (Turner, 1968) who initiate the settling process find themselves isolated, just at the moment when support for preparing the future is crucial. Although support is part of the “methodological kits” crafted for project implementation, it is totally absent when the city is really being built – in other words, mostly outside the scope of official action.

One of the paradoxes inherent to most of the “participatory” programs, in North or West Africa for example, is how to challenge customary authorities, who are sometimes deemed backward-looking, so as to promote new community leaders. In the main, this effort is unsuccessful or fails to find effective anchorage in small community associations bereft of outside support (Iraki, 2006).

One of the most beneficial aspects of the case of Mumbai is the “consent clause” implemented for some of the slum dwellers (cf. the chapter by V. Dupont). The rulings of the Johannesburg Constitutional Court have also helped clarify the parties’ obligations: if onsite rehousing is

impossible, the operator is bound to involve the residents in decision-making (cf. the chapter by M. Huchzermeyer). Note that this democratic procedure, which seeks to reconcile occupancy and ownership rights (*ibid.*), goes much further than Europe's urban renewal programs... The case of Delhi in India reveals a more authoritarian mode of management, certainly due to the absence of key facilitating NGOs that take on delegate project management or the sometimes ambiguous role of social developer, such as SPARC (cf. the chapter by V. Dupont; Patel *et al.*, 2002). Interventions claim to be participation-based, but in certain settings such as in megacities where complex governance systems impact program continuity, implementation is difficult. There is little doubt that formal democracy alone is powerless to overcome the tendency of public and private operators to retain what is deemed to be strategic information. This information is rarely disclosed when it comes to distributing land, housing, compensation, etc., or more generally carrying out displacements. The same applies to operations that are never explicitly named, but aimed at social cleansing or taking back control, as is the case when infrastructure projects, such as roadways, are launched (Deboulet *et al.* 2012). Meanwhile, in silence but with great tenacity, "ordinary" citizens from unrecognized settlements are able to mobilize sometimes over several decades in order to obtain land titles and thus the right to the city.

Capitalizing on opportunity, the inhabitants of a small city in Tamil Nadu in southern India have been multiplying pressure on their local authorities for over thirty years in order to obtain reclassification of the land titles they need to have their presence recognized, and this independently of any national program (cf. the chapter by Raman, Denis and Benjamin). The residents have been capable of engaging in real open conflict, managing to turn the situation around and, above all, find multiple ways of proving their presence. The search for recognition in democratic contexts often involves court cases or judicial remedy, but this path only succeeds if the inhabitants can convincingly prove their continuous presence and if their will to remain is strong (petitions, surveys).^[10] The authorities' unduly long reaction times (sometimes more than one generation) point up the contradictions between the declared orientations of public policy – often influenced by international incentives – for greater equality, and the real capacities (or will) of local bureaucrats to engage in change. Finally, from their different starting points, the authors here call for caution with respect to an unchecked confidence in the intermediary role of NGOs. In systems with a high level of delegation, with no checks and balances, these organizations are also in a position to manipulate the inhabitants.

It is here that training plays a key role and calls for a careful approach to methodology on the part of those who seize on the term "slum" as a catch-all category, ignoring the diverse types of tenure and housing markets and the importance of incremental construction to match modest financing capacities (cf. the chapter by D. Satterthwaite; Turner 1968). Even if self-help construction has given way to self-help development due to the increasing division of labor in precarious settlements, incremental building is what basically distinguishes the mode of production of these neighborhoods from the dwellings built by real-estate developers, be

[10] We should also underline the insistence of city dwellers to move from the "unplanned" to the "planned," as well as the related strategies described by L. Guigma (thesis in progress, Université Paris 8, LAVUE).

they public or private. These processes require support measures and advice rather than a division of labor that calls on experts from the outside. Training is a crucial factor in forging the inclusive city that the international institutions are keenly calling for. In the situations of engaged research initiated by teachers in partnership with the Asian Coalition for Housing Rights, community planning can be learnt through a process of unlearning (cf. the chapter by B. Lipietz and C. Newton) – a necessary process if one is to become a true partner of groups working to improve precarious settlements and integrate them fairly and lastingly into the city. A fresh approach to training that includes partnerships with groups of residents is also happening in many universities and reflects the new configurations that are emerging from settlements with ties to large federations or from activist precarious neighborhoods (Ibrahim *et al.*, 2014). Their demands translate a refusal to operate within clientelistic relationships or political patronage systems (Appadurai, 2001), and new questions for political spheres are emerging which set great store on shared knowledge, access to information, and demands for justice.

Finally, before handing over to the authors of these thirteen chapters, we should recall the countries that have been “convened” to help further this ambition to “rethink precarious neighborhoods”: Brazil (Perlman; Soares Gonçalves), France and Spain (Aguilera), India (Dupont; Raman, Denis and Benjamin), Lebanon (Fawaz), Senegal (Tall) and South Africa (Huchzermeyer). Several authors have revisited their work through a comparative or cross-cutting lens (Clerc, Gilbert, Mitlin, Lipietz), putting into perspective the input from “pioneers,” along with the challenges and current responses (Gilbert, Lipietz and Newton, Satterthwaite, Clerc, Mitlin). The first part opens with four articles focusing on the genealogical aspect. Each of their authors (Perlman, Satterthwaite, Soares Gonçalves, Fawaz) takes a fresh look at some salient features of a reflection that started over half a century ago – a line of thinking that has been constructed by departing from a vision of misery and wagering instead on the competencies of populations, and which involves the necessary effort of deconstructing the preconceptions of public policy and urban-planning practices. The second part focuses on the fundamental question of land and security of tenure. Here, the authors (Aguilera, Gilbert, Clerc, Huchzermeyer and Tall) explore the intricacies of land and property statuses and compare these with the policies targeting secure tenure. They attempt to understand the interplay of the actors that perpetuate the refusal of recognition despite increasing judicialization. Finally, the third part proposes four articles (Dupont, Mitlin, Lipietz and Newton, Raman, Denis and Benjamin) that aim to renew the way these precarious neighborhoods are perceived by questioning the contradictions (*i*) between invoked participation and practices of forced rehousing; (*ii*) between upgrading though service provision and equality of access; and finally (*iii*) between engaged practices and the reality of inappropriate training. Each of the articles also offers the reader ways forward for reformulating these intervention practices and principles.

Throughout all the contributions, the authors make a point of showing how, in the final analysis, the question of developing interventions and policies hinges on the political grammar of social and spatial inequality, and on the imperative to focus all our attention on the cognitive resources of populations. Rethinking precarious neighborhoods also means formulating and accepting a policy of – in-depth – knowledge and recognition that stretches beyond the technical categories of rehabilitation or the formal categories of citizenship.

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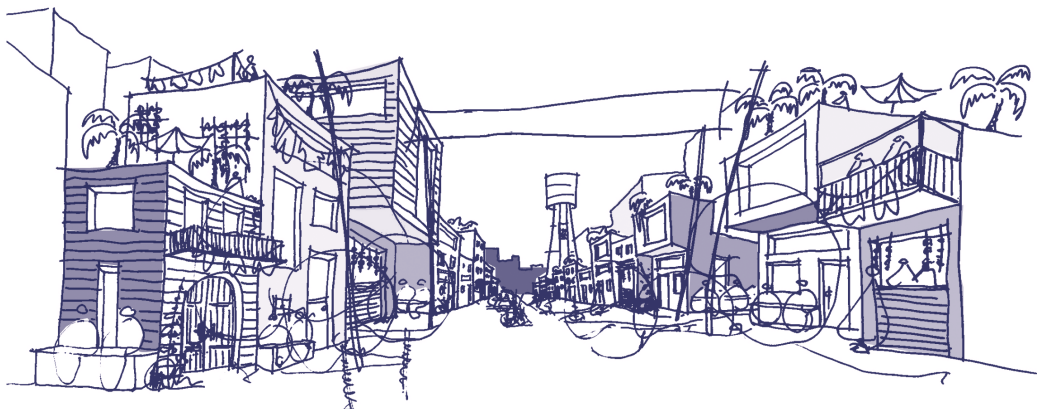
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Bérangère DELUC.

PART ONE:
PRECARIOUS NEIGHBORHOODS:
BUILDING A SOCIAL FACT,
A PARADIGM, AND CRITICAL FEEDBACK

Rethinking precarious neighborhoods. Concepts and consequences of marginality

Janice PERLMAN^[1]

In the urban poverty and policy lexicon there is an unfortunate fusion between *precarious neighborhoods* and *precarious people*. Once a neighborhood is perceived as precarious, the people living there are imbued with a series of negative stereotypes as unworthy, unruly and unclean. This is where the literature on marginality comes into alignment with current concepts of peripheries and precariousness. Marginality has a similar but not identical set of associations – on the margins spatially and socially; deviant from mainstream beliefs and behaviors; and threatening to the city of the elite.

1. What is a precarious neighborhood?

The title of this volume, *Rethinking Precarious Neighborhoods*, implies that we share a common understanding of the meaning of “precarious.” Yet the concept is not specific. It embodies several different kinds of insecurity and vulnerability.

One type would be *insecurity of occupancy of the territory*. Urban communities built on land the residents neither own nor rent are unsanctioned and therefore under constant threat of removal. These are either totally unrecognized or negatively designated as “subnormal agglomerations,” “invasions” or “occupations,” regardless of age, size, location, or urban characteristics. The constant uncertainty of permanence runs the gamut from homeless people living on the streets, in parks, or under bridges (as seen in New York City); to occupation of patches of grass in the middle of traffic circles (as seen in Paris); to living on construction sites (as seen in Mumbai); in abandoned buildings (as seen in Johannesburg) to informal communities developed on unused land. Whether called squatter settlements, shantytowns, slums or favelas, these self-built neighborhoods represent the most prolific form of urban precariousness. They are located in undesirable areas such as steep hillsides, swamplands, riverbeds, flood plains, or downwind from foul-smelling industries, left unused by the owners – public or private. As the cities grow into the surrounding areas, these lands become more central and valuable, increasing the threat of removal.

[1] I would like to acknowledge Meg Healy for her help in the early phases of organizing this chapter.

This category also includes government *social housing projects* in Latin America where people are forced to re-settle when their homes and communities have been demolished. They are frequently separated from family, neighbors and social support networks, making them more vulnerable. They are also removed from proximity to their sources of livelihood, and even education and health care. Residents of these public housing complexes may be expelled for any number of reasons ranging from late payment of monthly rents and fees to getting on the wrong side of the drug lord or militia controlling the territory.

A second aspect of precariousness is the *instability and impermanence of the dwellings*. Construction materials are often taken from the garbage: scrap metal that becomes burning hot in the sun; plastic sheeting that becomes torn in wind and rain; packed mud, lean-tos and tents or even, as in the case of pavement dwellers in India, saris strung on poles on the sidewalk (using the wall behind them as the back of the house). What these have in common is danger to the inhabitants.

A third dimension of precariousness is the *fluidity of the population*. In some communities the members of the group may change radically: some disappear, some move to other locations, some are arrested or killed, and others arrive.

Neighborhoods may be precarious because they have: (i) *deteriorated* due to neglected maintenance, lack of urban services, natural disaster, or population succession; (ii) *been partially or totally demolished*; or (iii) *been abandoned* due to economic and social transformations. One scenario would be – as in the case of Detroit – neighborhoods *depleted by de-industrialization* and the loss of the major industrial base; another, like Havana, which was *left to decay* for decades after the Cuban revolution, until the late 1980s when integrated urban development became a political priority. In port cities, such as London, Los Angeles, Cape Town, or Rio de Janeiro, the changing nature of the shipping industry and the shift to containerization left piers, warehouses, docking facilities and the surrounding neighborhoods vulnerable to illicit and illegal occupation and activities.

In the case of major job and population loss in formerly thriving industrial cities, the challenge is to attract new types of businesses and residents. In the case of changes in needs and use of port cities, the trend is restoration and revitalization of the tangible and intangible cultural patrimony. Rio's Porto Maravilha is a prime example of massive public and private investment. The futuristic Museum of Tomorrow sits on a formerly abandoned pier not far away from the excavation of the buried history – the Cais do Valongo – the wharf where African slaves were brought from arriving ships and put up for sale. What is precarious here is not the renewed areas themselves but the right of the longtime residents to remain and benefit from value-added – or be expelled by the state or the market (gentrified).

Finally, not to be forgotten are *neighborhoods that were rendered precarious by acts of the state*, such as the urban renewal projects in American cities in the 1960s and 1970s. They tore thriving neighborhoods apart for various public works projects and built massive housing projects, taking “eyes off the streets” and opening the way to urban violence (Jacobs, 1961; Gans, 1962; Fried, 1966).

In different ways, all of the categories in this typology demonstrate that *precariousness erodes one's sense of self, safety and security*. Families and individuals are put under constant stress and distress insofar as their lives and the meaning they imbue in the place they live can be totally disrupted by political decisions made about them without including them.

In many periods and places, it has been part of the amusement of the elite to go “slumming,” a phrase made famous by the incredible attraction that Harlem had for white New Yorkers who wanted to be cool, get in the groove and be part of the scene of good music, good dancing, good food and general good times. This is among the contradictions in Rio’s favelas. Cariocas do not treat favela residents with respect, do not protest unjustified police killings, do not pressure the city for equal services, yet go into the favelas at night to party – enjoying the “funk dances” (*bailes funk*), *passinho*, rap, hip hop and recreational drugs. And since the early 2000s there has been a blossoming of favela tourism, favela chic bars, high fashion favela design, and all manner of profitable enterprises based on the branding and commodification of favela creativity, with little benefit to the favela population and little change in societal stigma and exclusion

Later in this chapter, I present findings from my longitudinal study in the favelas of Rio de Janeiro, Brazil. What interests me about this volume is learning how precariousness is manifested and addressed in other places, particularly now in European cities dealing with the massive influx of international refugees. How does that compare with the experience of other stigmatized groups such as rural-urban migrants within their own countries, or migratory groups like the Roma? And how have the policy responses and social movements differed in each case?

2. Why do precarious neighborhoods exist?

The typology and questions above raise the issue of *why* these precarious neighborhoods exist. Each category is the result of different historical, cultural, and political economic factors. At the time this volume is going to press, informal settlements in cities of the developing countries are the fastest growing segment of the global population. Unlike the case of international refugees who are *pushed out* of their countries by natural disasters or the violence of civil wars, the many cityward migrants come by choice. They are *pulled by* the magnetism of urban opportunities – if not for themselves then for their children. Since they cannot afford to rent or buy any form of housing in the formal market, they build their own.

Similarly, as with almost all types of precarious settlements, if there were political will, inexpensive housing options could be provided near sources of livelihoods, and would at least reduce the number people living on the streets, in abandoned office buildings or on stilt houses over swamps. Of course, there are cases of mental and physical illness that require other solutions. And there are people who prefer to live informally for a variety of reasons, including greater freedom to live an alternative lifestyle. For them, being forced out of their settlements and into public housing is not the answer.

There are many examples of misguided urban policies focused on reducing “housing deficits” without taking into account the “housing assets” already existing in informal settlements. The numbers game of producing “housing units” rather than producing a vibrant integrated city has distorted national urban programs (such as Minha Casa, Minha Vida in Brazil). Instead of interventions with a vision of an integrated urban fabric, they are blinded by tunnel vision of units – without regard to location. This is leading to a replay of the disastrous removals to remote housing projects that were a huge failure in the 1970s.

3. Precariousness and marginality

As originally conceived, *marginality* was not a derogatory term as it is now. In the 1920s, the sociologist Robert Park used the trope “marginal man” to describe a person who has left one culture behind and has not yet totally embraced or been embraced by the new one. This state of cultural limbo, of essentially “not belonging” confers the ability to see both realities from an outsider’s viewpoint.

Heightened creativity, originality and perception are born in the struggle to establish a new identity. In this process one is able to perceive patterns and create new connections that those living coherently within one thought system cannot. To quote directly from Park:

“The marginal man is a cultural hybrid, a man living and sharing intimately in the cultural life and traditions of two distinct peoples; never quite willing to break with his past and his traditions, and not quite accepted, because of racial prejudice, in the new society.” He is one “whom fate has condemned to live in two societies...not merely different but antagonistic” (Park, 1928: 892). In his introduction to Stonequist’s book, *The Marginal Man* (1937, p. xv), Park characterized marginal man as someone whose “mind is the crucible in which two refractory cultures may be said to melt and, either wholly or in part, fuse.”

3.1. *Marginality as a force*

Over the next hundred years, the concept of marginality acquired different connotations with the shared stigmatization of the urban poor as “other” – those “outside” the mainstream. The label has had material force in justifying the eradication of precarious neighborhoods in different contexts and historic moments (see Chapter 6 on Marginality in Perلمان, 2010, and Ward, 2004)

In the postwar period of rapid urbanization in Latin America, rural migrants were seen as rootless masses invading the citadel city of the elites. They were seen as dirty, degenerate and dangerous. The idea of marginal elements as criminals, prostitutes and “ne’er-do-wells” was clearly expressed in the writing of the Fundação Leão XIII, the institution supposed to provide them with social services (Perلمان, 1976). Even leftist writers such as Franz Fanon warned of the rootless hordes encircling the city, likely to explode into violence at any time (Fanon, 1961). One prominent political scientist compared favelas in Rio to “the syphilitic sores on the body of a beautiful woman”; others simply saw them as cancerous growths to be exorcised.

3.2. Initial Rio favela research

My early research in the favelas of Rio de Janeiro was conducted at the height of the military dictatorship in Brazil (1968–1969), a time when everyone from leftist students to taxi drivers thought it too dangerous to enter a favela. I was interested in the impact of urban experience on newly arrived migrants from the countryside. I wanted to know how they managed in the city, given that most arrived with little or no money (having sold everything to afford the trip to the city), that few knew how to read or write, and that only a handful had previously gone beyond walking distance from their villages.

One favela was selected from each of the three areas of the city where migrants tended to go: 1) *Catacumba* from the upscale residential South Zone; 2) *Nova Brasília* from the industrial North Zone; and 3) *Vila Operária* and two small favelas from the municipality *Duque de Caxias* in the *Baixada Fluminense*. I lived for six months in each favela and interviewed two hundred people chosen at random and fifty leaders from each community. I returned in 1973, after *Catacumba* was removed, to find out what had happened and learn about life in the housing projects.

The book resulting from that study (Perلمان, 1976) was part of the paradigm shift from seeing squatter settlements as the solution rather than *the problem* and seeing the residents as a valuable *resource rather than a parasitic drain*.

3.3. Antecedents in the literature

This line of thinking had already been suggested in the work of Charles Abrams (1965; 1966), Lisa Peattie (1968), John Turner (1972) and Anthony Leeds (1971; 1976). The “urban explosion in Latin America” (Beyer, 1967) drew attention to “The Urban Question” (Castells, 1979). Did urbanization inexorably cause social breakdown (Oscar Lewis, 1952; Robert Redfield, 1953)? Was a “Culture of Poverty” perpetuating an inter-generational poverty trap (Lewis, 1969)? Were these burgeoning self-built communities “slums of hope” or “slums of despair” (Stokes, 1962). Was the moralistic distinction between the “deserving” versus “undeserving” poor being resurrected to “Blame the Victim” in precarious neighborhoods (Ryan, 1971)?

At roughly the same historical moment, there was an entirely different body of scholarly work emerging from Latin America and Brazil in particular, on Marginality and Dependency Theory. The focus was also on urban poverty, inequality, and development, but it was embedded in the context of Latin America’s role vis-à-vis the hegemonic power of “the West”. At the height of the military dictatorship (1969), Fernando Henrique Cardoso along with a group of university professors in Sao Paulo founded CEBRAP – The Brazilian Center for Analysis and Planning (see Stephan, 1976).^[2] Their structural approach and conceptual framework balanced the focus on housing and infrastructure and also rendered largely irrelevant issues of individual or cultural responsibility (see Inkeles and Smith, 1976).

[2] The group included Fernando Henrique Cardoso, Enzo Faletto, Paulo Singer, Francisco Weffort and Octavio Ianni. For a history of this period and the individual and collective publications of CEBRAP, see Goertzel, T., 1999 and Cardoso, F.H., 2001.

3.4. The research question

My fieldwork in Rio's favelas was an attempt to test the core concepts of marginality (as used in the literature, popular parlance, and urban policy) against the reality on the ground. It was originally a set of questions about the "impact of urban experience," based on the disputes in the literature of the time. The research results contradicted assumptions that had never been empirically tested or contested. I found that the migrants were not the poorest or most desperate within their village, but the best and the brightest. They were the ones who had the courage and conditions to leave everything behind in search of a better life in the city. In other words, they were *not* the "bottom of the barrel" but the "cream of the crop." And, in political terms, they were not resentful and radical and did not compare their conditions to those of the people in the luxury apartment houses around them. Their reference group remained the people back in their villages, who were much worse off and without future opportunities open to them.

My overall conclusions were:

1. Favela residents are not marginal to the city but inextricably integrated into it, albeit in an asymmetrical manner detrimental to their own interests.
2. They contribute their hard work, their high hopes, and their loyalties, but do not benefit from the goods and services of the system.
3. They are neither economically nor politically marginal, *but* exploited, manipulated, and repressed to maintain the status quo.
4. They are neither socially nor culturally marginal, *but* stigmatized and excluded from a closed class system.
5. In short, favelas are not marginal but actively "marginalized" by a system that benefits from maintaining inequality, exclusion and repression.

4. Forty years and four generations later

In 1999, I returned to Rio to see whether it would be possible to find any of the 750 people who had been interviewed thirty years earlier. The prospects were especially dismal given that we had used only first names (to protect people's identity); that there were few street names and no housing numbers at the time; and that the communities had grown and changed so much between 1969 and 1999. Catacumba had been removed in 1970 and its 10,000 residents had been re-located to distant housing projects. Nova Brasília had grown up and over the hillsides, merging with other favelas into what the government called the *Complexo do Alemão*, one of the most violent areas of Rio. Yet, due to the strong social networks it was easier than expected to track down original interviewees, even those who had left the area.

The idea of the study was to follow the evolution of these precarious neighborhoods and the life trajectories of those who had been part of the original study (Perlman, 2007). However,

there was no way to determine whether the people were better or worse off, because they were in a different stage of their life cycle. To deal with this, we interviewed a sample of their children, whose age range was comparable to their mothers or fathers 30 years earlier (the study included males and females aged 16–65). When the analysis of those data showed disappointing results as compared with the hopes of the migrants, we thought that perhaps it took another generation for integration. With that in mind, we sampled the grandchildren. The research results are presented in the more recent book, *Favela: Four Decades of Living on the Edge in Rio de Janeiro* (Perlman, 2010).

The study demonstrated that precarious settlements are not necessarily *dead-end traps*. A third of the original interviewees and over half of their grandchildren had left the favelas (or the housing projects) and moved into the formal sector. Only a third of the grandchildren's generation was still living in favelas when the re-study was conducted. Furthermore, many people had remained in favelas by choice, despite having sufficient income to move elsewhere. For a variety of reasons including lifestyle preference, family ties, proximity to work and community networks, these people preferred life in the *morro* (hillside) over life on the *asfalto* (the "paved" formal city).

Living conditions in the favelas had also improved in terms of basic urban services, housing materials and household consumption of electro-domestic appliances and education. In these "consolidated" favelas that had been in place since my first study, virtually all homes were built of bricks or other permanent materials, had electricity, running water, indoor toilets, and – legally or otherwise – cable television.

Household consumption of electro-domestic appliances went up with each generation but the biggest leap was from the 1960s to the 2000s, by which time the level of consumption reached the median of the city as a whole. The younger generation owned plasma televisions, washing machines and air conditioners – unthinkable in earlier times. The only two indicators that were higher in the formal city were personal computers and cars. Even so, 34% of the grandchildren's generation owned cars or other vehicles and 27% of them had personal computers. This high degree of consumerism has been equated with the rise of a "new middle class" yet *no degree of material acquisition can confer citizenship status, equal treatment under the law, or the respect accorded to a middle class person*.

Without doubt there were striking gains in education. Among the grandchildren, illiteracy had been wiped out and, as of 2006, 11% were studying or had completed university. In 2016 when this is being written, that percentage is much higher and some of those born and raised in favelas are now professors and professionals.

But overall, those are still the exception. For most families, at least as of 2009, gains in education did not translate into parallel gains in income. In fact, for every additional year of schooling after 3rd grade, the income gap between favela residents and the rest of the city increased. The expected rise in incomes with additional years of schooling showed up for the city as a whole, but for favela residents, the rise was gradual and the outcome, after eighteen years of schooling, discouraging if not to say pathetic.

Among the explanations for this gap are the rising bar for entry into jobs, which demands educational levels at higher rates than the gains made in the favela population; the changing labor market; the poor quality of schools in favelas; and the stigma of living in a favela, which is sufficient in itself to cut off job interviews when an address is required.

Despite decades of change in informal communities and upward mobility of their residents, the stigma of being “other” and “lesser” persists and continues to inform policy. Perhaps this is part of the legacy of slavery, which was only abolished in Brazil in 1888. Close to four million slaves came through the port of Rio – 40% of all slaves brought to the Americas. Could this be why the elite’s sense of superiority and entitlement is so ingrained and unacknowledged?

The single change, however, that most affected already precarious lives, was *the rise of the drug and arms traffic and the consequent high levels of lethal violence*. Starting in the mid-1980s, the drug trade, especially in cocaine, grew rapidly and favelas provided a convenient locale for dealing. By the time I began the re-study in 1999 many favelas were controlled by drug traffic, and by the end of the study almost all had expelled the elected Presidents of the Residents’ Associations. People were living in constant fear of being caught in the crossfire between competing drug gangs or between the police and the traffickers. One in every five interviewees reported having lost a family member in a homicide.

The rise in levels of lethal violence eroded the most precious survival mechanisms of the favelas: social capital, mutual trust and community unity. The association of favela residents with the narco-traffic, in the eyes of the larger society, reinforced existing negative stereotypes. In response to a question about personal experience of discrimination, residents reported more prejudice based on living in a favela than based on skin color, “appearance” (presentation of self), gender, or birthplace. While all other experiences of discrimination declined in each generation, the negative consequences of living in a favela remained high – reported by 80% or more in all three generations.

Fear of losing one’s home was replaced by fear of losing one’s life in the crossfire between police and gangs or among rival gangs fighting over territorial control. Police tended to stay out of the favelas while the narco-traffickers expanded their area of control, expelling or killing the elected Presidents of the Residents’ Associations. By 2007 there were few independent favelas left; those not controlled by drug lords were controlled by self-appointed armed militias.

With the election of a governor whose campaign slogan was ending violence and “taking back control of the territories,” and Rio’s selection as host of the World Cup and the Olympics, the UPP – Pacifying Police Unit program – was launched in 2008. Its aim was to end the use of ostensive arms and exert control over the favelas through a permanent police occupation. The original concept was to pair the military side with strong social programs and community services provided by the sister program, the Social UPP. A political party deal destroyed the prospects for the much-needed social program just before it was to go into effect. Without the human and social side, and in push for rapid expansion, the UPP police antagonized the communities with arbitrary brutality and disregard for the rights of residents. Rather than

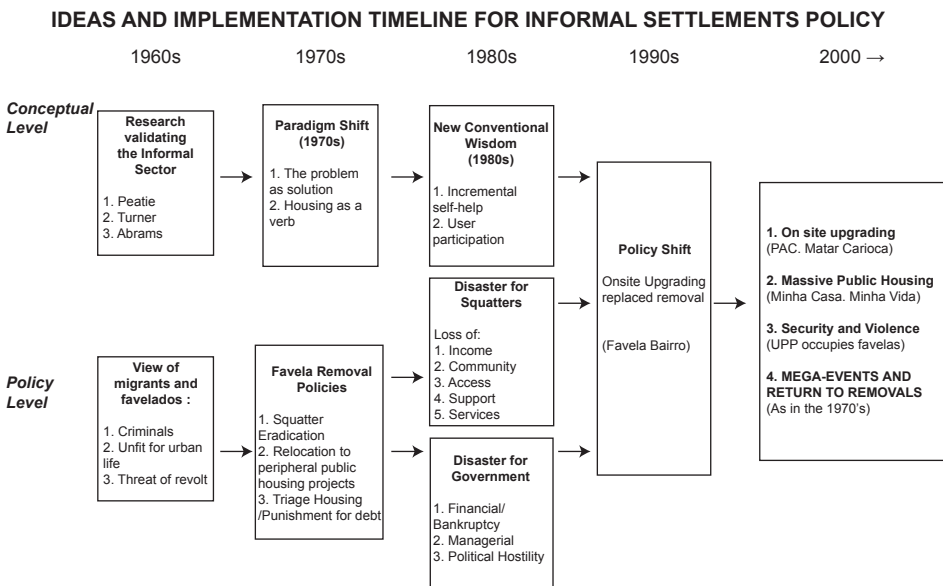
bringing peace, they increased the atmosphere of violence and opened the door for the return of the drug gangs even before the 2016 Olympics.

5. Twenty-five year time lag between idea and implementation^[3]

When the ideology of marginality was the conventional wisdom, the obvious response was to “cleanse the citadel of the elite, exorcising the filthy lower class elements.” In short, remove the growing favelas as you would remove cancers from a healthy body.

It took almost a generation of research, knowledge creation, social mobilization, and finally the threat of political and economic disaster before policy-makers began shifting from removals toward on-site upgrading.

The dialectical interplay between research findings and public policy changes over the past fifty years is loosely diagrammed in the flow chart below.



The point of this timeline is to illustrate the lag time between what is known and what is done. The parallel and converging boxes on the two tracks suggest the interaction between knowledge (along the top) and practice (along bottom) from the 1960s through 2016. In the 1960s, the assumption that squatter settlements were an “unsanitary” urban blight – harboring criminals, prostitutes and lazy bums – was disputed empirically by John Turner (1972), Lisa

[3] See Perlman (1987).

Peattie (1968), Anthony Leeds (1969), William Mangin (1967), among others. In 1968 when I began my Rio favela research, just a few Cariocas – Machado (1967), Lícia Valladares (1978) and Carlos Nelson – were in the field. That early work solidified the argument that self-built housing was the only option for newly arrived migrants and that housing was an ongoing work of incremental improvements serving multiple functions beyond shelter. John Turner's works, *Freedom to Build* and *Housing as a Verb*, convey this paradigm shift.

At the policy level, the negative stereotypes of squatters and their settlements in the 1960s helped to justify massive eradication and re-settlement in the 1970s, which, by the 1980s had disastrous results for both squatters and the State.

Not until the mid-1980s, with the end of the military dictatorship and return to party politics in Brazil, and with the failure of public housing to pay for itself, nearly bankrupting the government, did public policy finally converge with knowledge creation in support of upgrading on the site. The Favela-Bairro Project was inaugurated in 1995 and by 2005 had become the most ambitious upgrading project in the world.

It built upon the accumulated experience from the early years of CODESCO in 1968 and was continued under PAC-Favelas, targeting the largest favelas in Rio. As part of the euphoria of winning the World Cup and Olympic bids, the City inaugurated the Morar Carioca program in 2010, promising to integrate every favela into the formal city by 2020. In his widely applauded TED talk, Mayor Eduardo Paes articulated his vision of an inclusive and sustainable city, going beyond physical urban infrastructure.

Morar Carioca was truncated before it was implemented: thirty of the forty winning proposals for upgrading projects were eliminated, and then the ones that went forward were given a limited scope. The strongest aspects of the program – having IBASE, a well-regarded NGO, as the community liaison, and having the IAB as the convener of the competition – were both discontinued. Instead, the city reverted to removing favelas for the purpose of building the Olympic facilities and transportation network, and developing the Port Area and the Barra de Tijuca.

Two major shifts in Urban Policy during the past fifty years have taken us full circle: from removal to upgrading; and then from upgrading to removal (this time by market forces as well as state interventions).

Shift from removal and resettlement to incremental on-site upgrading, thereby allowing favelas to grow naturally into working-class neighborhoods contributing to their surrounding neighborhoods. By the first decade of the 2000s, it seemed that favela removal was over for good. It would be too politically risky given that 20% of the population lives in favelas, and economically counterproductive given the massive state investment in upgrading and infrastructure. At the same time, the shacks of the first phase of settlement had been developed into solid housing stock of permanent materials, typically with four stories and a flat slab roof. This allowed extended families to live together or allowed for rental income. This settlement pattern prevented sprawl and allowed people to live within walking distance or a short bus ride

to their work. The favelas residents did not have legal title to their land but they had *de facto* tenure, since it was unthinkable that they would ever be faced with removal. In fact, during the first decade of the 2000s, most residents were no longer interested in a formal title as they saw it as unnecessary and adding to household expenses through property taxes.

Regress to removal, forcing families to choose among resettlement into distant public housing units, receiving a “social rent,” or accepting a one-time buy out. The mega-events – World Cup in 2014 and Olympics in 2016 – were used as the justification for this reversal. As of July 2015, 77,206 people had been removed from Rio’s favelas, including those deemed in the way of the Olympics infrastructure and those deemed as environmental safety risks. Most went to apartment units in the Minha Casa Minha Vida program; most were separated from family and community members and located far from their homes, not unlike what happened half a century ago. The design and layout of the new housing units is eerily similar to those of the 1970s as if architecture, design, and urban planning had been frozen in time.

The other reprise of tunnel vision from decades earlier was to base housing projects on counts of so-called “housing deficits,” ignoring the existing housing stock of informal communities. That led to massive investment in “social” housing “units” on the far peripheries of cities, at the expense of integrated urban planning. Housing units do not a city make!

I have used the case of Rio de Janeiro as a specific example of policy evolution regarding one type of precarious neighborhood, but parallel processes were in play all over Latin America, Asia, and Africa. The similarity can be explained in part by the implicit consensus among international development agencies that fund urban projects. For that reason, we see national ministries starting to use the same catchphrases at the same time in seeking support from the same sources. In urban development, “*Cities without Slums*” became the goalpost for national governments around the world.

6. Cities without slums are cities without soul

Over the last seventeen years, one of the guiding slogans for urban upgrading – led by multilateral and bilateral development agencies – has been “*Cities without Slums*.” A program by this name was developed by The Cities Alliance in 1999, and was adopted by the United Nations in 2000 as part of the Millennium Development Goals. Since 2015 it has been carried over into the Sustainable Development Goals. Recognizing that the intent was and is to upgrade the physical infrastructure of squatter settlements on site, preserving the social networks and access to jobs and other opportunities, this is commendable. Yet words have weight. And power. Ignoring for the moment the ongoing controversy over the derogatory nature of the word “slum,” the intention of formalizing the informal sector is not necessarily desirable. Insofar as it implies removing spaces of freedom and alternative lifestyles; “cleaning up,” or “controlling/ordering” communities, it encourages both homogenization and gentrification. That is a net loss. Cities need free spaces for counter-cultural expression in order to thrive, as any urbane “*flâneur*” would attest.

The goal of cities without poverty, inequality or exclusion is incontestable. But the implication of “pacifying” or eliminating informal communities, which were self-upgraded through struggle and savings over many decades, undermines the very essence of urbanity. Innovation blossoms in cities because of their diversity, density, and proximity. Wiping out the sources of cultural creativity and community solidarity is of course an unintended consequence, but a consequence nonetheless. Urban conviviality dies without the chance of serendipitous encounters among people with different cultures and lifestyles.

In short, formalization of informal communities is not the panacea for urban settlements.

What can be learned from national experience worldwide?

The data on urban growth show that population growth rate in squatter settlements exceeds the urban growth rate overall in the same cities. Consequently, there are strong spatial, planning, political, and economic pressures when dealing with spontaneous urban communities at a scale commensurate with the size of the population involved. Until recently, upgrading projects have generally been done on a one-to-one basis, lacking usually a larger strategic framework. The contrary of what Jaime Lerner suggests in *Urban Acupuncture* (2014).

Since 2000, some twenty countries have committed to “scaling up slum upgrading through national policies and programs,” – almost all with assistance from international agencies. In 2012, the World Bank Institute, in collaboration with The Cities Alliance, UN Habitat, the GIZ (German International Development Agency) and the Inter-American Development Bank, launched a research project to learn what worked and did not work when on-site upgrading was scaled up from the local to the national level (Herzog, 2016). From eighteen or more applicants, twelve national programs were selected for case studies, among which ten were completed and eleven documented:

In **Latin America**: 1) Brazil: PAC-Favela; 2) Chile: *Quiero mi Barrio* Program; Colombia: Integrated Neighborhood Improvement Program;

In **South Asia**: 3) India: JnNURM Basic Urban Services; 4) Bangladesh: Local Partnerships for Poverty Alleviation;

In **Southeast Asia**: 5) Thailand: We Care Program and Secure Tenure Program; 6) Vietnam: Vietnam Urban Upgrading Program; 7) Indonesia: Neighborhood Upgrading and Shelter Sector Project;

In the **Middle East-North Africa**: 8) Tunisia: *Programme National de Réhabilitation des Quartiers Populaires*; 9) Morocco: *Programme Villes Sans Bidonvilles*; and,

In **Sub-Saharan Africa**: 10) South Africa: Upgrade of Informal Settlements Program; 11) Ethiopia: Integrated Housing Development Program.

As expected, results varied widely by country and program, but in almost every case it was found that the written documents laying out the Program Goals, Objectives, Design and Structure included community-based diagnostics, needs assessments, baseline surveys,

participatory processes, and a set of indicators for the monitoring and evaluation of progress. However, a lot was lost in translation. In the process of moving from the idea to the implementation (i.e., from the paper documents to the on-site reality) many compromises were made. Conflicting relationships between national, provincial, and local governments; contested lines of command; and disputes over budget allocation delayed the start date of almost every project. This meant that from day one the work was behind schedule. In order to catch up, most cities ended up eliminating the time-consuming participatory processes and collection of baseline data.

Finding the upgrading process slow and tedious, the project managers often opted for the quicker and more cost-effective removal and relocation of the communities. Thereby, what began with lofty goals of on-site improvements paved the way for the return of squatter removal. The expulsion of the urban poor by the State was compounded by market forces, which saw obvious profits in acquisition of this (often well-located) real estate (Perلمان, 2016).

This dual threat of the *bulldozer or the buy-out* dashed the hopes of community residents and the funding community alike. What is at stake is the multiplicity of cultures, the preservation of community identity and the contribution of local economy.

In the conflicting logics of inclusion, public goods, and rights to the city versus land speculation and profit maximization, the latter has prevailed.

7. In defense of the informal sector

As argued above, informal settlements are essential spaces of insurgency and innovation that nurture non-conformism. Without alternative places offering flexibility and freedom from the norm, cultural productivity, consumption, social capital, and intellectual capital are diminished (Perلمان, 2014).

The five major losses of formalization are:

1. **Loss of labor and productivity:** Informal communities have a thriving internal economy with commerce, services, real estate markets, restaurants, bars, and small-scale manufacturing.
2. **Loss of consumer power:** The urban poor spend a disproportionate portion of their income on consumer goods and services, paying double or triple the shelf price because they buy in installments. Favela residents in Rio account for 1.3–2 million consumers, with an annual income of R\$ 5-10 billion (reais) per year (approximately 1.4 to 2.9 billion US dollars) keeping entire segments of the urban economy afloat. (O Globo, 2008).
3. **Loss of cultural production and creativity:** New forms of music, art, dance, theater, film, and fashion are born and nurtured in these “alternative spaces”, influencing trends in the rest of the city and the rest of the world.

4. **Loss of social capital:** The internal and bridging networks of social capital are coping mechanisms for those within and around neighborhoods, providing support, resources, and enhanced quality of life.
5. **Loss of intellectual capital:** As intelligence is not distributed along economic, racial or territorial lines, depriving the residents of informal communities of the opportunity to realize their full potential limits the intellectual capital of the entire city. I have learned more from community leaders in Rio than from many of my professors at MIT. The intractability and complexity of the urban problem requires the best minds, closest to the ground, for solutions.

8. Policy perspectives: from the right to the city to the right to exist

The above discussion has centered upon only one approach to addressing urban poverty – *the place-based approach*. All of the focus has been on the territory within the boundaries of informal settlements. There are two other ways to address this issue: *poverty-based* and *universal*. As illustrated in the box below, all squatter upgrading projects fall under the first category.

The poverty-based approach focuses on those living below a set poverty line regardless of where they live. To be fair, this needs to be adjusted for purchasing power parity, as living costs in a city are not comparable to those in a subsistence economy in the rural Northeast. This approach, generically known as Conditional Cash Transfers (CCTs) creates a monetary incentive for low-income families to invest in the health and education of their children and the care of their elders. In Brazil the program is currently called “*Bolsa Família*.”

The universal approach is based on individual and collective rights, applicable to all people regardless of place of residence or socio-economic status. The French sociologist Henri Lefebvre first articulated “The Right to the City.” David Harvey wrote a much cited article by that name in which he argued: “The freedom to make and remake our cities and ourselves is... one of the most precious and yet most neglected of our human rights” (Harvey, 2008: 23).

This concept led to a contentious discussion on the “Right to Housing” at the Habitat II Summit in Istanbul in 1996. Now, in the lead-up to the UN Urban Summit, HABITAT III convenes in Quito in October 2016, and the “Right to the City” and “The City for All” concepts are being hotly debated.

In the matrix below, I show three distinct but complementary approaches to the issue of the New Urban Agenda, whose core value is “Inclusive and Sustainable Cities.”

Table 1. Policy Approaches for Urban Poor

Place-based	Poverty-based	Universal
Favela-Bairro PAC Morar Carioca MCMV	Conditional Cash Transfers Bolsa Familia	Right to Housing Right to the City Right to Dignity

My forty-five years of research and practice in international urban development compel me to argue for the addition of “The Right to Dignity” or “The Importance of Being Gente” (Perlman, 2010). *Gente* is the Brazilian expression for *personhood*. Despite the many intelligent people and good intentions in the public sphere and in bilateral and international aid agencies – and despite efforts to incorporate new knowledge and to partner with community groups and NGOs – government interventions in precarious neighborhoods often do more harm than good. I refer to this as “*the helping hand strikes again*.” The further removed from the on-the-ground reality, the more difficult it is to value the voice of the disenfranchised and recognize the way society renders them invisible.

Ultimately, the lack of respect for the dignity and personhood of the urban poor means that right now, in 2016, the knowledge and talent of the billion people living in precarious circumstances are being wasted. By 2050, one of every three people on the planet will reside in these informal communities.

Can we afford to ignore them?

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Finding a place in the city: low-income housing sub-markets revisited

David SATTERTHWAITE^[1]

Introduction

My interest is in four shifts in the discussions of housing issues in cities in the Global South from the 1960s to the present. The first was the shift from a focus on describing “slums” and identifying their characteristics (and often discussions of how these should be cleared) to far more detailed context-specific understandings of the different ways in which low-income individuals or households find accommodation in cities. This discussion helped influence a shift from “slum” clearance and over-ambitious attempts at mass construction of public housing (most of which failed) to a new focus on upgrading and serviced sites. The term “slum” came to be little used.

The second was the change brought by the shift to neo-liberal policies within many high-income nations and international agencies. This, with its focus on cutting government expenditure and “structural adjustment” (intended to reignite economic growth), meant that the interest in housing and basic services and, more broadly, in urban poverty waned.

The third shift was a return to a focus on “slums”, but very much driven by international agencies. Suddenly, “slums” and responses to their growth became part of the international discourse – from the setting of the International Development Targets in the mid-1990s to the Millennium Development Goals (MDGs) and now to the Sustainable Development Goals (SDGs). But this was backed by inappropriate attempts to define slums and to measure slum populations – and some very suspect measurements (Satterthwaite, 2016).

[1] A personal note. I have been very fortunate in meeting and getting to know many of the pioneers in this field and in working with some of them. Jorge E. Hardoy was the most influential of them. I first came into contact with him in 1974 as he was advising the President of IIED on a book she was writing on housing and urban development (Ward, 1976), and I then came to work with him from 1977 to 1993 as he directed a new work programme at IIED on Human Settlements and set up IIED-America Latina. I interviewed Otto Königsberger in 1974 for this same book – and took his advice to take the diploma at the Development Planning Unit (where I was taught by and learned so much from John FC Turner, Caroline Moser and Ronaldo Ramirez). I was course assistant to John Turner for a three-month course he ran at the Development Planning Unit in 1979 and have followed his work since then. Through my work with Jorge Hardoy, I also met Lisa Peattie, Janice Perlman and Alan Gilbert and some of the pioneers from Latin America.

The fourth was a return to how low-income groups find accommodation in cities and the different housing sub-markets through which they buy/rent/build/occupy accommodation, but this time supported by new voices and data sources. Now, many federations or networks of slum/shack dwellers contributed to a new literature and new datasets. These used their data gathering capacities to provide profiles of all informal settlements in cities, with context-specific information on each and maps showing their location and distribution within and around cities. There were also many informal settlements where these same federations prepared detailed enumerations with data collected from each household and with each plot boundary delimited. These profiles and enumerations provided the basis for organization and action – the first being to influence the way that local government responded, the second providing the basis for designing and implementing upgrading and tenure security (*Environment and Urbanization* 24/1, 2012).

Of course, there were other swirls and shifts within discussions of housing conditions and responses – and some of these will also be addressed. For instance, there were the discussions of whether support for “self-help” housing was politically progressive or another way by which low-income groups were exploited. More recently, there has been a return to the construction of mass housing “for low-income groups” in many nations and all the problems this brings (Buckley *et al.*, 2016).

But at least within countries where the needs and priorities of low-income groups receive some attention from local governments, upgrading of informal settlements has become much less controversial and community-led upgrading more common.

1. The first shift

The first change discussed here is the shift from a focus on “slums” and their characteristics (and an assumption that slum clearance was needed) to far more detailed context-specific understandings of the different ways in which low-income individuals or households find accommodation in cities and support for their household or community strategies to do so. This was driven by a small group of academics mostly from high-income nations, but what these shared was experience on the ground and an active engagement with responses that worked for low-income groups. The great diversity in needs and priorities within “low-income” populations was a central theme of John F.C. Turner’s work, as was his discussion of how to support housing (household and community) processes that could respond to this diversity of need, and a strong critique of the conventional processes that did not (Turner, 1976). He illustrated this with detailed examples of particular households and of how well their housing served their priorities, including supportive squatter shacks that worked much better for their residents than standard modern houses in terms of cost, access to labour markets and services, and supportive social networks. John Turner emphasized that when housing is planned by government agencies, “standard solutions” are imposed, which drastically reduces personal choices and the opportunities for residents to use their own skills, initiatives and material resources to house themselves.

This theme of the diversity among low-income groups of housing needs and priorities was also central to Lisa Peattie’s 1976 paper presenting her reservations about sites and service schemes, as these can repeat all the mistakes of public housing. As she notes, good policy would make site and service projects small, with a wide range of locational choices and land prices, and within each project a variety of lot sizes. This theme was also evident and strongly illustrated by researchers who documented in great detail the housing sub-markets within particular informal settlements (Peattie, 1970; Lomnitz, 1977; Perlman, 1979; Schlyter, 1980; Moser, 1982). Anthony Leeds’ seminal study in Rio highlighted the range of housing sub-markets used by low-income groups and described each type (see Table 1). A United Nations report edited by Mahdu Sahrin, was also published in 1980 with strong city case studies of slums/informal settlements (Nitaya *et al.*, 1980; Das, 1980; Keyes, 1980; Rodell, 1980). The need for government policies to support household and community initiatives was also evident in Otto Königsberger’s insistence that if a government wanted to improve housing, it should not build houses (Königsberger, 1976).

Table 1. Different housing sub-markets used by low-income groups in Rio (early 1970s)

The different housing sub-markets	% of Rio’s population
<i>Cabeça de porco</i> or <i>casa de cômodo</i> : rooming houses	5
<i>Avenida</i> or <i>vila proletária</i> or <i>de lavadeiras</i> : 1–2 rented units with shared toilets/faucets/wash tanks	5
<i>Parque proletário</i> : government temporary housing meant to supply roofs and walls to persons without shelter	?
<i>Conjunto</i> : multi-storied single building or set of buildings. Built by variety of organizations including labour unions (bank clerks, sailors, navy, public functionaries)	10
Popular housing: sometimes called <i>conjuntos</i> or <i>vilas</i> . Produced by slum redevelopment. Embryo housing. So far from city no labour markets have developed	5–7
<i>Subúrbios</i> : vast expanses of fairly humble separate houses on official streets with little or no paving, often no lights, poor water, few or no sewers	10–15
<i>Tugúrios</i> : Areas of once good but now decaying housing and urban services, rented rooms, apartments, pensions with room and board, cheap traveller hotels	10
Squatter settlements: very diverse in quality	20
<i>Favela de quintal</i> : backyard favela. Shack types and unauthorized constructions built with permission of owners of officially registered houses usually for rental income	?

Source: Leeds (1974).

Alan Gilbert made many contributions to our understanding of informal settlements and housing sub-markets, especially in those inhabited by tenants (Gilbert, 1982, 1983); this was also supported by publications by his doctoral students that examined rental markets – for

instance, Amis (1984) on informal settlements in Nairobi, and Edwards (1982) in Bucaramanga (Colombia).

One much debated issue at this time was whether support for self-help housing was progressive or another way in which capitalism exploited the poor (as they had to use their labour to build and as this helped cut housing costs, which allowed lower wages) (Ward, 1982; Burgess, 1982). There was also a growing number of detailed case studies on the politics of informal settlements (Payne, 1982; Connolly, 1982).

This paper cannot do justice to the list of authors that could be included as “pioneers”. It is also not clear where the line should be drawn between pioneers and those that followed; should pioneers be defined by what are judged to be original contributions or by publication before a year set as a cut-off point? Early works with an interest in supporting policies that work with the residents of informal settlements include Dwyer (1975), Peil (1976), Mabogunge, Akin, Hardoy and Misra (1978), Caminos and Reinhard (1978), Roberts (1978), Portes (1979), Marris, (1979), Drakakis Smith (1981), Gilbert, Hardoy and Ramirez (1982), and earlier works by some of these authors.

There is also a large literature in Spanish on informal settlements and their residents in Latin America which is often overlooked – see, for instance, Matos Mar (1962) and Sánchez León *et al.* (1979). This quick review does not do justice to the pioneering work in the late 1960s and 1970s done by researchers and research institutions in Latin America (such as CEUR in Argentina, DESCO in Peru, CEDEC in Brazil and SUR in Chile). Pioneers often worked within programmes, seminars or publications supported by CLACSO (El Consejo Latinoamericano de Ciencias Sociales – Latin American Social Sciences Council) and SIAP (Sociedad Interamericana de Planificación – Inter-American Planning Society). Their influence outside the region took a while to spread, in part because their work was not published in English or French, in part because the authors intended their work for a Latin American audience. Some of these institutions were founded by academics pushed out of universities by dictatorships, and some of the pioneer authors had to spend time abroad because of such political circumstances. Of course, I know best the works from the 1960s and early 1970s by Jorge E. Hardoy and his co-authors – see for instance Hardoy (1972), Hardoy, Basaldúa and Moreno (1968), Hardoy and Tovar (1969), Hardoy and Schaedel (1969) and Hardoy and Geisse (1972). But any serious mapping of pioneers who helped change understandings of informal settlement development and policy responses would need to pay far more attention to Latin America and to the work of researchers such as Jorge Hardoy, Guillermo Geisse, Alfredo Rodríguez and Abelardo Sánchez León.

It is also a little humbling to go back to work that preceded those discussed above, although some of the authors mentioned above were also active in the 1960s (see Turner, 1966, 1968). Prominent among these was Charles Abrams, whose 1964 book has many insights into informal settlements and the social and political context within which they developed. Abrams includes a description of the diversity in the types of squatter: owner-squatter (owning shack but not land); squatter tenant (hiring off another squatter); squatter holdover (former tenant who

ceased paying rent); squatter landlord (usually a squatter of long standing who has rooms or huts to rent); speculator squatter (squatting in hope of making money); occupational squatter (small business on land they do not own); semi-squatters (reaching some agreement with landowner); squatter co-operator (part of group with common foothold). Juppenplatz (1970) describes informal settlement upgrading starting in Rio de Janeiro from the early 1960s. He also describes in detail the failure of relocation programmes for squatters evicted from privately owned land in Quezon City in 1953 (and in many later years). William Mangin's writing on informal settlements from the 1960s was also influential (Mangin, 1967).

Thus, one of the key insights of pioneer works on housing in cities in the Global South was that each city has a range of housing types through which low-income groups build, purchase, rent or occupy accommodation. They can include sleeping in open spaces. Some discuss the extent to which the form of these "housing sub-markets" and their locations and costs were shaped by labour markets or by government policies. Although there were some points of comparison between cities – for instance, "squatter settlements" and houses built on illegal subdivisions –, their relative importance and the range and relative importance of other inexpensive housing sub-markets differ within each city, and even in a single city over time.

The influence of many of these pioneer works can be seen in United Nations documents and in some shifts in policies and practices by some governments and international agencies (see Hardoy *et al.*, 1981, 1989). This included a shift from over-ambitious attempts at mass construction of public housing (most of which failed or only served the non-poor) to a new focus on upgrading and serviced sites. The influence of some of the pioneers can be seen in the Recommendations for National Action that 132 national governments endorsed at Habitat I, the first UN Conference on Human Settlements in 1976. It can also be seen in the World Bank's support for upgrading and serviced sites and in UNICEF's support for community-based slum and squatter upgrading. Of course, this oversimplifies; for instance, John Turner questioned whether the World Bank had really understood the approaches he advocated in their serviced site schemes. But at least by the late 1970s there were many examples of new policies and practices by governments and international agencies around support for informal settlement upgrading and more bottom-up approaches.

One modest publication proved very influential – *SELAVIP News* produced by Fr. Jorge Anzorena since 1976. This contained accounts of Fr. Anzorena's visits to grassroots organizations and of their struggles and initiatives around housing and land. Perhaps this was the first journal to see the scale and scope of innovations coming from community organizations and to recognise their capacities to produce change. His newsletter was the first to document many of what are now well-known grassroots organizations and initiatives – and his network of contacts helped form the Asian Coalition for Housing Rights in 1989.

2. The second shift

Any interest in understanding and acting on urban poverty (and the associated housing issues) was doused in the 1980s due to the changes brought by the shift to neo-liberal policies within many high-income nations. This also led to a realignment of international agencies towards a more neo-liberal agenda, and even to bilateral agencies returning to promoting their own country exports. UNICEF stopped supporting community-driven upgrading (it was judged too staff-intensive and not “going to scale”), and the World Bank support for upgrading and serviced sites lessened (Satterthwaite, 1998). This focus on cutting government expenditure and on “structural adjustment” that was intended to reignite economic growth meant that the interest in housing and basic services and, more broadly, in addressing urban poverty waned. Most of the pioneers who had helped push the first shift were still active and, during the 1980s, more research showed the range of ways in which low-income groups found accommodation and how their form and relative importance varied in response to local contexts (including government responses). In 1984, when Jorge Hardoy and I were invited to brief the World Commission on Sustainable Development (the Brundtland Commission) on housing issues (this was published later in Hardoy and Satterthwaite, 1989), we could draw on all these studies to highlight the diverse range of housing sub-markets through which low-income groups acquired/purchased/rented/occupied accommodation and how this diversity in each city was shaped by local contexts. This leads to an interest in who the low-income groups seeking accommodation are (Table 2), what their priorities are (Table 3), how they find accommodation and access to services (Table 4), and the kinds of housing submarkets that they use (Table 5). These tables were produced to encourage a more city-specific, context-specific analysis of the barriers facing low-income groups in finding accommodation. But there are points of comparison that are worth exploring. For instance, where do those individuals who rely on casual labour opportunities/day labourers live, because they need accommodation close to sources of demand? How common and important are dormitories where beds are rented (and these include hot-beds rented by shift so two or three persons use a bed every 24 hours)?

Table 2. Who are the low-income groups seeking accommodation in cities?

- Households with low but steady incomes (including many lower-rank public employees)
- Households with low but fluctuating incomes
- Single people/childless couples with low incomes (and/or seeking to save as much as possible)
- Most students
- Low-income older people (often with low/falling pensions)
- Temporary residents with low-incomes seeking to minimize what they spend on housing, because they are saving or sending remittances to their family
- Weekly commuters/seasonal or circular migrants
- Those who suffer discrimination in accessing housing, land or credit to build housing (Women? Particular ethnic groups?)

Table 2 is a reminder of the diversity in need and priority within “low-income groups”. For instance, the housing options available to households with low but steady (formal) employment have more possibilities of obtaining loans for housing than those without. Table 3 emphasizes how housing priorities differ among low-income groups. Single persons will often choose poorer quality accommodation than households with children to maximize the amount they can save or send back to their family. Some low-income groups face more constraints than others in seeking accommodation – for instance, those who suffer discrimination in accessing land, housing or loans. Table 4 lists the ways in which they obtain accommodation and Table 5 gives examples of housing sub-markets they use to do so.

Table 3. What are the priorities of each individual or household in regard to housing?

- Location for income/livelihoods
- Cost and how to pay
- Size and quality of house
- Provision for electricity and paved roads and paths
- Quality of site (and space for expansion)
- Quality and accessibility of services (water, sanitation, solid waste collection, health care, schools, public transport...)
- Tenure/security
- Permanency
- Shelter as savings account (for owners including de facto owners)
- Extent to which they can help build the shelter

Table 4. How low-income groups access housing

- Renting
- Leasing
- Invading
- Purchasing
- Inheriting
- Informally using
- Sharing
- Through employer

A house, apartment, shack, room or open space

Table 5. Housing sub-markets used by low-income groups

- Renting rooms in inner-city tenements or sub-divided housing (where the structures are legal but with high levels of overcrowding and shared facilities; these are usually well-located in relation to labour markets)
- Renting rooms in other formal housing structures (including public housing)
- Renting a room or a bed in cheap boarding/rooming houses (these cheap boarding houses are often clustered in locations with income-earning opportunities)
- Renting a room or a shack in an illegal settlement (ranging from those with relatively secure tenure to those with insecure tenure and from central to very peripheral locations)
- Renting a land plot on which a temporary shack is built (including rooftops)
- Renting space, e.g., in hot-beds, cages, public sites, warehouses, workplace, graveyards (mostly with quick access to labour markets)
- Employer-provided room (e.g., domestic servants)
- Building a home in an informal settlement (ranging from those with relatively secure tenure to very insecure tenure)
- Building a home on an illegal subdivision
- Invading empty houses/buildings or part-constructed buildings (often with central locations)
- Building a home within a site & service scheme
- Building a house or shack in a temporary camp or on the pavement

Source: Hardoy and Satterthwaite (1989)

During the 1980s, a good range of new books and papers kept alive the interest in informal settlements – for instance, Angel, Archer, Tanphiphat and Wegelin (1983). There were more general works that included this, as in Stren and White, (1989) and Rodwin (1987). The designation of 1987 as the “International Year of Shelter for the Homeless” produced good new material and discussion, but not within most governments and international agencies. There is also the journal *Medio Ambiente y Urbanizacion*^[2] set up in 1983 to share experiences and encourage and support more progressive attitudes and policies towards informal settlements in Latin America.

There were also detailed case studies of particular “informal settlements” highlighting how much these were shaped by local contexts (see, for instance, Sobreira de Moura, 1987; Hardoy *et al.*, 1991; Schusterman *et al.*, 1997). Of course, need and demand are key determinants – for instance, the inner city cheap accommodation in historic Quito (Ecuador) and Cusco (Peru) used by weekly migrants (Hardoy, 1983). Of course, these markets are shaped by what government does or does not do – for instance, the decline in informal settlements when government policies bulldoze these and strongly control new informal settlement development. There are examples of particular housing sub-markets in particular cities – for instance, the pavement dwellers in Mumbai (SPARC, 1985), the cage dwellers in Hong Kong (Society for Community Organization, 1993), the squatters on top of high-rise buildings, and the use of warehouses at night for cheap accommodation (Aina, 1989).^[3]

[2] This is available open access on-line at <http://www.ingentaconnect.com/content/0326-7857>

[3] See also the October 1989 issue of *Environment and Urbanization* (1989) on the theme, “Beyond the stereotype of slums; how poor people find accommodation in Third World cities”, which includes a particularly interesting case study of Thika entitled “The poor don’t squat” (Andreasen, 1989).

3. The third shift

The failure of structural adjustment to help reduce poverty (which was what it was meant to do) and then of water and sanitation privatization to address the needs and priorities of low-income groups helped usher in a greater interest in “slums”. So too did the (slow and partial) growth in understanding that the scale and depth of urban poverty was being underestimated and many of its dimensions ignored (see Wratten, 1995). The new focus on “slums” was very much driven by some international agencies and by the construction of the Millennium Development Goals with their commitment to specific targets and to measuring progress towards these targets. For those engaged in defining and promoting the MDGs, it did not matter that the target for “slums” was very partial; it only asked for significant improvements in the lives of at least 100 million slum dwellers by 2020, which is a far less ambitious target than in most other MDGs (where they were halving or reducing by three quarters...). And why was the target date set for 2020 when other targets were for 2015? For them, it was important because it mainstreamed “slums” into the UN discourses. It was meant to gain national government commitments – and the wording was careful; it was not recommending replacing slums but significantly improving the lives of slum dwellers.

The Sustainable Development Goals gave us Goal 11.1: “By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums”. The SDGs also commit to equal access for all men and women to health care, primary and secondary education, safe and affordable drinking water, adequate sanitation, affordable and sustainable energy and financial services. There is also a commitment to providing a legal identity for all, which has particular importance for most residents of informal settlements as they have no identity papers and often cannot register as voters. Few local politicians will act on their behalf if they cannot vote. There are even commitments to achieving full and productive employment and decent work, as well as access to adequate and affordable housing for all. But what is so odd about all this is the stunning list of commitments yet so little attention to who will actually implement them and with what funding and support. National governments have been pledging their commitment to goals such as these within the United Nations for 40 years. Commitments within the UN to universal provision for water, sanitation and health care were already made in the 1970s.

The MDGs and now the SDGs emphasise measuring and monitoring, and the need for more data. With the MDGs mentioning slums, there was the desire to have national, regional and global figures on slums. But this means lumping together all the diverse housing types that “slum” households inhabit as “slums”, as well as producing annual figures for “slum” populations in each nation – even when there are no data on this (no nation conducts representative sample surveys on “slums” each year to monitor progress, and at best censuses are held every ten years, so many of the figures on slums must be guesses or projections).

The criteria for defining slums (which provide the basis for measurement and monitoring) are also inappropriate. UN-Habitat reports on the number of slum households and had initially defined these as a group of individuals living under the same roof in an urban area who lack one or more of the following: durable housing (a permanent structure providing protection from

extreme climatic conditions); sufficient living area (no more than three people sharing a room); access to improved water (water that is sufficient and affordable, and that can be obtained without extreme effort); access to improved sanitation facilities (a private toilet, or a public one shared with a reasonable number of people); and secure tenure (de facto or de jure secure tenure status and protection against forced eviction) (UN-Habitat, 2010). The last of these criteria was subsequently dropped, perhaps because the sources drawn on did not have this information. The definitions for water and sanitation were also changed to “improved” drinking water sources and sanitation, so use could be made of the UNICEF/WHO Joint Monitoring Programme data – but as this Programme admits, for “improved” provision, these are a long way from safe and adequate provision (Satterthwaite, 2016). If it were possible to obtain data on who has safe, regular, easily accessed, affordable water and who has sanitation to a standard that limits health risks, this would greatly increase the slum population in many nations.

For “slum” populations, UN reports suggest that the MDG target to significantly improve the lives of at least 100 million slum dwellers by 2020 has already been met. A 2013 report on MDG progress stated: “Between 2000 and 2010, over 200 million slum dwellers benefitted from improved water sources, sanitation facilities, durable housing or sufficient living space, thereby exceeding the 100 million MDG target” (United Nations, 2013). But a more careful look at the data suggests otherwise – with the apparent drop in the number of people living in slums likely to be due to changes in how slums are defined. For instance, there are no Government of India statistics or reports showing the drop reported by UN statistics in the proportion of the urban population living in slums from 42 to 29 per cent between 2000 and 2010. Other nations are also reported to have large declines in the proportion of their urban population living in slums that are not backed up by local analyses (see Mitlin *et al.*, 2012).

The 1990s continued to produce detailed case studies of informal settlements, including documentation of upgrading schemes and finance schemes to support them. More attention was given to evictions and to efforts to drive action on housing on the basis of citizen rights rather than needs. There was also a growing literature on the high risk of disasters faced by many informal settlements because these had developed on dangerous sites, although this had been documented earlier (Hardoy *et al.*, 1984), and on how this might be further exacerbated by climate change. The interest in better understanding tenants’ needs and priorities continued (see the many papers on this subject in *Environment and Urbanization*, 1997). Although most aid agencies and development banks continued to ignore these kinds of issues, the Swedish International Development Cooperation Agency started supporting a range of upgrading programmes, mostly in Central America (Sida, 1997; Stein, 2001; Stein *et al.*, 2005).

One final innovation is of note here – the Community Organizations Development Institute (CODI) in Thailand. When Somsook Boonyabanha came to head this in 2001, it became a national fund that provided loans directly to grassroots organizations (and then to their networks) to enable them to develop their housing solutions. Most are residents of informal settlements and most used this support to negotiate (and pay for) ownership or tenure of the land they occupied. As they gained legal status, conventional utilities were extended to

them (Boonyabancha, 2005, 2009). In many ways, this example is the closest to what John Turner was emphasising – the importance of supporting households and communities to make choices about what works best for them. This initiative actually had a longer history in that the Urban Community Development Office (UCDO) that preceded CODI also had this approach (Boonyabancha, 1996).

4. The fourth shift

In the last decade, there has been a return to how low-income groups find accommodation in cities, and the different housing (and land for housing) sub-markets through which they buy/rent/build/occupy accommodation. This includes case studies – for instance Krishna *et al.* (2014) who investigate the Bangalore “slums” and point up very large differences in the types of “slum” found there. Box 1 shows this, as it compares the conditions, tenure, location, services and resident characteristics for 14 notified slums and 18 “blue polygon” informal settlements (“blue” after the blue tarpaulins often used for roofs).

Box 1

Comparing two sets of “slums” in Bangalore, India

Fourteen “notified” slums	Eighteen “blue polygon” informal settlements
<ul style="list-style-type: none"> • Housing: permanent materials, electricity, drinking water, etc. • Mostly city-born • Location in city, little eviction threat • No links to rural areas • With identity cards/on voter register • Low proportion of scheduled castes • Most children in school • Reasonable access to basic services • 85% with title to land or house 	<ul style="list-style-type: none"> • Housing: temporary materials, no electricity or piped water • Mostly migrants • On city periphery; large eviction threat • Very strong rural links (and remittances) • Most without identity cards • High proportion of scheduled castes • Few children in school • Very inadequate access to services • All tenants

Source: Krishna, Sriram and Prakash (2014).

Today, however, a new set of voices and data sources on housing conditions and housing markets used by those with low incomes comes from contributions of slum/shack dwellers to documenting conditions. This has helped generate a new body of literature on housing

conditions in informal settlements, but produced by grassroots organizations, networks and federations of slum/shack/homeless people with support from local NGOs. These new sources are also produced to generate and inform local action, both by the federation members and by local governments.

These include over 200 cities where profiles have been established for all informal settlements with context-specific information on each (with each settlement having its own name). See for example, Livengood and Kunte (2012) for documentation of over 300 informal settlements in Cuttack; Pamoja Trust and Slum Dwellers International (2008), for documentation of over 60 settlements in Nairobi; and Dialogue on Shelter and Zimbabwe Homeless People's Federation (2014) for documentation of over 60 settlements in Harare. Other examples are described in Makau *et al.*, (2012) concerning five cities in Uganda, while Muller and Mbanga (2012) document cities in Namibia. It is also worth mentioning here the use of citywide informal settlement surveys within many cities where community initiatives are being supported by the Asian Coalition for Community Action (ACHR, 2015; see also *Environment and Urbanization* 24:2, 2012). Some citywide studies have been carried out to assess the current provision of sanitation (see Banana *et al.*, 2015).

In some cities or in specific settlements, far more detailed enumerations have been undertaken with data collected from each household – see, for instance, Karanja (2010) for Kisumu; Chitekwe-Biti, Mudimu, Masimba Nyama and Jera (2012) for Epworth; and Baptist and Bolnick (2012) for Joe Slovo in Cape Town. The profiles and mapping of all informal settlements provide the basis for discussions of citywide responses by federations and local governments, while the more time-consuming enumerations of particular settlements covering each structure and household have been carried out to support the specific upgrading initiatives to be developed (Patel *et al.*, 2012; Chitekwe-Biti *et al.*, 2012).

The similarities between the documentation produced and the methodologies used are no coincidence as almost all these profiles, mapping and enumerations have been undertaken by federations and support NGOs that are members of Slum/Shack Dwellers International.^[4] The idea of careful community-led documentation of informal settlements is not new – it was first used in the 1970s (see Arputham, 2008, 2012). But it has become one of the main tools used by many networks or federations and was supported by numerous exchanges, with federation members in one city or nation visiting other federations to learn how to realize profiles, mapping and enumerations or to share their experiences of doing so.

Of course, these initiatives were all generated to stimulate and support local action, investment and upgrading in the informal settlements they documented, not to contribute to national and global “slum” statistics. But when considered together, they provide a large number of new datasets on conditions in each informal settlement (or other housing types used by low-income groups) across many cities. They also present a challenge to the conventional ways in which national governments and international agencies are generating “slum” data.

[4] See for details of enumerations and mapping and of the other core practices of the federations.

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The favelas of Rio de Janeiro: at the margin of the city, at the margin of history?

Rafael SOARES GONÇALVES

Introduction

The favelas of Rio de Janeiro in Brazil and, in broader terms, so-called informal settlements are relatively absent from the writings of historians. For centuries now, as Brodwyn Fischer reminds us, a kind of “presentism” has been reproduced – in other words, an ahistorical reading of Rio de Janeiro’s favelas that is limited to a snapshot analysis (Fischer, 2014b: 50). In some respects, the informal settlements in Brazil and the rest of the world are regularly presented as a new problem, but one that appears with a perpetual sameness. Thinking of these spaces as a problem to be solved ends up distorting our understanding of this reality and influences the public policies targeting them. Informal spaces have been historically perceived as temporary spaces in the city and therefore condemned to disappear.

The supposedly temporary and urgent character of these spaces raises questions if one examines them through a historical lens. As Ananya Roy (2011: 224) points out, there is a need to put aside apocalyptic and dystopian discourses on such spaces and understand that they are places where people live, coexist and engage in political practices. Yet, these spaces remain invisible and sidelined by urban theory. How, indeed, can one write the history of something that should not exist and which is condemned to disappear? How can one think about the past of an object that is considered bereft of a future?

Surely, the right to the city depends above all on the right to memory? Transforming these spaces into historical objects is fueling a wider debate on the way that society conserves the sources on which narratives about the past will be constructed – which will surely deepen our understanding of the present and future challenges of these spaces and their role within the city. In this perspective, the present chapter first examines the challenge of writing the history of these spaces. It then goes on to analyze the negative representations associated with favelas, and their repercussions on the formation and consolidation of these spaces. To conclude, it seeks to explore how urban informality and urban planning intertwine.

Favelas at the margin of history?

Writing the history of the places, unearthing the memories of residents, and understanding their daily life are essential to formulating new public policies for such neighborhoods. The formation of cities in Latin America, and particularly Brazil, was rooted in an extraordinary interplay between formal and informal spaces (Fischer, 2014a: 7). Yet, historical thinking on the everyday experiences of favela inhabitants is still in its infancy. What do we know about the negotiating strategies, the types of self-help construction, the struggles to access public services, and the different associative structures since their creation, which for some of them dates back more than a century? Have the diverse legal forms and local regulatory practices permeated one another? The importance of historical thinking on the residents' daily experiences and the legal aspects stems from the fact, as José de Souza Martins (2011: 89) points out, that everyday life makes no sense if it is disconnected from the historical process that reproduces it.

Certainly, constructing the history of informal settlements demands an effort from the researcher to identify sources. As we have argued in previous studies (Gonçalves *et al.*, 2015), classifying and archiving documents are political acts. The archive resources available on the struggles and daily life of the residents of informal neighborhoods are extremely sketchy as archiving such documents boils down, as it were, to recognizing their place in history and in the city itself. A highly interesting point here is that, currently, one of the most creative expressions of political mobilization in support of culture in the favelas is the creation of museums inside these neighborhoods. Memory is a terrain of struggle (Pollack, 1989) and operates by consolidating sites of memory (Nora, 1984). We could cite, for example, the favela museums of Maré, Rocinha, Cantagalo, Horto, etc., without forgetting the countless oral history projects partnered by universities, such as the "Condutores de memória" project implemented in the favelas of the Tijuca neighborhood, or the project led by FIOCRUZ (the Oswaldo Cruz Foundation, a research body under Brazil's Ministry of Health) in the Manguinhos Complex with its cluster of favelas.

Those researching into these neighborhoods know that their residents usually hold on to documents, chiefly for political reasons. A promise to purchase or a promise of sale dating from the 1980s, a letter received from the municipality in the 1960s or a photo from the 1950s are all ways of proving, for example, residential stability over a period of time. This practice is often used as a counterpoint to a situation of illegal residence, and may be useful when negotiating with public authorities, or when the threat of displacement or rehousing looms on the horizon. The question of accessing documentary sources often requires a creative effort on the part of the researcher, and spurs him to come up with new research methods. Many of the studies on these neighborhoods rely on an effort to reconstitute the memory of places through a rich dialogue between documentary sources from public archives and individuals, ethnographic surveys and oral history (Gonçalves *et al.*, 2015).

This research points up a recent drive to go beyond the elitism of historiography. Writing the history of these spaces not only means deconstructing the negative representations associated with them – it is actually also a key element in constructing rights. Urban informality, according

to Ananya Roy (2011: 233), is a mode of producing the city and can in no way be reduced to the dichotomy between the legal and illegal. If informal neighborhoods have become what they are, it is due to the existence of a historical process that criminalizes these localities and their residents. On the other hand, other urban realities pertaining to the elites, and also characterized as informal, are valued, authorized and even regularized. In the case of the city of Rio de Janeiro, it is common to see closed allotments, large areas where luxury buildings occupy land earmarked for environmental protection and which have been regularized despite existing land-use, urban or environmental irregularities. The case of the new public golf course recently built for the 2016 Olympic Games is quite telling on this count. Situated on the edge of the Marapendi Lagoon, this new golf green has been built on a municipal plot that is an area of environmental protection. Despite all the irregularities and criticisms, the municipality has done its utmost to regularize the construction, which is located on highly valued city land.

The built environment, as Marcos Mello and Arno Vogel (1984: 49ff.) point out, is a constitutive element of culture and lends a specific character to the residents' ways of life. This means that it is crucial to apprehend the built environment of Rio de Janeiro's favelas as a veritable memory system, which at the same time is a form of archive informing ways of life and an agent producing new ones. For the researcher, this dialogue is what makes it possible to untangle the narrative threads of a past shaped by political experiences and mobilizations. Describing the daily struggles of these residents constitutes a political act of resistance in defense of the right to memory and to the past.

Informal, precarious and marginal spaces?

Favelas are commonly described as spaces of spontaneous urbanization, zones built on the fringes of legality or the epicenters of marginality. The favelas and their inhabitants have always been associated with a sort of risk: be it the risk of racial degeneracy, given the predominantly black population in these areas, the risk of epidemic, or social and environmental risks and/or esthetic risks. The master plan for Rio de Janeiro, drawn up in 1930 and coordinated by the French architect Alfred Agache, defined the favelas as an urban leprosy that "defiles the vicinity of the local beaches and neighborhoods graciously endowed by nature, from the hills stripped of their greenery as far as the edges of the forest and on the hillsides" (Agache, 1930: 190). The architect recommended banning stable and permanent constructions in the favelas, since the only solution to the favela issue was their total destruction (Agache, 1930). The same discourse has been systematically reiterated over the years and, in some respects, is partly present today. Carlos Nelson Ferreira dos Santos (1982: 12) remarks that slum residents have been historically accused of countless faults, real or imaginary, which has resulted in their being burdened with an "attributed guilt."

Although urban planning did not play a role in the formation of favelas, these spaces have not escaped the control of the public authorities. Government tolerance is often due to complicated political calculations that can change depending on the historical context. Clearly,

informality is fully embedded in the State's urban planning practices. According to Ananya Roy (2009: 82), the structural character of informality is in itself a planning strategy. And for this reason, as Anthony and Elizabeth Leeds (1978: 87) underline, Rio de Janeiro's favelas cannot be considered as "enclaves within the city." Our understanding of favelas needs to extend beyond the apparent precariousness of their dwellings. Housing, in the view of John Turner (1977: 79), needs to be thought of as a process and not simply as a housing unit. Carlos Nelson Ferreira dos Santos (1982: 10) develops the same idea when he underlines that the question of housing, and particularly housing for the poor, reflects a broader historical process.

Yet, as we highlighted in previous studies on Rio de Janeiro's favelas (Gonçalves, 2010), these spaces have been systematically associated with precarious situations and seen as a temporary phenomenon, while their residents are often viewed as marginal citizens. We can cite, for instance, the report of the Instituto de Pesquisas e Estudos de Mercado (Institute of Research and Market Surveys – IPEME), which presented a series of observations on the black populations and Nordeste migrants, who represent the majority of slum populations. Titled *A vida mental dos favelados do Distrito Federal* (The mental life of the *favelados* [favela dwellers] in the Federal District), the report aimed to investigate the causes of the favela dwellers' behavior and asserted that their subconscious was filled "not only with tendencies resulting from their ethnic substrate, but also with those that have emerged over centuries or millennia of ancestral life...it is not by accident, but for a racial reason, that the inhabitants of the Nordeste are more bellicose than the others. It is not due to causality, but to the essential subconscious pressure of a core of animism that the blacks produce twice the number of adepts of *macumba* (Afro-Brazilian cult) than the whites or 'mulattoes'. Lastly, it is due to social contingencies that a significant number of *favelados*, former peasants or sons of peasants have succeeded, despite their poverty, in becoming small property owners" (IPEME, 1958: 31 quoted by Almeida, 2016: 215).

Some authors, such as Oscar Lewis (1967), explain that the migrants' rural values were incompatible with urban life in Latin America. These ideas quickly came under criticism for evident reasons. According to John Turner, the most well-informed observers were quick to point out that a large proportion of the favela dwellers – and in some regions the overwhelming majority – were not ignorant peasants and new arrivals, but working class families who were capable and active, albeit poor (Turner, 1972: 272). In the specific case of the City of Rio de Janeiro, although the slum inhabitants were systematically portrayed as marginal, Maria Lais Pereira da Silva used the 1950 census to show that 23% of favela dwellers were workers in the processing industries, whereas this proportion was only 13% for the city as a whole, (Silva, 2005: 110). A large part of the working class thus lives in the outlying neighborhoods of Rio de Janeiro, but also in favelas dotted around the entire city.

Oscar Lewis also refers to a "culture of poverty"^[1] which generates mechanisms of self-perpetuating marginality (quoted by Perlman, 1976: 151). Valentine (1972: 64) nonetheless argues

[1] The "culture of poverty" theory emphasizes the political and cultural dimension of marginality, based on a culturalist analysis. Marginality is seen as resulting from a lack of social integration mechanism, which thus keeps certain groups at the margin of the national community.

that the Porto Rican families described by Oscar Lewis are not truly representative of the local reality, but rather extreme and isolated cases. The works of William Mangin, a contemporary of Oscar Lewis, revealed the outstanding level of grassroots organization among the populations of informal neighborhoods in Latin America and their high capacity to adapt (quoted by Valentine, 1972: 66). Summing up, a thematic and political agenda has emerged around these questions, from sociological studies on populations designated by the highly controversial term “marginal,” through to economic studies on the question of informal services, typically found in the “Latin-American city” (Gorelik, 2005: 120). Though harshly critiqued, these strands of thinking have strongly influenced the knowledge, attitudes, and action plans of public authorities (Valentine, 1972: 74). We can cite, for example, the speech by Rio de Janeiro’s former Secretary for Social Services, Sandra Cavalcanti, who declared when arguing in favor of the project to eradicate the favelas that: “It is no longer a question of urbanizing the favelas, but rather the favela dwellers.”^[2]

In the Latin American setting, the theories of marginality have had a major impact on discussions around “informal neighborhoods,” treating these places as pathological spaces. These theories have often described favelas as physically delimited spaces: on the inside, all populations are marginal, while, on the outside, the other citizens are more or less socially integrated (Perlman, 1976: 126). This reading argues for the existence of a civilizing process common to all humanity, starting out from a traditional situation and ending up in modernity – a process that is particularly visible in the rural migrant’s move to the city. The final civilizing phase can only be accomplished by the migrant’s integration into the formal city. The alleged marginality reigning in the favelas – which are non-formal thus “non-urban” – is presented as resulting from the rupture between the rural social structures of the migrants and their new life at the margin of the city, which leads these social groups to stagnate (Fischer, 2014b: 42). The “informal neighborhoods” are the spatial embodiment of this rupture and should disappear so as to allow migrants to fully integrate the urban lifestyle. Manuel Castells (1971: 14) pursues the same reasoning when he argues that the development of cities has produced a high level of urban segregation and, as a result, has led to the appearance of vast, so-called marginal areas in a process of “unplanned urbanization.”

The theories of marginality have served to justify numerous social aid programs in Latin America, which in reality did no more than perpetuate the status quo in the name of “aid for poverty” (Perlman, 1976: 149). Likewise, they have tended to create an abstract vision of reality by abandoning their sociological perspective of describing reality (Tironi, 1993: 326). As mentioned earlier, critiques of these positions rapidly kicked in, as for example that by the English architect John Turner, who points out that, when it comes to Latin American slums, unless one espouses cautious reservation, it is impossible to generalize (Turner, 1972: 269). In the case of Brazil, the earlier-cited work of Janice Perlman (1976) is today recognized as a salient critique of the theories of marginality. In her view, the favela dweller cannot be considered as marginal, whether this is gauged by criteria on the internal cohesion of a local community, or his

[2] Interview with Freire and Oliveira (2002: 88).

use of the city outside: he is fully integrated into society. Since the 1960s, several other authors have also formulated a scathing critique of the use of the notion of marginality in Rio de Janeiro, based on empirical studies such as those by Luiz Antônio Machado da Silva, José Arthur Rios, Carlos Nelson Ferreira dos Santos, Lícia Valladares, Anthony Leeds or Stephen Conn.

Informality as a form of urban planning

The forms of occupation of informal neighborhoods are not limited to the occupation of land in view of self-help construction. As previously analyzed (Gonçalves, 2010), many Rio de Janeiro favelas developed on irregular allotments or resulted from negotiations for land or housing, as well as from recurrent practices of house-building for the informal rental market. These areas are tolerated, but do not escape state control. Indeed, a theoretical and normative framework has been crafted to oppose this form of urbanization by developing instruments that assign it a precarious legal status.

The strengthening of urban planning is one of many terms denoting the various forms of state intervention in society. Through its theories and standards, urban planning defines the template for the city and society, but on the other hand it also defines what is non-compliant with its project. As a result, the notion and concept of informal neighborhoods, with their diverse local designations, are necessarily constructed through dialogue, accompanied by a reflection on urban theories and normative constructs of the city. The major innovation here is the birth of urban planning and its efforts to plan, set standards and, above all, classify urban space. What explains the appearance of informal neighborhoods such as Rio de Janeiro's favelas is not the emergence of new modes of urban production, but rather the efforts to relegate extant modes of production to irregularity.^[3]

As for the different forms of the favela residents' political mobilization, their aim is above all to allow residents to keep their housing. They do not appear to necessarily target the formalization of their neighborhoods, at least in the case of Rio de Janeiro's favelas. And while accessing informal housing may hamper the residents' access to the rights enjoyed by other citizens, in a somewhat paradoxical and precarious fashion the favelas do guarantee them access to the city, which would otherwise be extremely difficult via the real estate market or the construction of state-commissioned housing. Informality is, as it were, a complex political arrangement that obliquely embodies a form of urban planning.

[3] In September 2014, at the 12th International Conference on Urban History, Charlotte Vorms and Francesco Bartolini organized a work session on the administration of the informal city in the nineteenth and twentieth centuries. On the basis of the studies presented on different cities across the world, it was noted, for instance, that the various forms of occupation of the suburbs of European cities were not so different from the informal neighborhoods in Latin-American cities. In several European cities, we find self-built housing, precarious tenure status for the new neighborhoods, as well as various forms of political negotiations to consolidate these areas. For further details on this process in European cities, see for example, the work of Charlotte Vorms on Madrid (2012) or Annie Fourcaut on Paris (2000).

The Rio de Janeiro favelas have secured privileged access to the city for a large fraction of the working class. The favela dwellers' reticence and resistance to housing policies are rooted in their everyday practices with respect to housing. Their foremost demand has always been to remain in the neighborhood. Public housing policies are often coercive, exercising strict control over the beneficiaries and, in many cases, reinforcing spatial segregation. It is important to underline here that, in Rio da Janeiro's favelas, political mobilization for the right to the city necessarily requires that the favelas be integrated into the urban fabric – which implies a demand that public amenities and public service networks be installed, as well as the symbolic recognition of these spaces as part and parcel of the *polis*.

Favelas are commonly described as spaces of spontaneous urbanization built on the fringes of legality, or as epicenters of marginality. Although urban planning has played no role in overseeing the formation of these spaces, they do not escape the control of the public authorities. The degree of tolerance or absence of local authority control can often be explained by complex political calculations and may vary in line with the historical context. The urban and social fabric of these informal neighborhoods has features that reflect the process of their formation. However, their idiosyncrasies must not lead us to isolate them from the rest of the city. The Rio de Janeiro favelas are deeply embedded in the city, in terms of both their socio-economic and political dimensions. A. Roy and N. Al Sayyad (2004) use the expression "urban informality" to denote an organizational logic, a system of norms and regulation of urban transformation processes. In a later paper, A. Roy (2005) asserts that informality does not correspond to a distinct sector, but to a series of transactions that link together different economies and spaces. Informality is not therefore to be understood as something external to the urbanization process.

The legal precariousness of the favelas is not a marginal consideration, but rather the analytical key to understanding their functioning. The irregularity of these areas is precisely the entanglement of private and collective interests. On this count, questions need to be asked about the way in which planning processes are able to produce what is in fact considered as unplanned. In Rio de Janeiro, the public authorities have pursued an ambiguous policy of precarious tolerance towards the favelas (Gonçalves, 2010). An example of such tolerance was the provision of collective basic services, such as water and electricity. Although the authorities do not connect the favelas to the public networks, they have tolerated and accepted alternative forms of access to these services. Yet, tolerance was unable to bring about the *de facto* recognition of these spaces. In fact, in Rio de Janeiro as in other urban contexts worldwide, forms of exception and tolerance can be used strategically by planners to reduce the housing deficit and indirectly ensure the right to the city.

Conclusion

Despite the devastating critiques leveled against the notion of marginality, negative representations of Rio de Janeiro's favelas seem to indicate that, like the phoenix, some elements of marginality theories are re-emerging in other guises such as analytical frameworks to explain the favela

phenomenon. A case in point is the *O Globo* editorial of 2 May 2015, which states that the favelas are the major disaster for the city and that the “civilizing initiative of the current City Hall will collapse, if the city takes a lenient attitude to the accelerating resurgence of favelas.” The idea that the favelas and their residents are at the margin of civilization thus continues to resurface. The same newspaper, in its editorial of 10 May 2015, states that the slum “is a wound that is harming the city from whatever angle one might choose to take.” Finally, it argues that these communities at the margin of the formal city constitute a breeding ground for “sanctuaries for criminality.”

Two more recent authors have given particular visibility to the question of informal neighborhoods by in fact reproducing simplistic views on the subject. Firstly, the Peruvian economist Hernando de Soto (2001) argues that informality is part of the entrepreneurial efforts of a population faced with the State’s incapacity to meet their needs and to regulate society. He thus recommends an economic shock through a massive formalization of informal activities. Presented as a progressive solution to the problem of informality, the author’s proposal in fact relies on liberal principles to deal with the issue, as it calls on the alleged civilizing attributes of private property. According to de Soto (2001: 227), property can help solve the most sensitive and persistent question in the urban environment – the increasing number of the poor; and this can be achieved by recourse to “law and order.” In the author’s view, the right to property is what creates respect for legality.

Paulo Rabello de Castro, in his book arguing for the project to regularize the Cantagalo favela in Rio de Janeiro’s south zone, draws on de Soto’s ideas (Castro, 2011) and asserts that the favelas are “arrival cities” for the rural exodus (2011: 30). He thus reprises the same representation of favelas being temporary spaces for migrants. He argues that access to property is the only way of lifting the favela dwellers out of their condition of “pre-citizen” (2011: 66). For the author, property rights put a term to “the infantilization of the ‘favelado’ by making them understand that the rights to titling go hand in hand with citizen duties and that these will also be required by society” (Castro, 2011: 66).

Secondly, the North American author Mike Davis (2006) has reinforced the apocalyptic vision of the megacity crisis and the pressing need to find a solution to their main problem: the expansion of “slums.” In an attempt to give greater visibility to the question of slums worldwide, the author has simplified and generalized the phenomenon by reproducing and buttressing the stigmatization of these spaces and their residents. For Davis (2006: 153), today’s large favelas are the natural incubators for new and resurgent diseases that can now spread around the world at the speed of a jet plane. He points out that, at the political level, the informal sector with its lack of respect for workers’ rights is a semi-feudal realm of kickbacks, bribes, tribal loyalties and ethnic exclusion (Davis, 2006: 185). For Davis, the informal sector is a living museum of human exploitation, and new arrivals to the cities are subject to living conditions that can only be described as “marginality within marginality” (Davis, 2006: 200). According to Roy (2009: 82), Davis has reinforced the common-sense perception that informality is synonymous with poverty and that these spaces represent the global prototype of a “warehousing” of the rural-urban poor, marginalized by deindustrialization and structural adjustment policies.

The “presentism” found in the treatment of the informal city, which we touched on at the beginning of this chapter, is as relevant today as ever. This way of dealing with reality not only generalizes certain assertions but also decontextualizes the daily struggle and resistance of its residents. While this approach may translate into public policies for favela clearance, it can also – and paradoxically – be present in upgrading and land-regularization policies targeting these areas. The danger is that these interventions may continue to view these spaces as one step in a linear urban development process. This tendency is obvious, for example, in the “Favela-Bairro” (Favela-Neighborhood) project, which aimed to upgrade Rio de Janeiro’s favelas in the 1990s. Rather, what is needed is to effectively address the characteristics specific to the favelas so that these areas can attain neighborhood status. A historical reflection on the emergence and development of these spaces is thus increasingly important in order to craft innovative policies that integrate an understanding of the social function fulfilled by informality. In this context, writing the history of the favelas is to recognize that they are part of the city and also of its history.

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Informality as exception: case studies from Beirut^[1]

Mona FAWAZ

In Hayy el-Sellom, today Beirut's largest informal settlement and home to over 100,000 residents, Umm Hassan told me that she had arrived with her husband in the neighborhood in the late 1960s, fleeing the repeated Israeli bombardments on her South Lebanon village and striving to improve her family's livelihood and the future of their children. The couple bought a piece of land through an (informal) developer (100 m²) that was twenty times smaller than the minimum subdivision size sanctioned by the land-use zoning plan for this area (2000 m²).

When they moved in, Umm Hassan and her husband first obtained a so-called "50 m² building permit" from the Municipality, which enabled them to build two rooms. This permit was described as an "administrative measure" adopted by public authorities but nonetheless in violation of the building law and urban regulations in place. The permit reflected tolerance but not acceptance of such building practices. During the years of civil war, Umm Hassan and her husband, now with five children, enlarged their house incrementally into a multi-story apartment building by paying bribes to local policemen and pledging allegiance to the militias that ruled this area. Today, the couple owns a six-story building: they rent three floors and occupy the three others with their children and families.

Just like their neighbors, the couple is aware that their apartment building is "illegal" (it exceeds several-fold land use, zoning, and building codes). They recognize that they dwell "outside" the "law." They obtain urban services for which they do not qualify, since their houses are "illegal," through a one-year only exemption from legal requirements that has been renewed annually for the past thirty years. In some sense, they are exempted for now from the requirement of "legality."

[1] A version of this paper appeared first in *Urban Studies*.



Hayy el-Sellom neighborhood, in Beirut
Photo credit: Author

1. Introduction

This short vignette resembles numerous other cases documented since the 1960s in many contexts of the Global South. Researchers looking into processes of housing production in neighborhoods such as Hayy el-Sellom are indeed accustomed to the pieces of this story (Perلمان, 1976; Santos, 1977; Razzaz, 1993; Fawaz, 2009b). It speaks of human resilience, and the capacities and knowledge of low-income city dwellers that John Turner first shed light on in the late 1960s with the tags of “self-help” and “autonomous” housing (Mangin et al., 1968; Turner et al., 1972) and which continue to resonate in the works of contemporary researchers celebrating people’s ability to make the city (Berry-Chikaoui et al., 2003).

Rural migrants arrived in Beirut (Lebanon) in large flows from the 1950s onwards. They fled recurrent droughts and poverty, neglected rural areas that received almost no share of the national development pie (IRFED, 1961), and the deteriorating security conditions on the Lebanese-Israeli borders. In the decades preceding the civil war of 1975–1990, the city’s peripheries developed into numerous informal settlements: in the vicinity of refugee camps, factories, and large infrastructure hubs, migrants settled often in very poor conditions,

incrementally building neighborhoods that would eventually be called the city's poverty belt of the 1970s (Fawaz *et al.*, 2002; Bourgey *et al.*, 1973).

When the Building Law established the universal building permit requirement in 1961 and planners zoned most neighborhoods in Beirut's peripheries as "suburban, low-density areas" in 1964, it rendered the task of legal home acquisition almost impossible to many of these low-income migrants. To be approved, a permit needs to comply with building law and zoning ordinances. The latter dictate building constrains (e.g., minimum lot areas, maximum building heights, minimum length of facades), which, in the urban peripheries of Beirut, limited building activities considerably.^[2] Violations of these codes are legally subject to severe sanctions, and the Building Law clearly stipulates that buildings that have not secured a building permit, or those that deviate from the original permit in their final built forms, are to be demolished at the owners' expense. This was the challenge that rural migrants such as Umm Hassan in the vignette faced when they arrived in the city's peripheries. The 50 m² permit that she and many others obtained came as an important relief. Originally introduced to enable farmers to build small shelters in rural areas through a simplified procedure, the use of this "farmers' permit" was extended to the urban peripheries as a measure to facilitate the para-legal production of housing for low-income rural migrants. Research indicates that the "50 m² permits" were considered as an important achievement of the large-scale social mobilization movements that demanded rural dwellers' right to the city during the 1960s (Fawaz, 2009a; Nasr, 1985). Negotiated between the movement's leaders and powerful political actors, this "administrative arrangement" was adopted at the Directorate General of Urbanism (DGU) through a circular sent by the director of the agency asking lower-level bureaucrats to extend the use of "farmers' permits" to the city's peripheries.

We read in these legal arrangements further echoes of the informal housing debate that, since the 1990s, has pointed to continuities between the realms of the legal and the illegal. In contrast to the description of "illegality" or "informality" as an aberration – a series of occurrences *despite* state authorities that are trying to either prevent them beforehand or bring them back to the norm by "regularizing" them after the fact –, researchers have shown the "State" to be intimately complicit in the production of illegality. They have shown, for example, that low-level state actors (e.g., policemen, municipal agents) regularly engage in the production of illegal housing, often selling "legality" or the cost of their turning a blind eye to low-income city dwellers (Fawaz, 2009b; Holston, 2007; Heyman, 1999; Nientied *et al.*, 1990; Perdomo *et al.*, 1980). Scholars have also traced the relation between elections, political gains, and the tolerance of informality (Roy, 2009; Smart, 2001; Collier, 1976), demonstrating that the legal/illegal divide is frequently arbitrary (Varley, 2002) and that legality rests on the power of state agents who determine what is legal and what is not (Portes *et al.*, 1989). They have also shown that decisions about what is tagged "illegal" frequently disguise political motives (Braveman, 2007; Smart, 2001) and rarely reflect a real technical or spatial imperative.

[2] Most areas in Beirut's peripheries have been zoned as low-density areas since the 1960s. Such ordinances fall within the standards that scholars have denounced as impediments for low-income city-dwellers to build legally (Turner *et al.*, 1982).

Well in line with this research, we read in the vignette that local planning authorities were issuing building permits that did not comply with the very laws that they uphold. Through an arrangement that lacked the necessary legal basis, these agencies allowed “tolerance” of the process through which low-income dwellers were accessing housing, without questioning the legal framework that rendered their access to housing illegal in the first place. It provided a one-time, truncated entitlement to the city that never guaranteed long-term tenure or the possibility to replicate, expand, or develop one’s dwelling. Furthermore, the 50 m² were very small, considering these rural migrants’ typically large family sizes. It was therefore predictable that, as we saw with Umm-Hassan, dwellers would bypass the law and enlarge their home as soon as the opportunity arose. The State’s weakness during the civil war (1975–1990) and the proliferation of militias were to provide the grounds for many of them to do so.

But to what extent is the story of Hayy el-Sellom’s and other informal settlement dwellers exceptional in Beirut? In this paper, and based on the documentation of several case studies in which exceptions are used to manage the production of space in Beirut, I want to argue that the issuance of *exceptions* or temporary suspensions of the law is part and parcel of the daily practices of public planning agencies as they manage the production of the built environment in Beirut. Indeed, while it is possible to imagine “exceptions” as an “aberration” stigmatizing the poor in contrast to those to whom formal law applies, I want to argue in this paper that the “exception” is a mode of management that has taken over the space of a norm which is deployed across the city in multiple forms and to multiple effects. I further argue that these exceptions not only reflect the lines dividing income groups or social classes, they also reflect sectarian and political divides and materialize in the fragmented territories of the city. I develop these arguments below after a few methodological points.

2. Methodology

Methodologically, I rely on the process of building permit provision as the window through which I investigate the practice of issuing exceptions in urban planning, because it provides an ideal place to explore the multiplicity of forms and contexts in which exceptions are issued. This is because the provision of building permits in Lebanon is apparently a straightforward procedure legislated through a single text, the Building Law, which applies uniformly to all Lebanese territories. This makes it the adequate focus for a comparative investigation of when, how, at what level, and in what circumstances the practice of government deviates from the “norm.”

This entry point occludes however the populations to whom no exception in building permit provision is applicable because their presence and/or their occupation of space is itself considered exceptional. These are primarily Palestinian refugees who, since 1948, have been confined to refugee camps,^[3] but also numerous flows of more recent war-displaced

[3] Seventy years after their displacement, an estimated 200,000 Palestinian refugees still live in Lebanon’s camps today (Peteet, 2005; Sayigh, 1994).

refugees (e.g. Iraqi, Sudanese, Syrian), low-income foreign migrant workers, and others who have dwelled with them in what Martin (2015) recently described as *campscapes*, i.e., areas delineated as “camps” and their immediate vicinities. As the spatial repository of extremely vulnerable populations, these areas are managed in the form of permanent temporariness, and are engaged and regulated through policing, rather than planning. Thus, planning agencies do not intervene in these neighborhoods, nor do they issue exceptions to them. The invisibility of these populations to the public planning record is a point I will come back to later in the paper.

The data used for this analysis includes the building permit archives of five municipalities and one regional office of the Directorate General of Urbanism. All in all, I have managed to collect over 200 building permits.^[4] I was furthermore able to obtain the full record of the Higher Council for Urban Planning meetings for 2013, which I used to analyze how exceptions are issued by the members of this powerful Council.^[5]

3. What is the exception?

I use “exceptions” to describe the processes through which building permits are issued, as opposed to “illegalities” or “informalities” in the practice of government (Roy, 2009; Holston, 2007), as I want to point to the relation between these decisions, on the one hand, and the laws that they lift, bend, or temporarily suspend, on the other. As a tolerance, concession, or incentive, exceptions are forms of state rule. As such, they should be distinguished from *under-the-table* facilities that low-level bureaucrats or policemen provide by deliberately diverting the implementation of the law and “selling” pieces of legality as a mode of protection (Heyman, 1999; Nientied *et al.*, 1990). I also distinguish exceptions from urban dwellers’ strategies to circumvent the law (Van Gelder, 2010; Bayat, 2010). In the cases developed in this paper, I am concerned with the decisions taken “officially” by state agents, within the frameworks of policymaking and regulation, to suspend the law momentarily (and not change it) in order to enable one or another building development.

4. Taking stock of exceptions: some elements of a Beirut landscape of construction

During the 1990s, and following fifteen years of civil war during which illegal urbanization proliferated, planning agencies issued temporarily, as a one-time exception to help in the process of post-war reconstruction, so-called “refugee permits” and “regularization permits.” Numerous dwellers obtained “refugee permits” and built “back” their homes, even if these had violated

[4] During the civil war, municipal archives were burned, sometimes deliberately to conceal illegal practices. It is impossible to provide a comprehensive documentation of building permits for any jurisdiction.

[5] Legally, the minutes of the Higher Council are public and should be available for consultation. In practice, it took me many visits and pleas to gain access to a digital copy of only the 2013 documents.

building and zoning regulations. In the absence of an actual record, proof of the pre-existence of a construction, its size and shape remained at the discretion of the former homeowners and the low-level bureaucrats who typically exchanged the favor of testifying to the existence of a building for financial compensation. Soon, “refugee permits” were recognized as yet another “exceptional facility” through which a population, severely impoverished by military violence, was “tolerated” in the city. Similarly, developers and/or homeowners who had built without obtaining a permit, or without complying with the permits they had obtained, were allowed to file “regularization permits” and adjust their legal status in exchange for financial penalties. In both cases, the legal recognition that these dwellers obtained was stigmatized as “para-legal,” since the act of permitting occurred by recognizing the construction’s status as being “in violation of building and urban regulations”, hence “legal” yet “illegal” at the same time.

In other circumstances, “exceptions” came in the form of “concessions” granted by the issuance of official building permits despite the fact that the buildings they authorized violated zoning and building regulations. In Haret-Hreik, for example, a neighborhood destroyed during the 2006 Israeli war on Lebanon, the exception was granted after lengthy negotiations behind closed doors, eight years after the demolition of the buildings and four years after they had been completed without permits (Fawaz, 2014). The exception was issued as a legal decree, voted by the national parliament. It was obtained because of the political leverage of a powerful political actor: Hezbollah. In its capacity as the Islamic Resistance in Lebanon, and a powerful non-state military group, Hezbollah negotiated a one-time exception for its constituency that had lost their homes during the Israeli war on Lebanon in 2006. A hybrid actor that counts members in the national parliament and government, Hezbollah acted in its capacity as non-state actor to directly rebuild the homes demolished by the Israeli raids. Caught in full-fledged confrontation with the national ruling party, Hezbollah’s ministers had resigned from the cabinet, while the prime minister placed the neighborhood dwellers at the center of his cabinet’s stand-off with Hezbollah, repeatedly accusing dwellers of “illegality” and justifying withholding building permits on the grounds that the demolished constructions in the neighborhood had violated urban and building regulations. Having created a de facto reality on the ground by rebuilding the neighborhood buildings, Hezbollah negotiated the permits in the national parliament *after the fact*. A few years later, a legal “exception” recognized the legality of the buildings in recognition of the hardship experienced by the homeowners. Yet, the area’s zoning, which dates back to the 1960s and accounts for the “illegal” status of most of these buildings, is left unchanged.

Conversely, and since 1971, the Lebanese Building Law (Article 16) allows buildings described as holding “special architectural value” a margin of flexibility in the implementation of urban regulations. Often depicted as “incentives” for architects and developers to produce projects that “present special architectural and urban characteristics that benefit the neighborhood where it is located,” these facilities are attributed by the DGU’s Higher Council, one of the highest authorities in Lebanese public planning. Since 1990, and with the support of international organizations, Lebanon’s post-civil war reconstruction strategy has essentially rested on attracting extra-local investments (typically from Lebanese expatriates and Arabs). In this context, exceptions accorded to high-end developers under Article 16 of the Law have

been frequently described as “incentives” introduced by an entrepreneurial government that seeks to encourage real-estate investments (Krijnen *et al.*, 2010), in line with trends in new urban politics described elsewhere (MacLeod *et al.*, 2011). Thus, vast apartments, often worth over one million dollars, are sold to expatriates and foreign investors. In other cases, the Council has also provided a margin of maneuver to religious buildings, schools, and hospitals but, in this context, the flexibility was frequently described as a “clarification” of how the law applies to the special circumstances of the particular building under discussion. In some (less frequent) instances, these facilities have gone as far as constituting violations of public safety laws, as seen most blatantly with regard to the airport safety line, even if the law does not allow for this level of “flexibility”. As an indication of the proliferation of these exceptions, the records of the 2013 minutes of the Council included the word “exception” no fewer than 303 times. In sum, “exceptions” are the norm.



Corniche Manara in Beirut
Photo credit: Marieke Krijnen

5. A grammar of exceptions: reconfiguring citizenship and space

Clearly, then, the “exception” provides a useful lens to look at the ways in which departures from the law provide a complex landscape of public government. Rather than the legal/illegal binary, exceptions introduce tolerance, concessions, facilities, or incentives. Looking at the frameworks through which exceptions are formulated, we find that exceptions can be formulated as extra-legal suspensions of the law that maintain the “illegal” status for the buildings that are “tolerated” or they can be “flexibilities,” “clarifications,” even “incentives” that temporarily widen the framework of the law to recognize the legality of the buildings they authorize. When buildings are finally considered legal, it can be the result of expanding the framework of the law temporarily, beforehand, thus keeping the sequence of permitting, building and servicing intact, or it can occur through an after-the-fact regularization. Furthermore, exceptions issued to well-endowed social agents are typically issued before the fact, within the same time frame as a typical permitting process. Others, as most notoriously the case of those negotiated by Hezbollah during the post-2006-war years, are issued years after the buildings are completed.

Looking at the elements that distinguish one form of exception from another (form, temporality, circumstances), it is possible to unravel a grammar of the exception, one which is deployed to respond to the particular forms in which the illegality is constructed, on the basis of the interests and strategies of those who command the application of the law.

It is in fact possible to argue that this grammar connects particular social groups to specific forms of exceptions. Low-income, informal settlement dwellers are tolerated in the city through “arrangements” that enable them to maintain their homes despite the fact that the latter are tagged as “illegal.” Thus, Umm Hassan first acquired the permit that shielded her from police harassment and allowed her to build the two rooms she desperately needed to shelter her children. This arrangement required in reality very mild bending of the rules. Predictably, the “arrangement” was later revoked, since the legal framework that made these houses illegal in the first place was never reconsidered. In 1973, years after issuing “farmers’ permits” in Hayy el-Sellom, planning authorities approved a highway interchange that would have wiped out a large section of the neighborhood and demolished hundreds of houses, had it been implemented. Years of civil war, however, and the resistance of political groups in the decades after, have halted execution of the highway project without removing the permanent threat of displacement faced by these neighborhood dwellers (Deboulet *et al.*, 2011). Today, Umm Hassan is coping with the recurrent threat of forced displacement and she looks to political parties for protection. Umm Hassan’s precarious status is directly correlated to the tag of “illegality” with which her home was authorized in the first place. More generally, arrangements adopted for low-income neighborhoods where the tag of “illegality” is never challenged leave a margin of maneuver for the national authorities to revoke the permits if the political climate were to change (Roy, 2009). In this sense, low-income dwellers had been temporarily tolerated in the city, never recognized as full-fledged citizens. They are the “populations” that Chatterjee (2004) contrasted to the “citizens,” those who may be granted “favors,” but never entitlements.



Map showing the Hayy el-Sellom and Haret-Hreik neighborhoods. The small squares represent high-end towers (overview, 2010). Map compiled by the author.

In Haret-Hreik, Hezbollah obtained “concessions” for the neighborhood dwellers, which recognized their right to build as the *constituency* of the Party. Following a long period of anxious waiting, the dwellers’ homes were finally granted legal recognition. Yet, by maintaining in place the building and zoning regulations that made these buildings “illegal” in the first place, the legal status of these buildings remains questionable. Furthermore, the privilege to build is pegged to allegiance to the Party, which alone can secure the exception. It is worth noting that the Party never requested a change in the urban and building regulations, deliberately maintaining “legality” as a favor it grants to its base, rather than an entitlement that would recognize their right to the city. Haret-Hreik dwellers are thus admitted in certain quarters of the city as *members* of a political group, not as citizens.

Finally, to developers of luxurious towers, exceptions are “facilities,” perhaps even “desirable incentives” granted on “technical” basis. In reality, very little is “technical” in the decisions taken by the Higher Council. To begin with, most council members lack technical credentials. Furthermore, these members operate on the basis of ad hoc criteria such as “good judgment” or “pleasant façades.” However, what council members term “adequate” is more often the result of a developer’s connections and/or his position in the local social hierarchies (Bourdieu, 1979), or again of the media frenzy at the time the building permit is processed, as seen in the last twenty years of advocating Lebanon’s great capitalist potential and the celebration of its traditional laissez-faire embodied in high-end towers. The celebratory tone enables these developments to be sanctioned publicly, while in private their permitting may reflect an exchange of *favours*, often in response to instructions issued by influential political figures who had appointed the Council members in the first place, or, less often, to shady deals (Heyman, 1999). Furthermore, the most powerful developers may even bypass the Council altogether and have their projects approved by the president directly. Presidential approvals and legal sanctioning by the highest national regulatory authority point in the same direction: they signal the status of high-end developments and their beneficiaries as red-carpet citizens.

This grammar of the exception leaves behind, or rather outside, squatter settlements, neighborhoods where most access to land is in violation of property law, as well as refugee camps, the territories of “undesirable” populations. In these areas, planning authorities are reluctant to recognize any form of entitlement or make any kind of concession, instead tagging these areas as “exceptional,” governed outside the law. More careful analyses of these neighborhoods (Martin, 2015; Peteet, 2005; Fawaz *et al.*, 2002; Sayigh, 1994) have shown them to maintain strong relations with the rest of the city, where they play the role of central labor pools. Their position, however, as “outside the law” and the fact that planning agencies have never introduced any variations of building permits for these areas, place them outside the scope of the analysis of exceptions to building permit processes proposed in this paper.^[6]

[6] This, in fact, is a sizable percentage of the population. Since the influx of Syrian refugees in 2013, at least a quarter of Beirut’s population is estimated to be refugees and/or migrant workers.

Reconfiguring Citizenship

If the grammar of the exception, as we saw above, translates into specific entitlements allocated to particular social groups, it is possible to argue that this materializes one mode of reconfiguring citizenship. A one-time exceptional entitlement to build outside the law provides access to the city for low-income rural migrants but admits them with truncated, exceptional entitlements that contain their presence in the city. Others (e.g., migrant workers and low-income refugees), tagged permanently as not eligible for exceptions, are kept outside the framework of exception altogether. True, as Chatterjee (2004) has argued, both groups are active political agents who have negotiated entry to the city, but the limited or in-existent status that they earn leaves them vulnerable to political change and a loss of the privileges they may have accumulated. At the other end, high-income city dwellers, but also wealthy members of the Lebanese diaspora and rich foreign investors, benefit from the large array of facilities that are provided to the developers building their luxurious homes. These exceptions do not however only reconfigure the legal landscape along class divisions. In the world of hybrid sovereignties, and particularly in Lebanon's context of a highly contested sovereignty, exceptions also classify populations as the constituencies of particular branches of the political establishment and its muddled, within/outside-the-state boundaries. Bou Akar (2012) has shown that the recurrent depiction of Muslim-Shiite dwellers as threatening has rendered the admission of members of this group into the polity undesirable. Thus, class distinctions overlap with sectarian ones to produce exceptions designed to keep undesirable populations at bay. Conversely, sectarian belonging is trumped when class is factored in: high-end developers belong to all religious groups and typically benefit from similar facilities. In their case, citizenship and entitlement are guaranteed through class privilege. Whatever their form, inclusive or exclusive, these exceptions serve the same purpose of relying on building permit processes to consolidate the re-organization of citizenship and the entitlement to build along sectarian and/or class terms.

Spatializing the implications of exceptions

Although the exceptions I am describing in this paper are typically issued with no geographic indication, there are clear spatial correlations between the type and form of exception, on the one hand, and the location in which it is issued, on the other. It is in fact possible to argue that forms of exception correspond to particular areas in the city where they reproduce and consolidate the very forces that generated them in the first place. Thus, concessions made to low-income city dwellers are typically located in specific geographic areas, notably "peripheries" (Roy, 2009) that develop as the urban slums, the informal settlements of the city. They are also maintained as "gray zones," thus zones where future interventions and developments are desirable, if it were to become politically feasible. In the meantime, development is concentrated in zones where change is possible, in the gentrified and/or gentrifying neighborhoods, those closer to the city's center. There, decisions taken by planning agencies expand the law flexibly to allow for developments deemed desirable.

But there are also other forms of territorial correlations that do not figure in the analysis of economic neoliberalism, those that apply to the concession of political territories. This is most particularly the case for concessions made to political groups, sectarian minorities, and others that tag particular areas as “affiliated political territory.” Most typically, the neighborhood of Haret-Hreik, and more generally the southern suburbs of Beirut where the neighborhood is located, is designated as “Hezbollah territory” (Harb, 2010; Fawaz, 2014). While the formation of this enclave rests on more than exceptions to building permit procedures, these exceptions consolidate its territorial status. Elsewhere, municipal exceptions in the permitting process, such as the ones discussed above, also consolidate, protect, and reproduce sectarian territories (Bou Akar, 2012).

In sum, it is possible to argue that the process of issuing exceptions in building permit procedures reflects an informal zoning that determines when, where, and how particular exceptions are issued and types of buildings are developed. This zoning performs in turn, through the differentiated applications of the law, to produce the fragmented territories of today’s city.

6. Conclusion: planning as it is/ how it works

By analyzing “exceptions” as a mode of planning, my intention is to extend a recent argument that has sought to contrast on the one hand, the way regulatory planning is imagined as a rational, relatively linear process and, on the other hand, the way it is practiced in the everyday realities of Third-World bureaucracies (and beyond). Thus government reports, planning courses, and many academic papers continue to describe an ideal sequence of steps through which urban guidelines are devised then implemented to manage the production of space. In contrast, the empirical documentation of planning practices, particularly in the Global South, unravels messy, circular, frequently failed projects that give in to corruption, sectarian and ideological tensions, and numerous other hurdles that preclude the possibility of planning (Chatterjee, 2011; Watson, 2009; Roy, 2009; Yiftachel, 1998). While such critiques of planning often conclude on the impossibility of planning and/or the dark turn that planning has taken (Yiftachel, 1998), a more provocative form of this argument was foregrounded in Roy’s (2009) recent inquiry into India’s inability to plan its cities, an inability which Roy brushes off as deliberate “planned informality” or “de-regulation.”

Roy’s description of the formal and the legal as “fictions, moments of fixture in otherwise volatile, ambiguous, and uncertain systems of planning” (*ibid.*: 84) provides an interesting framework to understand the practice of issuing “exceptions” as a strategy of government that departs from the legal/informal binary to account for the range of policy departures that define the ways in which contemporary planning is conducted. It is precisely within that de-regulated framework of government that I would like to locate the analysis presented in this paper. In sum, “exceptions” may well be a planning strategy that provides public agencies with margins of maneuver without forcing them to concede an actual alteration of the structures regulating access to the city. By localizing how and when exceptions occur with respect to

particular population groups and urban geographies, I have shown that one can unravel some sort of grammar that structures the form, temporality, justification, and legal circumstances in which an exception is issued. This grammar of the exception, if we can call it as such, reflects and simultaneously reorganizes and maintains the inequitable social hierarchies and variegated geography of the splintered city that Beirut has become. In other words, the suspensions of planning law provide us with numerous insights about both the city's spatial organization and the forms of citizenship that are claimed and recognized.

Before closing, it is important to recall that an analysis of exceptions should not do away with the power of the laws from which these exceptions depart. Even as exceptions structure and reorganize access to the city, the law continues to play a performative role. To begin with, only some forms of exceptions are possible within the framework of the law, and are hence "legal," while others signal that a practice is "tolerated" but maintain it under the shadow of illegality. As a result, exceptions provide an additional margin of maneuver for both planning agencies and those seeking to build in the city. Yet, exceptions still tag buildings and/or neighborhoods as "legal" or "illegal," determining a wide spectrum of consequences such as the value of an asset, tenure security, access to urban services, and others.

Neither should a study of departures from the law do away with the critical analysis of legal texts and the processes through which they are formulated and adopted. While a full-fledged analysis of such processes could be the scope of further research, it is imperative to recall that the last iteration of the Building Law in Lebanon was directly drafted by a handful of developers who brag openly about their role in the process and do not shy away from recognizing how they use its loopholes and exceptions to their advantage (Krijnen *et al.*, 2010). In this neoliberal age, this may be the most extreme case of delegating public roles to the market, handing over legislation to the very actors who benefit from it. But the pattern of designing and implementing legislation that fits the needs of few and facilitates their vision and interests is much older than the extremes of this age.

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PART TWO:
SECURITY OF LAND TENURE
AND HOUSING MARKETS:
EXPERIENCES, FAILURES
AND LEARNINGS

An outcry against informality. The impact of land on the treatment of precarious settlements, as spaces of political competition: Cambodia, Lebanon, Syria

Valérie CLERC

Introduction

Forty years on from the first international recommendations at the Habitat I Conference (Vancouver, 1976) and the creation in 1978 of the United Nations Centre for Human Settlements (now the UN-Habitat Programme), precarious^[1] settlements are today home to nearly one billion people across the world, while the number of inhabitants living in precarious housing conditions is still on the rise (UN-Habitat, 2014).

In dealing with precarious settlements, urban policies have hardly ever followed the recommendations of international institutions. The latter advocate the legalization and improvement of living conditions in such precarious spaces, together with affordable housing provision for low-income households (initially, sites-and-services schemes). Yet, depending on the country and the period, policies have espoused multiple approaches that are sometimes very far from these recommendations. As the case may be, policies favor – or combine – repression or preventive measures, the demolition or rehabilitation of settlements, the upgrading of existing buildings or their replacement under renewal schemes, the eviction of populations or their rehousing, keeping the inhabitants on site or relocating them, legalization of tenure or provision of basic services and infrastructure (Durand-Lasserve *et al.*, 1996). But two main trends repeatedly oppose each other: keeping the residents on site or relocating them.

Why are these policies so diverse and occasionally so far-removed from international recommendations? How and on what criteria are national or local policies formulated? The choices made depend on the actors, the countries and the times, and particularly on the way

[1] The adjectives “precarious” and “informal” used synonymously here are but two of the terms used to describe these settlements, also referred to as “irregular,” “under-integrated,” “illegal,” and, depending on the cities, *bidon-villes*, slums, *achwajyyat*, *moukhalafat*... The difficulty in naming and characterizing these settlements reflects the fact that their definitions, even their existence, depend above all on the representations and the laws and policies that designate and describe them.

in which these settlements are conceptualized by those intent on tackling them (Clerc, 2002). The question of land plays a core role in shaping these policies. The fate reserved for precarious settlements by the national and local public policies is largely contingent on how the actors of these policies perceive land. The different views and approaches to land – as property, place, territory, value, location, space of social anchorage, of rights, norms, economic development, or collective use – set the urban actors at odds in conflicts of strategy or ideal visions, with the result that land has become embedded in these policies as a multidimensional criterion.

Drawing on a comparative analysis of the recent history of urban policy in Beirut (Lebanon), Phnom Penh (Cambodia) and Damascus (Syria),^[2] this chapter proposes to explore the role played by the different representations of land and shows how the co-presence and competition between these different conceptions shape public action on precarious settlements.

1. Contradictions and competition in urban policies

Over the last twenty-five years, Lebanon, Cambodia and Syria have seen major shifts in their policies to address precarious settlements, chiefly due to their experience of political and economic liberalization.

1.1. *Political and economic openness and the revival of urban policies*

In all three countries, the political changes and post-war recovery marking the end of the Cold War in the early 1990s fostered a political and economic opening-up, a return of international institutions and a massive upsurge in private and mainly international investment in a context of liberalization. In Lebanon, the end of the civil war (1975–1989) ushered in a period reconstruction and the return of international investment within a liberalized setting. In Cambodia, the years of transition (1989–1993) saw the end of the war and the Vietnamese occupation (which succeeded the Khmer Rouge regime, 1975–1979), the return of refugees, the return of international organizations, a peacekeeping operation (United Nations Transitional Authority in Cambodia – UNTAC, 1992–1993), the organization of elections supervised by the United Nations, a restored monarchy and the transition from a socialist to a market economy propelled by liberalization, the inflow of investment, and the reinstatement of private property rights. In Syria, until the outbreak of conflict in 2011, the process of opening-up, economic reform, and liberalization of the socialist economy had been more progressive. Law No. 10 of 1991 on the promotion of private investment had accelerated the pace of the liberalization tentatively begun in 1986. This was followed by the political and economic opening heralded by Bashar al-Assad’s accession to power in 2000, and the subsequent 2005 Five-Year Plan that endorsed the “social market economy” to attract international investors.

[2] This chapter is based on field research, an analysis of policy, laws, programs, and projects, as well as on numerous interviews with political urban actors involved in tackling informal settlements. The research was conducted over several years in Lebanon (1997–2001 and 2012–2013), Cambodia (2001–2005 and 2014), and Syria (2007–2012).

In all three countries, management of these informal settlements was also renewed or re-launched in the early 1990s. Firstly, because their situations had changed: in Beirut, irregular settlements had expanded and new ones had sprung up during the war; precarious settlements had re-appeared with the reinstatement of land ownership and the return of displaced persons and refugees to Phnom Penh; and informal areas, dubbed collective infraction areas (*mukhalafat*), had exploded in Damascus, mainly due to inadequate planning laws and rural-urban migration. Secondly, because, in the wake of these political upheavals, urban planners began to tackle the issue head on. The new scale of informal urbanization and the absence of effective local benchmarks had left them powerless – a situation rendered even more difficult by the inefficiency of extant regulatory tools (Damascus), by the existence of spatial exceptions (the Lebanese informal settlements were almost all located in the southern outskirts of Beirut), and by the almost total absence of urban planning professionals (Cambodia). As a result, these actors, often supported by international aid agencies, planned or tested various solutions.

In the three countries, two main options were at odds: (i) rehabilitation (upgrade the settlement while preserving existing buildings), and (ii) renewal (demolish the settlement and rebuild). These two options were envisaged or carried out within a framework of political negotiations (Beirut), through a series of contradictory policies (Phnom Penh), or via concurrent and competing policies (Damascus).

1.2. Beirut and political negotiations on settling populations in urban projects

In the Lebanon, the chief outcome of the policy to tackle irregular settlements was the launch of the Elyssar project. This targeted redevelopment of the southwestern suburbs of Beirut and involved both physical and political reconstruction. The irregular settlements that had developed on squatted land in Beirut's southern suburbs during the civil war had become a stronghold within the city for the militias and political parties of the Shi'ite Hezbollah and Amal. Any intervention in these settlements in the immediate post-war years thus implied reaching an agreement between these two political groups and the Government of Rafik Hariri (who had been wartime adversaries) on the future of these territories; Hariri was keen to gain a foothold there via urban planning, but the Shi'ite parties wished to maintain their political control. The World Bank was ready to provide financing, but the process proposed failed to take on board the political aspect of the project negotiations, which had begun immediately after the end of the war in 1992.

A hotly debated issue central to the negotiations was whether or not to displace the inhabitants. The Shi'ite parties were ready to agree to rehabilitation, but ruled out any project that implied the residents' departure (rehousing them outside the area or paying them compensation, which might have encouraged them to leave the area), as the then Government was proposing. On the other hand, the Government refused any form of regularization, which would have entrenched the situation even further, seeking instead to move the inhabitants out. In 1995, the agreement led to a reconstruction project of unparalleled size. This provided for a reconfiguration of the

identified perimeter, the demolition of all irregular settlements (home to some 80,000 people), the development of 6.7 million square meters, rehousing the inhabitants within the perimeter of the project and a public planning agency to implement the whole. The compromise allowed all of the Lebanese families to be rehoused on site, but at the same time the area was to be intersected by highways (Deboulet *et al.*, 2011), and the inhabitants of those districts deemed by the Government to be out of control were to be resettled in apartments, enabling them to be more easily identified and managed. Moreover, the rehousing of the inhabitants further inland but still within the project perimeter freed up the seafront, a premium value area for real-estate speculation (Clerc, 2012).

The project was only executed at the margin and by special derogation (for highway infrastructure), with the result that the irregular settlements are still there today. Much like the Waad project to reconstruct Beirut's southeastern suburbs after the 2006 war, the crux of the project's political negotiation, alongside the financial stakes of real estate, was the question of population: keeping the population on site (the goal of the Shi'ite parties) as opposed to introducing a greater social and religious diversity (the goal of the then Government).

1.3. *Phnom Penh and the political contradictions of land allocation*

In Cambodia, the history of precarious settlements is tied to the country's history of land. The Khmer Rouge regime (1975–1979) had abolished private property and completely emptied the cities of their inhabitants. During the ensuing socialist years under Vietnamese occupation (1979–1989), land became state property and the population gradually returned to the cities, where residence permits were delivered. From 1989, private property was reinstated little by little, and all residents could apply for an ownership title for the house and/or field they occupied. Some 4.5 million application receipts were delivered, indicating that the majority of Cambodian households were on the way to becoming landowners or house owners. Until 2001, it was still possible to convert temporary ownership into legitimate ownership if the land had been occupied “peacefully, honestly, publicly without ambiguity” for five years (Land Law of 1992). Many people thus continued to settle on vacant land. But much of this land could not be privately owned, notably the State's private lands and the public domain (roadsides, railway tracks, lakes or rivers), where occupants with neither right nor title had set up informal settlements. In the early 2000s in Phnom Penh, nearly 300,000 people (including tenants) lived in such settlements, representing around one quarter of the Cambodian capital's inhabitants.

During the 2000s, Phnom Penh Municipality's interventions in these settlements were highly contrasted. After the evictions from 1989 to 1996, small rehabilitation pilot projects were implemented as of 1996, partnered by UN-Habitat (Urban Poverty Reduction Projects), along with relocation projects starting in 1998. Finally, in 2003, Prime Minister Hun Sen officially announced the regularization and rehabilitation of all informal settlements within five years. In parallel, given the move towards a market economy and the rise in land prices, occupied and increasingly prized public lands were allocated to investors for development. Initially, four

land-sharing^[3] projects were planned for the city center, but only one of these was implemented. For the other three, the developers negotiated the terms of displacement directly with the resident community, and land allocation with the public authorities. In total, 1,700 families were rehoused onsite and 17,000 relocated to 36 sites within 50 kilometers from the capital, mostly in flood-prone and unserved areas. This was carried out over two stretches of time, 1990–1992 and 1998–2011 (Blot, 2013).

Faced with this land competition between residents wishing to stay in their settlements and investors keen on realizing large real-estate projects, the policy pursued by government authorities in the 2000s was somewhat contradictory. On the one hand, the authorities backed precarious settlement dwellers (regularization announced in 2003, continuation of upgrading projects with UN-Habitat). On the other hand, they encouraged their eviction by not regularizing their occupancy under the country's land registration system (funded since 2002 by the World Bank) and by allotting the lands they occupied to real-estate investors in view of large urban development projects (Clerc *et al.*, 2008). Despite their resistance, the residents finally had to leave the settlements and were relocated to distant sites after what were sometimes violent evictions. The authorities have thus encouraged real-estate investors to take over precariously occupied land to the detriment of the inhabitants (Clerc, 2016).

1.4. Damascus and competing policies for urban improvements

In Syria, urban renewal policies and informal settlement upgrading projects appeared concurrently in the 1980s in Alep and then in Damascus from the 1990s. In the capital, these settlements, known as areas of collective infraction (*mukhalafats*), were home to 40% of the city's four million inhabitants in 2004. On the one hand, local detailed urban plans provided for the construction of modern neighborhoods on the sites of these settlements (but very few were realized, as from 1975 to 2008 no hard-wall informal dwelling could be demolished without financial compensation or rehousing). On the other hand, a rehabilitation scheme providing basic services and infrastructure (water, sanitation, electricity, surfaced roads, services, etc.) for the city's informal settlements had been launched following a pilot project funded in 1994 under a United Nations program (UMP, 2001).

This two-pronged policy of renewal and rehabilitation was pursued somewhat differently in the 2000s. All the legislation relating to urban planning and investment crafted in the 1960s and the 1980s was revised in order to modernize and liberalize the economy. For informal settlements, some laws organized regularization while others targeted urban renewal. Moreover, some dozen programs and policies for urbanism and planning were formulated in Damascus by ministries, prefectures and municipalities, at national level and for the agglomeration, often with help from international cooperation agencies (World Bank, Cities Alliance, German, French,

[3] A land-sharing project divides the land into two lots: one earmarked for rehousing the inhabitants on site, built and funded by an investor, who in exchange is authorized to build on the second lot for profit with advantages (low-cost land, higher operating ratio).

Japanese, European cooperation, among others). Here too, some promoted rehabilitation and regularization (under the National Policy for Upgrading and Rehabilitation of Informal Settlements, prepared by the Ministry of Local Administration, or the program developed by Cities Alliance and the Governorate of Rif Damascus in the outer suburbs, for example), while others provided for urban renewal (among which a series of detailed studies for the renewal of 17 inner city zones led by the Governorate, and the Study for the sustainable development of the Damascene capital conducted by the Japanese cooperation [JICA – Japan International Cooperation Agency] for the governorates and the ministry).

The programs running until 2011 revealed a clash between the views and objectives for these settlements and the future reserved for them: the illegal and undesirable settlements to be eradicated, as opposed to consolidated even well-functioning ones due to be upgraded and regularized. A competition thus emerged between the institutions likely to launch urban programs and within single administrations as to what tools and projects should be put in place (Clerc, 2014b). The stance adopted partly depended on the ministry responsible for policy and on whether there was supporting international aid. This meant that the decision-makers at the Ministry of Local Administration, who were engaged in multiple cooperation programs, were more firmly in favor of rehabilitation, whereas others from the Ministry of Housing and Construction were more inclined towards urban renewal. This competition between the various options also arose within a single institution operating with technical and political actors, as in the case of the Governorate of Damascus for the drafting of the master plan. Yet, there was an (often tacit) consensus that these settlements should receive differentiated treatment: those furthest from the city center could be kept, whereas the more central ones located on prime value land could be destroyed to make way for real-estate projects. Competition was thus mainly focused on the pericentral settlements, and on how many and which ones were to be demolished or kept – these being eminently political choices.

2. The prickly issue of land is core to policymaking

Whether these urban policies are negotiated as in Beirut, or contain fundamental contradictions as in Phnom Penh, or compete with one another as in Damascus, this analysis first of all reveals that they cluster around the same two poles, the same two categories – rehabilitation and renewal. Next, it shows that the types of policy defended are tied to the actors' multiple spatial and social representations concerning land. Lastly, it reveals how these representations influence decision-making processes at local and national level.

2.1. *Two conflicting options: displacement or rehousing on site*

Of the two broad categories of urban projects and policies proposed or launched in these three cities – namely (i) rehabilitation, which preserves the buildings, provides the settlement with basic services and infrastructure, and (more rarely) regularizes land tenure, and (ii) urban

renewal, which demolishes buildings and reconstructs a new project –, the first category often seeks to keep the inhabitants on site, even if in reality this may ultimately lead to gentrification, whereas the second category seldom rehuses the inhabitants on site and most often displaces them. In this case, the evictions are carried out without financial compensation, or with a level of compensation that may or may not correspond to the price of the occupied land or dwelling. Among the evicted inhabitants, some are relocated or rehoused elsewhere either free of charge or at a modest price, and sometimes onsite rehousing is announced, but not delivered...

The first category, which dovetails with United Nations recommendations, corresponds to programs and projects in the three case studies that were either not implemented or only partially, or on a small scale, or hampered by later projects: in Beirut, onsite rehousing was not delivered by the Elyssar project; in Phnom Penh, the uncompleted land-sharing project for 1,700 families and the rehabilitation of small settlements hosting around 6,000 families from 1996 to 2001, with some of the settlements being later demolished; in Damascus, service and infrastructure provision for fourteen settlements, most of which were nonetheless due for demolition in the long run to make way for urban planning schemes, or were integrated into urban renewal projects; at the same time, in Damascus, projects and a national policy for rehabilitation stopped in 2011. The upgrading programs (or their pilot projects) are often funded at least in part by international cooperation.

The second category corresponds to the more numerous achievements and/or major programs in the cities studied: eviction with compensation for inhabitants living within the Elyssar project perimeter on land required for infrastructure construction; numerous evictions and 17,000 families moved to rehousing sites over the years 1990–1992 and 1998–2011 in Phnom Penh. In Damascus, the Governorate’s internal discussions on the execution of the master plan were still ongoing in 2011, and no large-scale implementation had been launched. But at the national level, investors were already being allotted land (by tender) on which informal settlements were located. In Aleppo, the State had compelled the municipality to free up municipal land hosting an informal settlement that was already being upgraded by a project with the German cooperation agency. These programs are generally funded by the national authorities and/or the private sector.

2.2. *The key role of spatial representations*

The primacy of the second category – although experts and international institutions advocate the first category – is problematic. The choices made rarely stem from a consensus or a consistent rational process, but hang rather on negotiations and power relations within systems of urban-planning actors who have different objectives, ideals, and interests. The choices made largely depend on the actors’ representations of such settlements and the strategies they formulate to deal with them. Each actor has a specific stance on each project – i.e. a “topical” profile that integrates a system of representations based on a given situation and a place, in the broad sense, that is both real and projected (Clerc, 2002) – and this may change.

The options defended by each actor depend on what image of the city they wish to promote, given that urban planning, since its beginnings, has attempted to respond to social questions with spatial solutions. These responses depend on the actors' ideal projections of future improvements, whether grounded in urban planning theories or otherwise: improvements in living conditions and urban morphology, development of existing spatial and social assets (participation, urban social fabric, inhabitants' know-how). They also depend on territorial, political, and economic strategies: who will reap the profits from land? Who will have political control over these spaces? Will the right to property ownership take precedence over access to the city? Finally, they depend on the judgments and justifications that the actors mobilize around these spaces, according to different value systems (Boltanski *et al.*, 1991), as shown by the different designations given to such settlements and which generally have negative connotations (informal, irregular, illegal, sub-integrated, anarchic, areas of infraction).

The spatial dimension, and particularly that of land, is core to the processes for designing these projects and policies. In the three cities studied, although informal settlements are defined by their non-compliance with the law, rules, and norms, the decisions concerning them are dictated by a settlement's location, its surface area and built environment, type of tenure, property rights, owners, social space, land rights, territorial situation, property values, etc. What is particularly interesting in the way these dimensions are perceived is the currently deepening and even exacerbated opposition between the two traditional functions of land and housing: (i) the patrimonial dimension of investment, taken to its extreme by the financialization of real estate (Halbert *et al.*, 2010), and (ii) the social dimension of housing conditions brandished in urban struggles and demands for the right to housing and to the city (Berry-Chikhaoui *et al.*, 2007; Harvey, 2011).

These representations of the space and land occupied by informal settlements can be matched with one or more types of public intervention.

Table 1. Policy types according to the perception of informal settlements
(simultaneous representations are frequent)

Informal settlements can be perceived as:	If this is the dominant representation, it mobilizes the following options:	If this is not the dominant representation, the following options are possible:
Land with present or future value (value impaired by occupation)	Eviction and urban renewal, with displacement, rehousing or compensation (below value)	Regularization and rehabilitation
Legally owned land (illegal squatting)	Eviction Rehousing elsewhere	Regularization
Political territories...	...allies: stay on site ...opponents: displacement, rehousing	Rehabilitation Urban renewal
Poor spatial organization or non-urban	Demolition and reconstruction	Rehabilitation
Buildings constructed without permit, non-standard	Demolition and reconstruction, with displacement or rehousing on site	Regularization Improvement
Spaces with no sanitation or infrastructure	Services and infrastructure provision, rehabilitation, reconstruction	Laissez-faire
Spaces for settlement and housing (right to the city)	Regularization Rehousing on site, Laissez-faire	Eviction Rehousing elsewhere
Spaces hosting a social and economic fabric	Regularization and rehabilitation	Displacement or rehousing elsewhere, demolition of existing buildings
Urban (vs. village-like) spaces or quality spaces (dwellers' know-how)	Regularization and rehabilitation	Demolition and displacement Rehousing on site
Evolving and adaptable spaces	Regularization and rehabilitation	Urban renewal
Potentially sustainable spaces	Regularization and rehabilitation	Urban renewal
Spaces integrated into the city (vs. marginal)	Regularization and rehabilitation	Urban renewal

2.3. *The tangled nexus of land*

The predominant representations give rise to operations implying the displacement of the inhabitants. Four of these are directly linked to land, insofar as this is a space that can be appropriated for an individual or group against or to the detriment of another individual or group: i.e. its financial value, property rights, its territoriality, and its use.

The first main representation in favor of displacing the inhabitants conveys the idea that the land is not used at its “fair” value, the occupied land has an intrinsic (financial) value (the value it would have were it not occupied), and is worth more than the value of the housing built there. Settled land, overtaken by urbanization and today often well-situated, would thus bring in lucrative profits. In Beirut, these areas of land border one of the city’s two sole sandy beaches,

close to the golf course and fashionable neighborhoods. In Phnom Penh, the largest settlements are situated on public land in the city center, near the Royal Palace and Casino. The *mukhalafats* in Damascus abound in pericentral or even central districts. These spaces have almost all been subject to urban planning schemes or urban renewal projects. Due to vested interests or by conviction, the authorities often buy into the arguments of investors, who are present in growing numbers given the globalization of investment and the financialization of real estate. They argue that these poor settlements built on prime value land (without ever imagining that the inhabitants could also benefit from the real-estate gains) cannot be left in their present state, and upgrading the city inevitably calls for the displacement of their inhabitants.

The second ubiquitous representation in favor of displacing the inhabitants: the strong attachment to property rights and the unacceptability of these settlements' illegal status (especially squatting, as regularizing this is often seen as condoning unequal citizen rights). This recurrent representation has ruled out any rehabilitation project in Beirut, although property rights were not challenged during the civil war, or by those who recognized a degree of legitimacy for settlement dwellers (refugees, the right to war reparations, the State's failings). The strength of this representation sometimes means that various detours have to be employed to enable onsite rehousing (expropriation then resale to the inhabitants, or the owners' direct buyback from the dwellers or vice versa). In Syria, rehabilitation schemes have been carried out without land regularization, and the Monitoring Committee for the Damascus Governorate's Master Plan announced that it could "agree to a 100-year long program on condition that all these *non-compliant* neighborhoods disappear in the long run." In Cambodia, the informal occupation of mainly public land was at odds with the reconstruction of land rights and the consolidation of the public domain.

The third representation, which may act as a strong driver of action: the settlement's population, its vote, and/or political control turn these places into territorial entities. If a settlement is seen as a possible haven for those who oppose the ruling power, it becomes a space to be (re) conquered through urban policies (renewal is a powerful weapon to that end, as it alters the composition of the population). On the other side, it is seen as a territory to be preserved for one's allies (through rehabilitation, or onsite rehousing). In Beirut, these spaces are viewed as a territory under Shi'ite control, which partly explains the decision not to rehabilitate them (the Government was reluctant to endorse the existence of an enemy territory situated at the doors of the capital and near to the international airport). In Damascus, even today, the informal settlements sheltering the regime's allies are preserved, whereas opponents' neighborhoods have mostly been destroyed by bombing or bulldozers, as happened under an urban redevelopment project crafted before the war and adopted during the conflict (Decree No. 66 of 2012) (Clerc, 2014a).

Finally, again counter to the idea of preserving existing buildings comes the very widespread esthetic-technical notion that the urban space must be planned, ordered, orthogonal or regular, if only to facilitate the passage of infrastructure and fire trucks (Clerc, 2012). An extreme example of this was when the top echelon of the Syrian Ministry of Environment

contemplated eliminating all these settlements and replacing them with farming land. Similarly, public authorities are always highly reticent to the idea of regularizing or upgrading buildings that do not comply with building standards, for reasons of safety and accountability (this is particularly the case for the clearly identified seismic hazard in Damascus).

These representations of land are particularly active and influential, as they relate to strategic rationales to either preserve or conquer space, both locally and nationally: the defense of the State as the source of law and standards, the deployment of sometimes hefty financial interests, conflict-ridden territorial management. These representations feed such rationales and are in turn fed by them.

Other representations push in the opposite direction, towards regularization and rehabilitation. To begin with, a degree of pragmatism is sometimes apparent in order to cope with the massive scale of urbanization. In addition, regularly but more rarely, these settlements are seen by the policymakers as spaces where living conditions are adapted to income, as spaces of sociality, culture, local know-how and social customs, functional and social diversity, and economic production. They are also seen as integrated urban neighborhoods that can evolve and adapt, and are even partly adapted to climate change and potentially sustainable. Several of these representations link up with the idea of a city for all and accessible to all. They are also deeply embedded in rationales for action, but seemingly have less influence over policymaking, even though they are associated with ideal visions of the city and urban struggles for access to the city and given high visibility on the ground and in the media by some urban professionals.

Finally, building without a permit is not always an obstacle to regularization, as shown by the laws periodically enacted to regularize real estate in the Lebanon, or the adoption of a law allowing building permits to be filed after the fact in Syria in 2004. And consensus on the lack of infrastructure and services is a recurring argument not only for urban renewal, but also for immediate, even temporary upgrading, as was the case in Phnom Penh for many small settlements (sometimes subsequently demolished); in Beirut, for the municipalities of the southern suburbs while awaiting project implementation; or in Damascus, in line with the idea that all citizens should have equal access to basic infrastructure. Regularization and infrastructure delivery programs are numerous – a sign that representations of this issue are converging.

Conclusion: precarious settlements are key in the race to acquire land

In the three countries studied, the rehabilitation–regularization approach advocated by the international cooperation agencies has not become totally mainstreamed, despite their funding of several projects and a strong presence on the ground: UN-Habitat even had offices and staff inside Phnom Penh Municipality in the late 1990s, while in Damascus planners worked in partnership with international experts during the 2000s, notably in the Ministry of Local Administration. Rehabilitation was nonetheless encouraged, in the main by actors who had close ties to the cooperation agencies or had been trained abroad or locally, and who brought

what influence they could play to help change mentalities. Moreover, the possibility of marshaling international financing for urban upgrading prompted the setting up of projects attuned to donor recommendations.

Rehabilitation operations were planned for spaces that presented comparatively few issues, using a strategy of one small step at a time. Rehabilitation and delivery of services and infrastructure for settlements were undertaken with no provision for a secure final status or regularization (UN-Habitat/Phnom Penh Municipality, UMP/Governorate of Damascus). Other interventions were conducted in municipalities far from the city center (Cities Alliance/Governorate of Rif Damascus), or under projects opting for a hybrid solution, as in the case of pericentral settlements in Damascus located on Mount Qasioun and overlooking the city (European cooperation project combining rehabilitation and relocation of inhabitants), or west of Road 30 (urban renewal project funded by European and French cooperation, with onsite rehousing) – none of these three projects had been completed before the outbreak of civil war.

Summing up, the representations and stakes involving the acquisition of land by some actors to the detriment of others push decisions in the direction of renewal. When the political, economic, and technical actors that influence public policymaking are opposed to handing over to the inhabitants the total value, rights, or locality of the land they occupy – or if they disagree with a land use that fails to comply with institutional standards – urban renewal projects prevail over the arguments for access to the city for all and/or for the spatial and social recognition of these settlements and their assets (dwellers' know-how, gradual development, density, adaptability, etc.).

These situations, which harbor competing representations and competing urban policies, reveal a race for land not only among actors seeking to appropriate its value, rights and a foothold in the city, but also between these and other stakeholders defending the common or public interest whereby urban space remains accessible to all.

The power of representations of *land*, which are for the most part *localized*, highlights the primacy of strategic rationales of preservation or conquest (of rights, financial interests, territories, use) both locally and nationally, and is key to understanding why international recommendations are difficult to follow. In fact, these defend a public interest that is extraterritorial and *non-localized*, along with universal objectives such as the eradication of poverty, access to water for all, fewer precarious settlement inhabitants, and the emergence of resilient, sustainable cities, as targeted since 2000 by the United Nations Millennium Development Goals (MDGs) and since 2015 by the new Sustainable Development Goals (SDGs).

Yet, cross-country differences still appear with respect to the issues and ways of appropriating land. In Lebanon, the perception that landowners are entitled to capture land and real estate rents is such that all private land is unashamedly constructible. Some owners now even seek compensation from the State when a plot of land loses its right to be built on, for an amount equal to the price of the unconstructed building. For over ten years in Phnom Penh, a strategy has been pursued to (re)conquer public spaces, squatted or not, for private interests with a view

to selling them to investors, be it public amenities such as the city courthouse sold in the 1990s, or lands in the public domain, such as Boeng Kak Lake, sold and now backfilled (Clerc, 2016). In Damascus, the civil war resulted in almost all of the urban planning programs being stopped. What reigns today is the destruction of whole neighborhoods, both formal and informal, in line with the rationale of conquering territories. The only planning project publicized during the war was an urban renewal project on the site of an informal settlement. For the rest, the upcoming challenge will be reconstruction, along with the question of the relevance, the soundness and/or the modalities of redeveloping previously informal spaces – in other words, the settlements whose legitimate existence was called into question before the war, before they were destroyed (Clerc, 2014c).

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Informality, renting and housing in the Global South

Alan GILBERT

Introduction

The world faces a major challenge in confronting poverty. Despite a gradual improvement over time, some 1.3 billion people were living in poverty in 2008 (Economist, 2012). Around three-quarters of the developing world's poor still live in rural areas, but the number of poor people living in towns and cities is growing rapidly as they migrate to the cities in search of better lives. Today, around one-third of the world's urban residents are poor, most of whom are living in the so-called South.

Urban poverty means that living conditions are also poor. Millions live in over-crowded accommodation, often without adequate services and infrastructure. Sometimes the physical structure of the building, and/or the environment in which it is located, makes the accommodation dangerous. While the numbers vary with the criteria used to define the problem, some 900 million people live in so-called slums (Gilbert, 2007).^[1] Almost one in three of the urban population in developing countries and more than seven out of ten of those in Africa (UN-HABITAT, 2010).

Of course, poverty alone is not the only explanation for the lack of adequate shelter or everyone living in rich countries would be well housed. Inequality, the cost of property relative to income, rapid migration, demographic growth and discrimination all contribute to the housing problem. Poor policy, a key issue to be discussed in this paper, is also at fault.

Fortunately, the extent of poverty may be diminishing, and an increasing number of countries around the world have signed up to various UN declarations mentioning housing rights. Of course, there is a major difference between governments agreeing to reduce the housing deficit and their actually managing to do so. Governments will not help themselves if they do not adopt appropriate policies. Arguably, most governments around the world have failed in this respect. This paper will argue that the vast majority have embraced too narrow a range of housing policies. Most governments have been committed to the path of increasing home ownership – a path that frankly has no end. In doing so, they have ignored one significant way of helping address the housing problem.

[1] The word slum is problematic and will not be used again in this chapter.

This paper argues that rental housing can contribute to reducing the housing deficit. Unfortunately, few governments have so far taken the rental housing issue seriously, even in those countries where large numbers of the urban poor live in rental accommodation. Of course, more sensible approaches towards rental housing will not solve the enormous shelter problems facing the urban poor, but the paper's contention is that it can help in a variety of ways. It can reduce the quantitative housing deficit, it can slow urban sprawl, it can improve access to infrastructure and services, and it can raise the incomes of many poor people, especially the old.

1. Trends in tenure

Across the world, approximately 1.2 billion people live in rented accommodation.^[2] Most of these people live in towns and cities.

Declining role of renting relative to home ownership

In most countries in the South, home ownership increased rapidly during the latter half of the twentieth century. In Chile, for example, ownership increased from 33% in 1952 to 69% in 1982 (Brain *et al.*, 2014: 170). However, the process propelling this shift was very different from that in the North. Given the pace of urban growth and the poverty of so many families, self-help construction accounted for the expansion. Most governments turned a blind eye to illegal or irregular forms of land occupation and sometimes even encouraged it for political reasons. In Brazil, informal submarkets and household self-help initiatives have been estimated to account for approximately three-quarters of all housing production between 1964 and 1986, and in Mexico informal construction accounted for more than half of the housing units built between 1980 and 2003 (UN-Habitat, 2011a: 8).

Increasing absolute numbers of rental homes

While the proportion of tenants in most countries around the world has declined over the last fifty years, the pace of urban growth has often led to the numbers of tenant households increasing. In India, for example, the number of tenant households in urban areas increased from 15.3 to 21.7 million between 2001 and 2011. In Mexico, the number of tenants increased from 2.5 to 4.0 million between 1980 and 2010 (Salazar *et al.*, 2014: 300).

Variations between cities and regions

While home owners outnumber tenants in most countries, there are significant differences in national tenure patterns. Levels of home ownership in many developed countries are lower than those in most of the developing world. In developed countries, there is actually an inverse

[2] Personal calculation based on national census and survey figures.

relationship between ownership and GDP per capita, with the richest countries tending to have the lowest proportions of home owners. Affluent Germany and Switzerland have low levels of ownership whereas much poorer Spain has a high rate. Indeed, worldwide the highest levels of owner occupation are usually found in very poor countries, mainly because a majority still lives in the countryside where there is little renting. In addition, culture and history greatly affect rates of owner-occupation. Until recently, for example, most communist countries housed the great majority of the urban population in public housing for rent (Tsenkova, 2011).

Even within the same country, there are often great variations in tenure, not only between urban and rural areas but even between cities. In general, cities with relatively expensive housing and land have high proportions of tenants because many families cannot afford to buy a home. For this reason, very large cities often have low rates of home ownership: Shanghai 49% (2000) and Bogotá 46% (2007) (UN-Habitat, 2011b: 6).

In most of Africa and Latin America, variations in home ownership can be explained in terms of access to cheap or free land. In cities, where land invasion or clandestine subdivision has been permitted, thousands and sometimes millions of families have taken advantage of this. By contrast, where the authorities have been stricter, rates of home ownership tend to be lower. In Ecuador, for example, 64% of households in Guayaquil lived in their own home in 2006 compared with only 48% in Quito (INEC, 2006); land invasions are common in the former but infrequent in the latter. In Colombia, home “ownership” is highest in lowland cities, where land invasions have been common, and relatively low in highland cities, where free land has rarely been available.

2. The changing form of rental housing worldwide

Rental housing takes very different forms across the world: mainly public housing in some countries to mainly private in others. Sometimes the housing is managed by large-scale investors, although the small-scale landlord is far more typical. Renting accommodates all kinds of social and economic groups: young and old, rich and poor, native and immigrant. And, because the incomes of tenant households vary so much, renting provides everything from quality shelter to rudimentary and even dangerous accommodation.

Public rental housing – national and local government

As in the Global North and most communist countries, many governments in the South built public housing, ostensibly for the poor. In the Americas, public housing production increased dramatically during the period of the Alliance for Progress (1961–73), when USAID and the Inter-American Development Bank poured money into the region. However, the construction of public housing on a large scale was common only in a handful of places: in petrol-rich nations such as Saudi Arabia, socialist regimes such as China and Egypt (under Nasser), the apartheid regime in South Africa, certain cities facing massive influxes of refugees, such as Hong Kong and Singapore, and “planned” cities such as Brasília and Ciudad Guayana.

Most public housing was allocated to tenants, but it soon became apparent that few governments were effective landlords. Rents were set too low, and few agencies managed to collect the rent or to evict non-paying tenants. As a result, most public housing agencies ran into financial problems. In the light of this experience, virtually every Latin American government decided to sell the existing rental housing stock and resolved in future only to build public housing for sale. Similarly, in South Africa, where the provision of public housing had been a key element of apartheid urban policy, some 398,000 homes were transferred to the occupants in the first few years of the ANC government. Today, the public housing stock in most of Africa, Asia and Latin America is very small.

Private renting – formal sector

In the past, many landlords came from the ranks of the rich and powerful. However, during the twentieth century most commercial investors realised that renting out property to individual households was both less profitable and more complicated than building for ownership or letting office space to companies. They were further discouraged as governments began to change the playing field by favouring home ownership in their tax and subsidy programmes (see below). Perhaps the final straw for many was when some governments introduced rent controls. Today, commercial investors are important only in a relative handful of countries.

Virtually everywhere, the majority of landlords operate on a small scale (UN-Habitat, 2003). In Chile, 80% of owners own one property and another 10% two; in 2010, only 27 people owned more than 50 properties, which together amounted to 4,117 properties, and five more than 200 (a further 1,025) (Sabatini *et al.*, 2012: 75).

Private renting – informal housing

During the twentieth century, elite properties in once-fashionable areas were often divided up so that they could accommodate tenants. Over time, and particularly when rent controls prevented them from raising their rents, most landlords let their properties deteriorate. These central tenements continued to accommodate large numbers of tenants, many living in homes that did not conform to local health or safety standards.

However, with the expansion of Southern cities, a new form of rental accommodation began to appear. Once they had obtained some kind of service provision and a bus service, self-help areas began to accommodate an increasing proportion of tenant households. The trend was particularly noticeable in Latin America, where informal owners enlarged their homes, building rooms to house tenants in order to increase their incomes.

Most of these landlords act outside the law insofar as they rent out property that lacks a building licence, do not issue written contracts, do not obey the legislation on rents and generally fail to pay their taxes. While the activities of some of these landlords can be reprehensible, making substantial profits from letting over-crowded and even physically dangerous accommodation, generally most self-help landlords appear to behave responsibly. This is largely because most are

drawn from the same social strata as their tenants. As the builders of self-help homes, they tend to have similar backgrounds and incomes to their tenants. Many landlords are migrants and differ only from their tenants insofar as they are older and have usually lived in the city longer.

Both men and women act as landlords. Most male landlords have a female partner, who often handles the tenants, but many widows and separated women rent out property on their own. In some societies, as in much of West Africa and India, most landlords are men because only they are permitted to inherit property. Elsewhere, a higher proportion of women are landlords because women tend to live longer than men; the older the urban population, the more female landlords there are (UN-Habitat, 2003: 56).

All landlords let property in order to obtain an income, but the how much profit they make is highly variable. Some landlords demonstrate considerable commercial acumen, and the profits to be made in the “slums” of Nairobi, Bangkok, Benin City and Bombay can be excessive. However, most self-help landlords seem much less “professional” in their behaviour and few small landlords know much about accounting practices or the law. Few are going to get very rich on what they receive from tenants. In Mexico, most landlords fall into the category of “domestic investors”. Being a landlord means investing in something they broadly understand – bricks and mortar. They do not understand, or indeed trust, most kinds of financial institutions, let alone stock exchanges and hedge funds.

Some landlords drift into the “business”, for example, when they find they have spare space because older children have left home. Letting property serves as a safety net against possible household disasters. The virtue of being a landlord lies in the security it offers for the future. After all, large numbers of landlords are old and are living either on their pension or entirely from their rent. But renting out property also helps guard against sudden, unexpected financial difficulties. Unemployment and economic recession are likely to increase potential landlords’ willingness to rent.

Few landlords accommodate more than a couple of tenant households, and most live on the premises. They are essentially taking in “lodgers” – a long established strategy in developed countries among owners struggling to support themselves on a limited income. The main exceptions are where large-scale landlordism has developed, as in Kenya, and where the tenants or new owners of subsidised state housing illegally let or sub-let the whole of their property, for example, in Kingston, Jamaica.

3. The housing of the poor

The urban poor find homes in a wide range of housing forms: renting in the deteriorated central city; renting rooms or apartments in the consolidated periphery; building temporary accommodation on rented plots; living on rooftops; buying subsidised social interest housing in the periphery; purchasing renovated housing in the city centre; building their own dwelling in the new periphery; and sharing a house or lot with kin or friends. While none of these options is equally open to every family, most have some kind of, admittedly limited, choice.

Are the urban poor owners, tenants or sharers?

In many developed countries the average owner is much better off than the average tenant and the poor are more likely to rent than to own. However, this difference in income is much less clear cut in poorer countries. For, while the better off are typically property owners, many poor families are also owners, albeit proprietors of much more humble abodes. The key difference is that the poor in the South often have access to incremental housing. Many poor families choose to live in a flimsy shack rather than renting; indeed many have little alternative because they are too poor to pay rent.

Of course, national policy can affect the tenure choice. In Chile, the “typical” relationship between ownership and income has been inverted by the government’s long established capital subsidy programme. This policy more or less guarantees the poor a highly subsidised home, and the government is effective in identifying them through its carefully devised targeting system (Almarza, 1997; Gilbert, 2002; Held, 2000, Pérez-Iñigo González, 1999). By contrast, better-off groups have to mobilise their own resources to purchase a home, and many cannot afford to buy the kind of property that they desire.

In many countries some households who can afford to buy choose not to. There is a significant difference between the general desire for ownership and the practicalities of becoming an owner. Ownership remains an aspiration that will only be taken up when they find the kind of ownership option that they want. In the meantime, they rent because it is a more appropriate tenure given their current needs. Renting suits those households that are mobile, those with workers employed in the central areas, new families, and households headed by either the old or the infirm. This is why some households remain in rental or shared accommodation even though they have the resources to acquire their own home. Some families will accept home ownership even when it means building a home on the poorly serviced periphery; for others this is anathema. Some tenants, despite living in crowded conditions and who could have much more space as homeowners on the periphery, cling to their rental accommodation because of its location or access to services. Others are simply too mobile or insecure about their future to buy or build a home.

Most tenants rent a room, an apartment or a house directly from a landlord. However, sometimes tenants pay rent for space on which they construct their own, usually rudimentary, dwelling. Such a pattern has been observed in the “rentyards” of the Caribbean, in the “lost cities” of Mexico and their equivalents in Lima, in the *bustees* of Calcutta, and in the land rental settlements of Bangkok and Calcutta. In South African cities, backyards accommodate a large number of tenants, some of whom have erected their own shacks (Bank, 2007; Crankshaw *et al.* 2000; Morange, 2006).

Many tenants in the Global South live in problematic conditions. In Mexico, overcrowding is a major problem for tenants, and very poor tenants are much more likely than other groups to rent roof-top accommodation or live in *vecindades* (Salazar *et al.*, 2014). Living conditions in some cities in Africa and Asia appear to be particularly bad. Lodging houses in urban Zimbabwe have “woefully substandard and inadequate” services and suffer “from severe overcrowding”

(Grant, 2007: 78-79). In Kenya, “The living conditions in much of the informal, rented shacks in Thika, as well as in Nairobi, are revolting. Few households have more than a single room and sanitary facilities are, in many cases, completely absent. Maintenance is non-existent and the owners’ procedures to collect rent are pitiless” (Andreasen, 1996: 362). And, in many of the so-called urban villages of Chinese cities overcrowding is rife (Huang, 2003).

However, tenants are often not the worst-housed section of the population. In Mexico and Peru, the average tenant household lives in accommodation of superior quality and with better services than the average owner (Calderón, 2014: 349-53; Salazar, 2014: 301). Across Brazil, tenants typically live in housing with better sanitary provision than owners (Pasternak *et al.*, 2014: 144). Poor tenants generally occupy less space than poor owners, but the quality of that accommodation is superior; tenants tend only to rent property that is supplied with infrastructure and services and rarely rent flimsy accommodation. Poorer tenants gather in neighbourhoods that are well-established, and the proportion of tenants rises with the age of a self-help settlement. Perhaps the worst living conditions of all are those suffered by people sharing a home with kin and those families living as owners in new areas of incremental housing.

Challenges in promoting adequate rental housing for the urban poor

Every government intervenes in some way in the housing sector. Most seek to use construction to accelerate the pace of economic growth and generate employment. Most wish to improve housing conditions, avoid social conflict and win votes. When most urban households were tenants the rental sector was at the centre of government attention. However, as rates of home ownership increased, concern with the landlords and tenants diminished. Increasingly, governments have been anxious to develop credit facilities, improve infrastructure and modify tax codes so as to facilitate the growth of home ownership. Electoral considerations have influenced these policies and have led to the adoption of a range of populist policies; from offering tax relief on mortgage payments to the sale of public housing to the tenants at a big discount. In poor countries, the most common method of winning political support has been to encourage, or at least to ignore, the invasion of public land. Subsequently, politicians have sought further support by supplying services and infrastructure to the new informal suburbs.

Many people around the world would not have craved for home ownership had it not been for the generous incentives that so many governments held out to “responsible” home owners. Such incentives include offering cheap credit to households wishing to buy, subsidising the interest rate on mortgages, offering tax relief on mortgage repayments, offering subsidies to poor families wishing to buy and even providing free housing for the poorest. They also include the failure to charge taxes on capital gains from property or on the imputed income from home ownership. And, given that house prices have risen rapidly in so many countries, millions have climbed onto the housing ladder to make capital gains.

In addition to encouraging formal home ownership, most governments in the South have permitted the growth of self-help settlement. Self-help construction largely explains the rapid increase in home ownership in the South, particularly in cities where the poor were permitted

to occupy land informally. And in recent years, conventional wisdom in most aid agencies and in the multilateral development banks has recommended that such settlements be upgraded and legalised. Once informal settlers have become citizens with full property rights and access to infrastructure and services, they will put resources into improving their homes.

Rent legislation and rent control

At the end of the 1980s, rent controls or rent subsidies had been introduced in about 150 countries across the world. In recent years, however, rent controls have had a very bad press. Rent controls favour those who have lived in rental housing for years against those who wish to become tenants. And, there is no guarantee that those covered by rent controls are actually poor. Indeed, insofar as rent controls tend to operate in the formal rental market but not in the informal, they are quite likely to be inequitable in their impact. In addition, by distorting market values, rent controls often encourage the inefficient use of housing and, by holding down profits, discourage some landlords from further investment or even from maintaining the existing stock.

This catalogue of sins has convinced most economists and increasing numbers of governments that rent controls should be removed, albeit gradually, in order to minimise adjustment costs and to maintain political harmony. However, reducing rent controls on its own has rarely led to more investment, and in countries such as Germany investment seems to have continued despite rigorous state controls.

What is affordable housing?

Tenants often complain that rents are too high, and their landlords lament that they are too low. There is no question that some tenants are paying more than they can afford and, over the years, many landlords have no doubt exploited tenants. At the same time, it is equally clear that rents are sometimes too low to attract more investment. In practice, research shows that when rents are wholly determined by market forces, they tend to rise and fall in line with real incomes (UN-Habitat, 2003: 82). After all, landlords cannot raise the rent too high without the risk of leaving their property empty. Faced with generalised poverty, most landlords are forced to set rents low because their tenants cannot afford to pay more. But because they are receiving relatively little in rent, landlords cut back on maintenance and investment. In such circumstances rents are simultaneously too low and too high. Landlords do not receive rent that is enough to provide adequate accommodation or sufficient to keep their own families out of poverty.

How secure should tenancy be?

In some cities, tenants move frequently, sometimes from choice and sometimes because they are subject to arbitrary eviction. Elsewhere, tenants often live in the same accommodation for many years.

Tenants in many countries complain about the insecurity of their tenure. In most informal rental housing markets, landlords are usually able to evict tenants at will. However, many tenants seem

to have secured permanent tenure whether that was intended or not. In the council housing of Soweto, South Africa, once families move in, they rarely move out.

Is there any consensus on what constitutes reasonable security for tenants? The UN declares that: "Legal and institutional frameworks should be created to ensure security of tenure for the various forms of tenure, including rental tenure" (UN, 2012: 23). But does that mean tenure for life, guaranteed tenure for a period, or total security against eviction during the life of a rental contract?

Common sense would suggest that rules do not fit everyone. The ability to move house easily ought to be one of the virtues of being a tenant. It should be less stable than ownership. Of course, tenants should know for how long their tenancy is guaranteed, and landlords should not be able to evict tenants without good reason. However, if too much emphasis is given to security of tenure, the danger is that one of the chief virtues of rental housing will disappear along with much of the supply. In any case, it is difficult to devise sensible rules appropriate to every circumstance. After all, landlords and tenants come in all shapes and sizes.

There are good landlords and bad, and the same applies to their tenants. The law should protect the good and punish the bad. Written contracts are supposed to do this. However, in many countries the contract does not help the majority of landlords or tenants much because the legal system is ineffective. Going to court can be very bureaucratic and can take years from beginning to end. As a result, few informal landlords issue written contracts; lacking any faith or understanding of the legal system, it is cheaper and easier for them to act outside the law.

However, the informality of the relationship between landlords and tenants does not mean that disputes are common. Research in the informal settlements in many cities has shown that the commonly held image of landlords and tenants in constant dispute is far from the truth (Paquette-Vassali, 1998: 134; Coulomb *et al.*, 1991; Camacho *et al.*, 1991; Gilbert *et al.*, 1991).

Improving the quality of the rental housing stock

A major dilemma facing housing policy throughout the world has long been how to implement minimum standards of quality when so many people live in desperate poverty. Over the centuries, many governments have been tempted to demolish deteriorating housing. In the 1960s and 1970s, inner-city renovation programmes led to the loss of large numbers of homes in Lagos, Rio de Janeiro and Tunis. In Delhi, some 700,000 squatters were moved in 1976 from the central areas to the outskirts. And, currently, millions of people are threatened with eviction in China, India and Zimbabwe among others (COHRE, 2005; Olds *et al.*, 2002; Cabannes *et al.*, 2010).

Demolition normally creates more problems than it solves and certainly goes against John Turner's argument that housing standards should be less concerned about physical quality than about the role that shelter plays in a household's survival strategy. Very poor people often have higher priorities than decent housing – paying for health care, educating their children or setting up a business. Living in unsatisfactory housing may sometimes serve a poor household's interests better than living in superior accommodation.

Informal rental housing has an important role to play in accommodating poor people, but any serious attempt to improve its quality runs the risk of turning badly housed families into homeless families. If building regulations are set at too high a level, the impact of effectively applied sanctions is to force landlords to remove unsafe or unsanitary housing from the market. Probably the best approach is for governments to sanction only the housing that is seriously unhealthy or physically dangerous. Generally, the standards applied in poor cities should be low.

If rents are so low that landlords genuinely cannot afford to improve the standard of accommodation, why can't the authorities offer landlords help to improve facilities? Where the authorities are prepared to give subsidies to encourage home ownership, why not also provide small subsidies to upgrade or introduce water and electricity services in tenements? Offering credit, logistical support and advice to those landlords who wish to improve the quality of their accommodation would also be sensible. The emphasis should be on improvement not on removal; only physically dangerous accommodation should be demolished.

Addressing discrimination in the public and private rental sector

Sometimes ethnic differences between landlords and tenants lead to discrimination. Certain ethnic groups may be refused accommodation because of the prejudices of the landlord. But there is also plenty of evidence to suggest that many landlords are happy to take in strangers and outsiders, sometimes because they are perceived to be less troublesome.

Migrants may also live in worse quality rental accommodation than natives. In China, discrimination against migrants is built into the official registration system, which acts harmfully towards the 200 million or so persons who have moved to the cities over the last twenty-five years. These migrants are poorer than official urban residents and are entitled to few of the state benefits available to those with established *hukou* rights.^[3] Most of the migrants live in shared rooms or small apartments in so-called urban villages (Wang *et al.*, 2010; Wu, 2010; Xu *et al.*, 2011; Zhang, 2000).

Migrants and ethnic minorities are not the only possible victims of discrimination against tenants. Age, sex and marital status clearly influence landlords in choosing their tenants. And, landlords anywhere have always been reluctant to take in large families.

Convincing governments of the error of their ways

Rental housing has been a neglected issue in most governments' policy agendas. Too many governments believe that the answer to their housing problems lies in promoting home ownership, both formal housing and covertly in self-help settlements. It is clear that this strategy has failed to solve the housing problem throughout the world and that more rental housing is needed to supplement home ownership. Many groups in society, the young, migrants and

[3] China's household registration system, which grants access to health and education according to their original place of residence, a process which greatly complicates the lives of migrants to the cities.

recently independent households, all need the kind of accommodation that renting can provide. And, given the apparently increasing worldwide challenge of affordability, rental housing is with us to stay.

Rental housing has not figured in most government agendas because landlord interests have been fragmented and the real-estate lobby has strongly favoured ownership. This is hardly a new phenomenon, as descriptions of the diminishing political influence of landlords over the years in the UK and US suggest (Daunton, 1983; Englander, 1983; Krueckeberg, 1999). The lobbying power of advocates of renting is also not helped where rental housing is predominantly the tenure of the politically weak poor.

It is also clear that many governments hold erroneous views about both home ownership and renting. "As such, the first step in promoting rental housing is to demonstrate to politicians and policy makers that many of their prejudices about rental housing are unjustified. At the very least, they need to be disabused of their belief that any of the following statements are always true:

There is a single best housing tenure
Developed countries are societies of home owners
Every household wants to own
Every household wants to own now
Every landlord owns a lot of property
All landlords are exploitative
Landlord-tenant relations are conflictive
Tenants crave security of tenure
Owners are better citizens than tenants
Rent control is bound to help tenants" (UN-Habitat, 2003).

Home ownership as a housing policy has worked well for many. But it is increasingly apparent that too strong an emphasis on home ownership creates problems. The principal problems are that: many among the young and the poor cannot afford to buy; offering too much credit for the poor can be dangerous; home ownership encourages urban sprawl; it may increase unemployment; it worsens the distribution of wealth; it encourages booms and busts; and it does not adequately address changing demographics and cultural norms.

Conclusion

Rental housing has been a neglected issue in most governments' policy agendas. Too many governments believe that the answer to their housing shortages lies in promoting home ownership. It is clear that this strategy has failed to solve most of the world's housing problems and that rental housing is needed as a supplement to home ownership. Governments should accept that millions of households live in rental housing and that at some point in their life

most people need rental accommodation. They should recognise that no society can reach the mythical goal of universal home ownership. As such, governments should formulate rules, credit programmes and forms of assistance to create more rental housing and to improve the quality of the existing stock.

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Improving informal settlements in Senegal: the end of slums in sight?

Serigne Mansour TALL

Over the last few decades, Senegal has experienced an accelerating pace of urbanization. The proportion of city dwellers rose from 23% in 1960 to 40% in 1988, and 45% in 2013. By 2030, most of the country's population will be living in cities, in line with the global trend that saw, in 2007, the decisive tipping point for rural-urban migration. This demographic growth in the cities has driven their spatial expansion and resulted in the uncontrolled occupation of space. This has fueled the emergence of several so-called spontaneous settlements, which in reality are the outcome of a lengthy process and, for their citizens, of a complex itinerary mobilizing a diverse array of actors. Precarious or informal, these settlements, commonly dubbed "*bidonvilles*" (slums) in French, cover an area of more than 8,900 hectares in Senegal according to a diagnostic study by the Senegalese Cities without Slums Program (Fondation Droit à la Ville – FDV *et al.*, 2007).

To deal with these settlements, the *modus operandi* for over three decades was the practice of forced eviction (*déguerpissement*), as the populations that settled there with neither right nor title found themselves in situations of insecure tenure. This state of affairs put a brake on individual and collective investment. In fact, these slum dwellers have no access to structured financing systems and notably loans to help them improve their living conditions, while the lack of available unbuilt space in these settlements sometimes makes it difficult to install public amenities and service networks.

In Senegal's cities, whatever their size or context, a mismatch exists between housing supply and demand both in terms of quality and quantity. This gap can be mostly explained by the constant expansion of informal settlements, despite the repeated destruction and forced evictions that accompanied the growth of Dakar and its surroundings until 1985. Admittedly, statistical data collection is wanting, but even so the figures for these so-called informal neighborhoods and their residents remain alarming. The informality of the settlements is tied more to the uncertainty of their tenure status than to the quality of the building materials used. Given this precariousness of land tenure and the informal strategies used to appropriate or acquire land, the term "precarious" or "informal" will be used throughout the chapter to refer to these "human settlements" (according to United Nations terminology), which are unplanned by the public authorities and where the land business and real-estate strategies are often beyond the control of official urban planning departments.

In Senegal, barely 3% of the country's land area is titled. The census conducted in 2014 by the Commission nationale de réforme foncière (National land reform commission – CNRF) reported no more than 103,000 land titles countrywide. The registration system as a way of accessing land – in force since the French Civil Code of the colonial era – thus involves only a tiny fraction of land. In West Africa, slums, as formally defined by UN-Habitat, accounted for around 60% of human settlements and housed 61.7% of the urban population in sub-Saharan Africa in 2012 (UN-Habitat, 2013). Specifically for Senegal, nearly 40% of urban settlements are qualified as slums. Despite attempts to reduce the number of slums in the sub-region through remedial and preventive policies, this informal channel for housing production still represents the dominant way of accessing land for a large share of the population, notably for the most vulnerable groups or those who have the financial resources but no access to the official or customary land delivery channels.

Certainly, poverty in these settlements is not simply a matter of money, but above all related to the lack of access not only to the ever-dwindling customary networks, but also to the political, sectarian, and professional networks that are endlessly being reconfigured in line with a changing urban context. The newcomers to the city, being poor and unconnected to urban integration networks, are excluded from the processes for securing land tenure and settle without right or title on land that is often unfit for habitation. The eviction policies pursued from the 1950s until the early 1980s involved displacing slum dwellers and replacing them with new occupants in planned neighborhoods mainly constructed by state-owned property companies and a handful of private developers.

The State needed to build up a middle class emanating from its administrations. From the early 1980s, the Senegalese authorities realized that their only approach to tackling the growth of slums had been to postpone dealing with the issue and to relegate the settlements to areas further from the city center. In 1985, restructuring and land-regularization interventions were promoted, the first pilot project being in the Dalifort settlement, while recent decades have seen the emergence of urban projects in new extension zones, as well as schemes incorporating a strong economic orientation and environmental awareness.

The points developed in this chapter are those of a researcher but also of a city practitioner who has taken part in formulating, implementing, and evaluating slum restructuring programs, as well as in various activities to exchange and share around this theme at the scale of sub-Saharan Africa, although the data reported here concern Senegal alone.

The contents are organized around three main themes as follows:

- Informal settlements in Dakar: processes and pathways for their integration into the formal urban fabric;
- Political, institutional, and legal issues and challenges for informal settlement upgrading in Senegal;
- Operational issues and challenges, and practices to upgrade informal settlements in Senegal.

1. Informal settlements in Dakar: processes and pathways for their integration into the formal urban fabric

Construction and modernization of the Senegalese capital based on the eviction of informal settlements

Hindsight on slum policies indicates a need to both capitalize on current processes and take another look at the approaches used with respect to a necessary renewal not only of the conceptual corpus and body of research, but also of public authority interventions. During the colonial years and the period following the declarations of independence, a policy of forced eviction prevailed. Slums were established on areas of land to which the occupants had no legal or formal title. Certainly, in Senegal, a constant feature of the strategies to access land and secure tenure status, both for local actors and the State, has been the hybridization of procedures for recognizing land title. Law No. 64-46 of 17 June 1964 had enacted that all thitherto unregistered land was to be incorporated into Senegal's National Domain. A bulldozer policy was pursued until the early 1980s – intensively before 1970 and timidly thereafter. This involved razing informal settlements *manu militari* in order to build planned housing projects on the outskirts of the city for a middle class in the making and thus assert the power of the State.

In 1973, West African cities were confronted with a triple crisis: (i) an environmental crisis fueled by widespread drought, (ii) the oil crisis and its inflationary pressures on the cost of mostly imported building materials, and (iii) the funding crisis for public urban planning and development in the wake of the withdrawal of the French Caisse centrale de coopération économique (CCCE) from the housing sector in 1974. This conjuncture led public authorities to gradually disengage from investing in the housing sector and sparked a crisis in government promotion and regulation of social housing. In fact, until then, most of the social housing stock had been built by state-owned property companies. In the early 1980s, the structural adjustment policies promoted by the Bretton Woods institutions^[1] endorsed the State's withdrawal from the social housing sector. Housing became one of the social policy areas that the Senegalese Government had to abandon to set its public finances in order and balance its budgets. With this gradual phasing-out of state support, alternative solutions were invented through housing cooperatives and private property developers. However, this policy orientation was to further fuel the growth of informal settlements, which were the sole areas in the city that could accommodate the poor.

The consequence of the State's withdrawal has been the extension of unplanned urban sprawl driven by households excluded *de facto* from the supply of dwellings under planned housing schemes. The slums in Senegal cover around 8,900 hectares and host over 3,000,000 people. The informal settlements of Arafat (40 hectares) in the Grand Yoff Municipality and Grand Médine (22 hectares) in the Patte d'Oie Municipality, both located in Greater Dakar, are the "survivors" so to speak of the eviction policy. In 2010, the estimated population of the Grand

[1] The International Monetary Fund (IMF) and the World Bank (WB).

Yoff Municipality was 154,291, with an average annual growth rate of 2.12%, and the population of the Patte d'Oie Municipality was estimated at 32,495 habitants, with an average annual growth rate of 2.13%. According to UN-Habitat's Participatory Slum Upgrading Programme (PSUP), the neighborhood thus hosts over 186,786 inhabitants and the city is one of the country's seven most populated urban areas (UN-Habitat, 2016).

These settlements are characterized by a network of narrow streets, no land reserves for public amenities, insalubrity due to lack of sanitation, flooding during the rainy season, insecurity, and a high residential density averaging 2.2 households per concession. It often happens that tenant and owner households or non-paying lodgers live together in the same yard, which makes displacing them a complex and difficult task in the event of physical upgrading. Moreover, when the real owner does not live on the plot, knowing who should be rehoused may sometimes be a complicated affair. According to the survey conducted to gain an overview in preparation for the UN-Habitat PSUP for the Grand Médine and Arafat Grand Yoff settlements in 2016, the enumerated households had an average of seven members; the area covered thus had some of the highest residential densities in Greater Dakar. Solutions that are less brutal than slum evictions are now being considered, as these neighborhoods are home to an increasing number of inhabitants, despite the high risk of eviction.

The end of the bulldozer strategy and the choice to restructure slums and integrate them into the urban fabric

After the traumatic episode of the Arafat and Kilomètre 15 evictions in 1985, which had triggered a popular outcry in Dakar, the public authorities shifted their vision under pressure from their technical and financial partners, but also due to the electoral potential of these densely populated informal settlements. From then on, it was a question of finding secure tenure statuses for the slum dwellers so that they could improve their neighborhoods on their own initiative. Schemes were launched on a participatory basis and, as they had the beneficiaries' full support, the operational effectiveness of the actions to be undertaken was guaranteed.

The experiment of restructuring and land regularization began with the 1985 Dalifort pilot project. This was followed up thanks to backing from other partners, mainly the Association française des volontaires du progrès (French association of volunteers for progress – AFVP) in Medina Fass M'bao in the early 1990s. This option was subsequently bolstered by the State's political will to restructure slums on a national scale. As spontaneous or irregular housing is often characterized by the lack of amenities and basic infrastructure, the main objective of the urban restructuring projects is to fill this lacuna, and help the inhabitants access security of tenure. Restructuring and land regularization make it possible to integrate the informal settlements physically, institutionally, and territorially. This two-pronged approach to informal settlements is grounded in the articles of Decree No. 91748 of 19 July 1991, which laid down the procedure for restructuring and land regularization in areas due for urban renewal, and in the provisions of Decree No. 96846 of 15 May 1996 setting up the Fonds de restructuration et de régularisation foncière (Fund for Upgrading and Legalization of Land Tenure – FORREF).

Restructuring is a process designed to reshape poorer neighborhoods via an approach that, in theory, is participatory and inclusive (Deboulet, 2007), so as to anchor them in the urban fabric, ensure their compliance with officially accepted urban planning standards and norms, and improve their residents' living environment. This involves freeing up the rights-of-way occupied by buildings and land, but required for the installation of public amenities.

As for regularizing land tenure, this entails implementing appropriate solutions based on extant land mappings of the site, as well as the involvement of the residents and relevant government departments (Urban Planning, National Domain, Cadastre and Territorial Administration), in order to help officially recognized occupants acquire secure tenure. Ultimately, the beneficiaries are granted surface rights and an ad hoc property title that may subsequently be converted into a land title.

The Dalifort pilot project provided an experimental framework for the practices and procedures implemented in the restructuring and land regularization interventions. The positive outcome of these experiments led the DUA/GTZ (Department of Planning and Housing/German Technical Cooperation) to replicate the project on other sites in Dakar (informal Pikine South, Arafat/Grand Yoff), Saint-Louis (Pikine), Richard Toll (Khouma), and Bignona (Tenghory).

Upon completion of the DUA/GTZ project, the central and local government, supported by the private sector, decided in August 1998 to set up a specialized independent operator to continue the project: the Fondation Droit à la Ville (FDV), declared of public utility by Decree No. 2000-996 of 11 December 2000. FDV was to act as implementing agency and/or delegate project owner for the restructuring and installation of infrastructure in the informal settlements.

Lastly, to prevent further sprawl of informal settlements, the Senegalese Government has recently begun to promote access to land through major planning schemes under the banner of highly optimistic slogans, such as the project "*Une famille, un toit*" (One Family, One Roof). This is one way of creating a federating framework for interventions on the precarious urban fabric, but it also drives large-scale projects for onsite informal settlement upgrading, which are fast being overtaken by urban expansion.

Yet over and above such rallying slogans, what headway have these highly ambitious policies actually made? The goal of these new land initiatives is to deliver better urban planning in still unoccupied areas by integrating housing, services, and economic activities. They also endeavor to take residential diversity on board by endorsing "a return to the urban-planner State" (Guénod, 2012) able to implement large-scale urban projects and key infrastructure. "This voluntarism of the State in the face of popular spontaneity" (Vernière, 1977) raises crucial issues related to financing, the transparency of the land business, the urban actors' strategies, and the provision of adequate infrastructure, in order to meet the political and institutional challenges of upgrading Senegal's informal settlements.

2. The political, institutional, and legal stakes and challenges of upgrading informal settlements in Senegal

At the political, institutional, and legal level, public authorities are pushing forward measures and actions to better integrate informal settlements into the city. Yet, clearly, an obligatory step in achieving urban change or revival and fully integrating informal settlements is the formulation of national urban planning and housing policies that embed the question of informal settlements, with provision for improving land tenure statuses, as well as the mapping of their territorial configurations and political future. This strategic option has materialized in a number of reforms and measures including regulation of the rental sector, land reform, and the development of “urban poles” based around the concept of urban revival.

Urban revival: a conceptual shift in the Ministry’s name and the Government’s change of vision

For many years, urbanism as the science of rules and regulations has shown its limitations when applied to West Africa. The fast-paced growth of spontaneous settlements and the innovative means mobilized by their inhabitants to have them legitimized have outstripped the rhythm at which urban planning schemes are produced and, more importantly, implemented. Seen through the urban planning lens, the planned component of the city represents a very small fraction of the whole. Most actors in West Africa operating outside central and local government frameworks perceive urban planning as something to be avoided due to its restrictive rules. This has led to schemes and codes that are seldom applied on the ground. By way of example, only 26% of Senegalese cities are covered by planning documents. Faced with the inoperability of official urban planning, West African governments have replaced the concept of town planning with more proactive and inclusive terms, at least as far as the names of its ministries are concerned – for example, urban renewal, urban development, and policy for the city. This semantic shift reflects the State’s voluntarism to rethink the city, taking informal settlements as its starting point. Certainly, statistically speaking, the city is represented above all by its informal settlements, whose natural increase constitutes the key driver of its expansion, rather than the mythical massive rural exodus.

Today, these settlements have captured the public authorities’ attention due to their electoral clout. During the 2012 and 2015 elections, this was evidenced by slogans such as “*Qui gagne les Parcelles Assainies^[2], gagne Dakar*” (Whoever wins the Parcelles Assainies, wins Dakar), by the special suburbs program, by “*Zéro nid-de-poule dans les banlieues*” (Zero potholes in the suburbs), and so on. In 2012, a junior ministry was created in Senegal charged with restructuring informal settlements. This operates as a ministry for the suburbs and deals with their specific agenda: flooding, youth unemployment, security, sports, and culture. The electoral weight of these settlements has now given them political influence, but in the cities the social and associative fabric remains relatively unstructured. Key actors such as neighborhood delegates are confined to symbolic roles or serve simply as relays for the administration. Quite the opposite is true of

[2] Parcelles Assainies is one of Dakar’s informal settlements. It also means “site-and-services.”

the villages, where the organization of the rural movement extends from village to continental level and the village leader plays a decisive role in land management. Like the village leader, the neighborhood delegate is the main interlocutor in conflicts between owners and their tenants within the settlements. However, if access to housing is to be opened up, especially for the less wealthy, the emergence of a regulated rental sector is vital. At present, these informal settlements benefit from rental investment – as shown in Tall’s research (2009a) – ploughed in by actors such as emigrants, tradespeople or political entrepreneurs, who have made their fortune thanks to their close ties with the powers that be.

Regulating the rental sector to reduce social pressure and “enrich” vulnerable groups

For many years, rental housing was the poor relation of housing policy. Several localized house-building projects targeting young couples and singles were realized before 1974 by state-owned property companies. Moreover, their pivotal role explains today’s mushrooming of urban renewal schemes, which doom informal settlements to destruction to make way for projects for high-end housing or rental properties run by real-estate firms.

In the early 2000s, public developers sold their rental stock to the tenants. Most of this property was in low-income neighborhoods, and its development is now in the hands of private developers, the main investors being emigrants, tradespeople or informal sector entrepreneurs (Tall, 2009b). This property now needs to have legal underpinnings that cover co-ownership so as to bring about a more effective take-up by the population.

In 2014, the Senegalese Government voted in a law on rent control following a brief investigation by an ad hoc committee mandated and overseen by the National Assembly. The strategy of property owners was to “weather the storm” and get rid of their then tenants in order to readjust the baseline rent when new tenants arrived. Contrary to a well-anchored myth, there is a lively rental market in informal settlements for individual rooms in family homes, or whole residential buildings when enriched owners move out to invest in other neighborhoods. This rental activity shows that a real-estate market indeed exists and can be developed by actors operating outside the state sphere. This state of affairs highlights the need to reform urban land management, starting with mechanisms to promote a more inclusive reallocation of land, in line with the current political choices.

The urban dimension, the poor relation of reform, yet key to its future success

The confusion surrounding land signals the need for West African governments to embark on land reform. This not only means clarifying the status of land tenure but also enabling the State and municipalities to dispose of new fiscal resources. However, land reforms have a strong rural orientation and are geared to preventing land-grabbing, agricultural investment, settling conflicts between farmers and pastoralists, etc. As the reforms barely take cities into account, this limits their relevance given the high value of land in urban and periurban areas. Moreover, this lack of clarity in land matters means that the State suffers not only from widespread tax evasion, but also from the information stranglehold that civil servants from the competent

administrations exercise and sometimes exploit for personal ends through much criticized methods. Corruption is a permanent feature of the land sector, the most telling sign of this being the obstruction to the modernization and computerization of land-related administrations – which, if undertaken, would be one step towards greater transparency in land management. With the introduction of spatial planning and special land management provisions, Senegal’s urban poles are now urban laboratories for testing new approaches to land and real-estate investment. They are also a terrain for testing two crucial components of urban revival: land reform and the promotion of rental accommodation. This involves promoting facilities for investors or developers, and encouraging vertical densification and a diversity of dwelling types (accession to homeownership, rental units, corporate and commercial real-estate).

Urban poles: the new paradigm of project-based urban planning

As the State’s chosen policy line, these urban poles are today the linchpin of urban planning. The State is anticipating extensions, taking back the control of land, and trying to draw lessons from past experiences in making the city. This means that it anticipates irregular occupation and ensures effective control of the modalities and norms of urban development. It also aims to provide better linkages between work areas and residential areas to avoid creating dormitory towns that could intensify urban mobility problems.

Through effective control over land, the State needs to anticipate urban growth and keep a tight rein on land transactions, not only to prevent them from slipping into the informal and illegal sectors, but also and above all to guarantee an inflow of fiscal revenue. City master plans have often proved unable to keep pace and lacked the operational dimension required to give public authorities control over land. Detailed development plans (*plans d’urbanisme de détail* – PUD) designed to regulate land use have limited coverage and are often late in coming. Master plans cover only large and mid-sized cities and are not intended to lay down land-use rules; they simply give the broad guidelines for urban development often at the scale of the agglomeration or the municipality, whereas the PUDs cover a district or a limited group of urban neighborhoods. Yet, the PUDs apply chiefly to planned neighborhoods, and thus relegate informal settlements to a persistent urban marginality. It is imperative therefore to upgrade these settlements in order to correct inequalities and boost economic growth. What is clear from our analysis above is that land reform, the promotion of urban poles, the development of rented housing, and ongoing institutional reforms are all powerful tools enabling policymakers to improve informal settlements and integrate them both physically and politically into urban territories. This means that operational responses need to be found for the challenges facing these informal settlements. The challenge of implementing these solutions also comes up against practical considerations of the time needed to realize such upgrading projects; the processes require a great deal of time. Among the most salient challenges, we can cite urban planning, land management, financing, participation of the populations affected, and the promotion of a community-based and territorial approach.

3. Operational and practical issues, and the challenges for informal settlement upgrading in Senegal

The difficulty in accessing land is what has driven the emergence of informal settlements. “Many of these disadvantaged urban residents...cannot afford to secure housing in formal markets or through public provisioning” (McGranahan *et al.*, 2014: 20). Excluded from the networks that open up access to land and property ownership, these are the populations that move into unplanned neighborhoods – a phenomenon encouraged by various players in the land market. The land reform now underway should frame land ownership processes and facilitate large-scale regularization of the de facto land occupations already consolidated.

The upgrading of informal settlements relies on controlling land and providing a clearer readability of a land market with a plurality of actors, variable prices, and a scarcity of land titles. There is a blithe toing and froing between illegality and legality, for example, when prospective buyers abandon the land titling process as soon as they feel their tenure is secure. Moreover, in the case of leases, the fee payment rate is low, with fees only being paid when the leaseholder of a plot decides to sell and thus has to regularize his situation by settling his arrears. Such fiscal evasion helps explain the paucity of resources available to finance urban planning projects. In addition, land is managed by the Domains department, which reports to the Ministry of Finance.

Urban interventions are plagued by a lack of financing, and public resources are rarely funneled into informal settlements. This calls for the development of innovative financing tools along the lines of the Moroccan solidarity tax on cement. Senegal is testing the same type of tax to fund investment in the urban and housing sector. What is noticeable, however, is the frequent absence of local housing policies. Municipalities do little more than authorize unserviced subdivisions that are poorly integrated into the city – thereby fueling urban sprawl and increasing the ecological footprint. Absentee mayors are rarely involved. Yet, they are the key actors in the landscape of devolution and participatory development. In fact, their role goes no further than facilitating real-estate developments launched by central government. Most often they authorize subdivisions where the disposal of plots is far from transparent, and the infrastructure for the settlements thus created is long in coming.

Senegalese cities are beleaguered by a lack of planning and the non-application of established plans owing to (i) poor integration of the different planning levels, (ii) the weakness of local government, and (iii) shortfalls in funding to implement these plans. The absence of land reserves and the requirements of financial partners with respect to freeing up rights-of-way mean that states such as Senegal are sometimes forced to spend half of the investment cost on displacing and resettling populations in order to clear various sites required for highways, airports, etc. This lack of planning is also responsible for the sizable costs incurred by public authorities in the event of disasters.

Tackling slums is a long and costly process. During restructuring operations, other slums often spring up. It would thus be useful to implement preventive policies based on urban planning and by providing low-income groups with serviced sites equipped with infrastructure. But

what is needed above all is a scaling to national level with the introduction of a national program to tackle and prevent slums – one that mobilizes a vision and appropriate strategies (including strategies for innovative financing, community participation, and local government involvement).

For greater clarity on the economic and social impacts, an effective response is to integrate slums into the national strategies targeting poverty, social protection, and economic development, within the context of the territorializing public policies provided for under the Decentralization Act III and the Emerging Senegal Plan (ESP) in 2013. The latter are two of the country's benchmark policies; Act III shores up the authority of local governments, while the ESP's priority sector is housing, aimed at speeding up delivery to clear the housing shortfall before 2035 by making 300,000 units available at a targeted rate of 15,000 units a year.

The emergence of a structured social movement in informal settlements along the lines of that found in rural areas – supported, it is true, by international institutions – would foster the co-management of local matters and more effective implementation of local policies.

The question of urban land needs to be studied and given a foremost place not only in the framework of land reform – so far somewhat overly focused on rural land – but also in the ongoing decentralization policies in favor of full-fledged communalization. Moreover, now that former rural communities have been given the status of municipalities, lawmakers and policymakers need to revisit territorial planning documents with an eye to the relationship between the city and rural areas, which now needs to be envisioned in terms of complementarity and linkages.

Deep-seated changes in urban planning choices are required if the poor are to be taken into account, given that in the current urban context these populations represent the majority in West African cities. If planning fails to take the poor into consideration, they will continue to occupy risk-prone areas and deploy their own logics of urban production. Is the exclusion of the poor still an issue today, decades after Durand-Lasserve (1986) explored this phenomenon in the urban setting? What mechanisms do we have to respond to the needs of the poor in a context of liberal policies and when the social dimension is barely embedded in public policy? Exposure to risks has compelled a change of discourse. Flooding, youth unemployment, and power outages are all issues that public authorities have to address in a context of democratic elections. In Senegal, regardless of climate change, flooding is still contingent on the shortcomings of urban planning with regard to informal settlements. Integrating these settlements into the city is an imperative for equity, regional economic development, and social justice. It depends on onsite upgrading and recognizing the land rights of *de facto* occupants, through actions that target prevention thanks to enhanced urban planning. The slum upgrading programs underway in Senegal have shifted from a beneficiary-centered approach to a “neighborhood” approach aimed at community development and the promotion of local economic development initiatives.

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Spatial informality in the Global South: new challenges for service provision and neighbourhood improvement initiatives

Diana MITLIN

1. Introduction

Improving the living conditions in informal settlements continues to be a global challenge. These informal settlements are characterised by insecure tenure and a lack of access to basic services (specifically water and sanitation), as well as inadequate quality of housing and overcrowding. According to the Joint Monitoring Programme (JMP), for the “least developed countries”, only 32 per cent of the urban population had water piped on premises in 2015 (Satterthwaite, 2016). Moreover, we know that this is a poor statistic because frequently no water flows through the pipes, exacerbating problems of poor water quality in addition to simply not providing the required services. The sub-Saharan African statistic for improved access to sanitation barely changed between 1990 and 2015, rising just one per cent from 39 to 40 per cent (WHO/UNICEF, 2015). More generally, the JMP reports that, in 2015, an estimated 47 per cent of the population in the “least developed countries” had access to improved sanitation (*ibid.*). However, the definition used for “improved” means that these figures take no account of the density at which people are living and the associated challenges of faecal sludge management and other externalities associated with the dense urban neighbourhoods common in many towns and cities of the Global South (Satterthwaite *et al.*, 2015). This global challenge is immense.

While the scale of the problem is growing, the problem is not new. There have been considerable efforts to address the needs of those living in informal settlements over recent decades (Satterthwaite *et al.*, 2014), and in the Global North for a much longer period. This chapter will discuss two key challenges, including those that have emerged in recent years and longer-standing difficulties faced by those seeking to integrate informal settlements within the city’s social and physical fabric and achieve more equitable cities.

I begin by exploring two challenges. Each of these is important to understanding the pressures that the residents of informal settlements are facing today. I am not suggesting that these are the only problems they are up against, but it is not possible to be comprehensive in a single chapter. Both challenges are substantive, and arguably neither is well understood. The first is that the residents of informal settlements are increasingly being seen as a source of revenue

by municipal authorities and government agencies responsible for service provision. These are agencies that have, increasingly, to function within a management regime of cost-recovery. The second challenge is that, while finance has been allocated to housing improvements, upgrading informal settlements is considered as a solution in too few cases. The response is more often to construct housing on the periphery or on land where an informal settlement was previously located: the community is erased and a “greenfield” created. Both reinforce the pervading and pervasive vision (and associated discourse) that promotes an urban future characterised by the “modern” city (such as Dubai and Singapore) and that excludes low-income and disadvantaged individuals and households.

However, it would be misleading simply to emphasise such challenges. New technologies have facilitated the growth of community information collection and analysis. It is now easier for local residents to collect such information and to use it to identify their collective priorities and strengthen their organising capabilities. Second, there is a continuing recognition of the merits of coproduction between the State and civil society. In some cases, municipalities and state agencies have reached out to local groups with a willingness to negotiate for greater collaboration. This has been enhanced by the legitimisation provided by the MDGs for improved access to basic services. Third, there has been a more strategic use of residents’ own finances, with the growth of savings-based organising and the increased use of revolving loan funds.

This paper draws on my work over the last twenty-five years. In terms of methodological tradition, my research approach is very similar to the form of political ethnography described by Auyero (2006). During this period, I have been exposed to outcomes and social movement activities in multiple sites and many countries. I have had a particular engagement with the affiliates of Shack/Slum Dwellers International (SDI), whose work is described below. I have worked closely with their affiliates in southern and eastern Africa, and with the Indian and Philippine SDI Alliances. I have also worked closely with the members of the Asian Coalition for Housing Rights (ACHR), and with the staff and community organisers of the Orangi Pilot Project. This has included both formal research projects and an engagement in project management through the research and operational projects that the International Institute for Environment and Development (IIED) has been coordinating or otherwise supporting. My activities also include a range of less formal engagements when I visited the informal settlements where organisations of the urban poor are active, and had a chance to stay with community leaders and be exposed to their lives. I have frequently been drawn into meetings with local authorities, state agencies and donor agencies (multilateral, bilateral and NGOs), sometimes with a specific brief and in other cases more as a participant observer. My experiences with these movements, associated networks and organisations have shown me how important it is to have a sustained interactive engagement if their approaches and underlying strategies are to be understood. In the course of this activity, I have shared much with the staff and leadership of these organisations, and have learned from their insights and reflections. As is evident from the references below, we have co-authored many published articles to contribute to formal knowledge generation. While I continue to be appreciative of their contribution to my understanding, responsibility for this article is my own.

2. New and old difficulties faced by the residents of informal settlements

It is important not to overstate the difficulties associated with the present context. As noted in the following section, there are a number of reasons for optimism. The absolute numbers may be increasing and those living in informal settlements continue to face adverse circumstances, but there are many positive initiatives. However, it is equally important not to be naïve and not to overemphasise such work. Each location must be considered as distinct, and it is widely acknowledged that both researchers and practitioners need to understand the specificities of their location when analysing problems and identifying the way forward.

This section discusses two particular reasons for concern about the options that are being used to improve the situation in informal settlements. The reasons have different drivers, but are interlinked in their inability to engage with the realities of life in informal settlements, both in terms of material conditions and relational wealth.

2.1. *Informal settlements and the potential for revenue generation*

The need to improve access to water has been widely recognised. In the 1980s, there was a shift towards the privatisation of water services to address the insufficient scale of piped networks, the financial losses resulting from political interference in decision-making, the provision of subsidised water to those on the piped network, low and sometimes falling revenues, and a lack of finance for investment. Limited expansion of the piped network exacerbated the exclusion of low-income households who lived in areas without piped water. However, the anticipated scale of private investment failed to materialise, and the outcomes of privatisation highlighted problems of access and affordability for residents. By 2001, the private sector made up fewer than 10 per cent of providers. Companies struggled to achieve profitability, then withdrew from the market, recognising that they could not supply to low-income households without some form of subsidy (Hall *et al.*, 2005).

As an alternative to large-scale private-sector investment, the corporatised model was promoted. While this model does not exclude the potential for subsidies, which can be introduced either through cross-subsidy arrangements related to administered pricing policies, and/or through financial transfers to the company to support the extension of services to those in need, in practice this was not prioritised. At the same time, perspectives and policies changed, with an increased willingness to supply the residents of informal settlements (Jaglin, 2014). A multiplicity of arrangements developed, including contracts with community organisations. Discussions about the scale of payments for informal services, rents and the consolidation of assets by some residents have changed perceptions of income and appear to have had an effect on utility policies, with some arguing that informal residents can afford to pay, the task of the utility being to “capture” such income (Kennedy-Walker *et al.*, 2015).

Working with affiliates of the transnational grassroots network Shack/Slum Dwellers International, IIED recently estimated the costs of accessing water in four sub-Saharan African cities: Blantyre (Malawi), Dar es Salaam (Tanzania), Harare (Zimbabwe) and Windhoek (Namibia)

(Mitlin *et al.*, 2016). In all four cities, there is the potential for piped water in at least some of their neighbourhoods. In Harare, there are few informal settlements, so we considered the situation in low-income formal settlements. In three of the four cities, an alternative to public water piped to the plot is being provided by the official utility (be it a separate state entity or the municipality). In Harare, this is not the case. In Windhoek, access to the settlement level option is managed through communal meters on the piped supply. In both Dar es Salaam and Blantyre, there are kiosks where water is bought by the jerry can. The cost of accessing the emergency ration of 20 litres of water per person per day and the higher minimal but non-emergency level of 50 litres per person per day, taking into account the typical incomes for some of the more disadvantaged households in the communities, demonstrates the affordability crisis. As, in all four cities, the average household size in informal settlements was between five and six members, the calculations below are based on a household size of five. In summary:

- In Windhoek, households of five people able to access a piped plot would have to pay 3 per cent of their income to secure 20 litres per person per day, and 5 per cent of their income for 50 litres per person per day. If they are using the communal metered supplies, the required proportion of income rises to 5 and 12 per cent respectively. Affordability had been previously recognised as a serious concern for low-income households. An affordability study by the SDI affiliate conducted in 2012/2013 found that, on average, water charges equalled 14 per cent of the head of household's income in those households with just one income (i.e., 73% of all households interviewed).
- In Harare, water charges suggest that households able to access a piped plot would have to pay 6 per cent of their income to secure 20 litres per person per day, and 7 per cent of their income for 50 litres per person per day. However, water is billed with rates and additional charges for services, with a monthly bill of USD 28 in low-income areas.
- In Dar es Salaam, households able to access a piped plot would have to pay 7 per cent of their income to secure 20 litres per person per day, and 17 per cent of their income for 50 litres per person per day. If they are using kiosks, the required proportion of income rises to 15–61 per cent and 38–152 per cent respectively depending on the prices in effect in their neighbourhood. Prices differ across the city depending on water availability in specific localities.
- In Blantyre, households able to access a piped plot would have to pay 32 per cent of their income to secure 20 litres per person per day, and 92 per cent of their income for 50 litres per person per day. If they are using kiosks, the required proportion of income falls to 13–22 per cent and 34–56 per cent respectively depending on the prices in effect in their neighbourhood. Prices differ across the city depending on both water availability and demand for kiosk services. Notably in this city, the utility has favoured kiosks, lowering these prices at the expense of piped supplies.

In terms of the logic for setting prices, the discourse in all four cities is one of cost recovery (although with some potential for cross-subsidisation between different types of supply).

There have been discussions about access to free or lower-cost water in both Harare and Windhoek, but there is no discernible evidence that this has been realised through changes in pricing policies. In Blantyre, 30 per cent of those participating in the study with plot-level piped supplies reported having their water connection disconnected at least once in the last five years due to failure to pay water bills, and 70 per cent of water bills reviewed had balances brought forward from the previous month (i.e., arrears). In Harare, many households had considerable arrears in their service bills. The ruling party, Zanu PF, had promised to write these arrears off in the months prior to the 2013 election, which they subsequently went on to win. Not only are there evident difficulties in paying bills, there is also evidence that the utilities' management systems are changing their relations with the low-income neighbourhoods, with implications for community organisation. Most notably, in Blantyre, community organisations in the form of water users' associations have to manage kiosks and ensure that they recover costs; in total there are nine water users' associations managing more than 730 kiosks. In practice, this is difficult because demand is so low and kiosks need to sell nine cubic metres a month to cover their fixed costs. The result is that many kiosks are closed despite the government policy stating that households should have access to a kiosk within 100 metres. A further problem is that of continuity of supply, and some areas may go as many as three weeks without water.

The high cost of services as a result of formalisation has been recognised in previous studies (Dagdeviren, 2008; Vaquier, 2010). The evidence of the ILED study corroborates this literature, highlighting the consequent difficulties in affordability and challenging the complacency of the reported success of the MDG for water.

2.2. Neighbourhood improvement through in-situ upgrading or in-situ re-development

In terms of addressing needs comprehensively, there have been multiple approaches to urban poverty reduction and specifically to housing improvement and informal settlement upgrading (Satterthwaite *et al.*, 2014). Experts agree that in-situ upgrading offers considerable advantages if the goal is to secure equity and inclusion. If relocation is inevitable, perhaps because the area is high risk, it should take place on nearby land so that the livelihoods of low-income households are not disrupted. In-situ upgrading also strengthens local ownership and maximises resource effectiveness, respecting the existing pattern of physical development and the investment that residents have made. Existing residences, social networks and political capital are maintained. Residents are more likely to manage and maintain public areas and address public interests. Upgrading offers households the opportunity to plan for additional improvements, augmenting their asset base and improving income-generation opportunities. Further investments can be completed incrementally, thus offering more flexible and affordable housing. Some relocation within neighbourhoods is likely to be required as infrastructure is installed and some re-blocking of individual plots may need to be carried out. However, strong local ownership enables communities to manage these shifts with minimal disruption. Material advantages are augmented by the imperative for strong local participation. Resident involvement is required in in-situ upgrading because of the need to secure agreement to re-design plots and restructure physical space.

While there have been considerable efforts and some very successful initiatives related to informal settlement upgrading, recent research points to alternative trends, and this sub-section summarises findings from India and South Africa. In both cases, there have been significant programmes to address housing need. In India, the Jawaharlal Nehru National Urban Renewal Mission was launched in 2007 as India’s first national urban development programme. It has included efforts to address housing need (the Basic Services for the Urban Poor or BSUP sub-Mission) alongside components to improve bulk infrastructure and reform urban policies and procedures (Sivaramakrishnan, 2011). In South Africa, the capital housing subsidy programme was launched shortly after democratisation in 1994. In 2011, the programme shifted to include a major emphasis on informal settlement upgrading following recognition that a new-build approach on greenfield sites was having limited success (Huchzermeyer, 2011). Both government programmes enable us to understand the ways in which governments are responding to the parameters of informal settlement upgrading.

The BSUP sub-Mission was launched in 2007 with the promise that it would address the need for universal access to basic services and provide a “garland” of seven entitlements for the urban poor (sanitation, water, housing, secure tenure, health, education and social services). However, in practice the BSUP has provided housing to limited numbers of selected beneficiaries. A BSUP principle is that in-situ slum upgrading should be the first and preferred option to protect livelihoods and preserve social and cultural networks. However, as evident from Table 1, this has not been followed in five BSUP cities where research has recently been completed (Mitlin *et al.*, forthcoming). The projects developed under the BSUP take one of three forms: in-situ upgrading, in-situ redevelopment or relocation. Provision has been primarily through medium-rise apartment blocks both at relocation sites and within in-situ redevelopments in which existing shacks have been demolished and the site redeveloped.

Table 1. The types of accommodation provided

	Number of units approved	In-situ upgrading	In-situ redevelopment	Relocation and redevelopment
Bhopal	13,399		Most in this category	
Bhubaneswar	1,641	1,449		192
Patna	480		288	192
Pune	26,606	5,280		21,326
Visakhapatnam	24,423		64	24,359

Source: Mitlin, Burra and Menon (forthcoming).

In Pune, the option favouring in-situ upgrading only emerged in a second phase of the BSUP development. The first phase of BSUP housing focussed more on medium-rise apartments in growth areas on the periphery of the city where relocation was required. Households were

reluctant to move there, which prompted a reconsideration; the second phase thus focussed on in-situ upgrading, with NGO involvement being required. Long-standing relations between the Municipal Corporation and strong civil society groups and activities have helped to build government understanding, including among senior and front-line officials, councillors and city politicians.

The dominant solution of medium-rise apartment blocks has resulted in multiple difficulties. The costs of constructing ground plus three or four storeys are likely to exceed those of improvements to dwellings. Medium-rise apartments offer more opportunities for corruption due to lower accountability as residents are less directly involved, and potentially incur higher costs. Only those households that fit the entitlement are allowed to benefit from the new development. Other households are displaced and have to find alternative dwellings (In in-situ upgrading, the tendency is to include all of those with some claim to the land.) Further problems with medium-rise apartments are related to livelihoods. Many trading activities (e.g., household goods, hair-dressing) need to have a favourable location and easy access for customers, or require ground-level storage (e.g., rickshaws). In smaller towns such as Bhubaneswar, Bhopal and Patna, rural or semi-rural livelihood strategies continue and some households own cattle. Design issues extend beyond livelihoods; many households still use biomass for cooking and multi-storey blocks do not allow for this. Services may be expensive – for example, water needs to be pumped.

In South Africa, the shift in emphasis away from greenfield site development and towards informal settlement upgrading was first proposed in 2004 with the launch of Breaking New Ground, which re-conceptualised the housing subsidy programme. The new policy was not taken up due to the dominance of the capital subsidy system, the failure to create participation and governance structures at the project level, the lack of municipal officials' experience in upgrading projects, and complex engineering and geotechnical conditions (Huchzermeyer, 2011). It was relaunched in 2010 but delivery has continued to be poor. While government promotional materials have celebrated the achievement of upgrading targets set in 2010, there is evidence of flawed methodologies in reporting on these goals. Fieuw (2014) elaborates three concerns. First, the tendency of local and provincial governments to "repackage" conventional housing projects and report these as "upgrading" projects. For example, a peripheral greenfield housing project will be reported as brownfield in-situ upgrading, with justification showing that informal settlement dwellers are beneficiaries. Second, few independent impact evaluations have been commissioned on the effectiveness of this programme and its outcomes. Third, the particular implementation arrangements showcased by Govan Mbeki's prize-winning projects in 2013 and 2014 point to an over-reliance on large engineering and construction companies to implement the full scope of the project, starting from pre-planning, facilitating community engagement, all the way through to construction. Such a procurement strategy does not translate into longer-term capacitation of either government departments or community organisations.

Hence, in these two countries, programmes that have sought to provide for in-situ upgrading have, in practice, tended to result in (at best) in-situ redevelopment with either

medium-rise apartment blocks (in India) or new-build single-storey dwellings (in South Africa). These approaches lose many of the benefits of in-situ upgrading as residents are disrupted, some are denied entitlement, and participative processes are ignored. The construction processes favour formal companies and provide less opportunity to informal construction enterprises, although many exist in low-income neighbourhoods. Moreover, the models of urban development reinforce those suited to “modern” family and livelihood options, regardless of goodness of fit.

3. Alternative approaches to addressing the needs of those living in informal settlements

While the problems raised above are illustrative of an urban reality that is increasingly commodified and formalised regardless of the functionality for low-income households, alternative efforts are being made to consolidate alternative patterns of urban development that are less adverse for low-income and disadvantaged households. These recognise that government efforts to extend services and improve household well-being have to be affordable and relevant to those with informal livelihoods. Particularly notable are the efforts of the Asian Coalition for Housing Rights (ACHR) and their programme, Asian Coalition for Community Action (ACCA), and the multiple efforts of the affiliates of Shack/Slum Dwellers International. This section introduces and illustrates three tools that are being used.

These tools are based on four principles that are observable across these agencies and others that have shared their approaches (Satterthwaite *et al.*, 2014; Mitlin, 2013). The first principle is to recognise that political influence is required to change living conditions in informal settlements, and this necessitates mobilisation and alliance-building within and beyond informal settlements. Political outcomes that favour disadvantaged groups require mass mobilisation. Second, women’s contribution is key. Women’s organisations have to be accepted as legitimate contributors to government programming. Third, organisational autonomy is key to avoiding co-option and dependence. The simultaneous enactment of autonomy and legitimacy requires organisational capacity. Finally, social movements need to be forward-thinking; planning for a future requires a dynamic and strategic response to multiple pressures.

3.1. Information collection

Community-managed surveys, settlement profiles that summarise key information, and maps showing the built environment create the information base needed for mobilisation, action and negotiation (*Environment and Urbanization*, 2012; Beukes, 2015). Surveys require that each household be interviewed and data be collected on them and their needs, along with maps indicating all buildings and infrastructure. The process of enumeration is considerably more than data collection. These enumerations are part of a mobilising strategy, drawing in residents who want to participate in a locally managed identification and verification of their shacks and plot boundaries. Managing these processes strengthens existing savings groups and encourages the

formation of new savings groups. Equally important is that, once the findings are assessed, local residents then have the opportunity to set collective priorities through neighbourhood and settlement meetings. Neighbours come together to look again at their settlement through the enumeration data and assess what needs to be done. These are not easy discussions, but they are essential in developing an awareness of potential priorities, the practice of intra-community negotiating and agreeing on a way forward. As household (and other) data are provided to local authorities, this helps to build stronger relations; this information also helps to change the attitudes and approaches of governments and international agencies. These settlements are ignored in official documentation, with little information being available. By providing verified data on these areas, the experiences of SDI federations not only challenge this exclusion but also shift the terms of the debate (Beukes, 2015). As a result, they provide local communities and city federations with a negotiating advantage as, in many contexts, politicians and officials recognise the federations' capacity to provide a fair and accurate information base widely accepted by residents; and this is required for upgrading and housing development – and for the inclusion of informal settlements in the maps and plans of local governments.

SDI's data collection has evolved since affiliates first began working with this tool over thirty years ago. By 2011, the need for a single unified questionnaire and a single database came to be widely recognised across SDI. It was agreed that this would focus on the settlement profiles. For SDI's leaders, the data aggregation at the international scale reflects the need to increase their efforts in building a unified voice of the urban poor. The president of SDI communicated the need for a single and standardised profiling tool to the federations:

"We need one SDI questionnaire, so we can use the information globally. We want to understand what the magnitude of our power is. We want to make different cases to different audiences. We want to collaborate with all the actors speaking about land, housing, infrastructure." Jockin Arputham, quoted in Beukes (2015: 11).

The standardised questionnaire was agreed and, from 2013, SDI has been updating the 6,000 profiles. By March 2015, citywide profiles in 348 locations had been secured, with more than 85 per cent of informal settlements in each urban centre having had data recorded (SDI Annual Report, 2014–15).

3.2. Savings-based organising, and city and national funds

The core form of organisation within the slum/shack/homeless people's federations and networks that formed Shack/Slum Dwellers International, and which are participating in the Asian Coalition for Community Action, are savings schemes. Simply put, these are local groups that draw together residents (mainly women) in low-income neighbourhoods to save, share their resources and strategize to address their collective needs.

As most savers and savings-group managers are women, these savings groups help address the multiple forms of disadvantage, oppression and exploitation that they face. The immediate focus and localised orientation that collective savings provided to women also undermines

traditional gender roles, offering women many new opportunities and identities that are supported by their peers (Mitlin *et al.*, 2011). This helps to overturn discrimination and limited social expectations. Women engage with each other as activists (rather than remaining subservient to male and/or older household members), publicly (rather than enclosed in the household) and strategically (rather than passively). As women take up new leadership roles in providing essential goods and services, centred on the home and neighbourhood, an engagement with government begins. Relations with the State, including local councillors and officials, are essential if urban deprivation is to be addressed and development to take place.

Revolving funds have been created to advance the scale of initiatives while seeking to ensure the inclusion of the lowest-income groups. Such funds are established at the city, national and international levels. Archer (2012) describes the development of 107 city funds as an essential component of the Asian Coalition for Community Action. Satterthwaite and Mitlin (2014) discuss the development of SDI's network fund, which was initially co-developed with IIED but which since 2007 has been wholly managed by SDI. The first two years of the SDI/IIED Fund (2002–03) demonstrated the efficacy of small-project funds on which the network of federations could draw, and showed how external funding goes much further when the monies go directly to grassroots savings groups, which usually leverage additional local resources. Between 2003 and 2007, a range of funders became interested in how they could add value to their funding by supporting this work. SDI federations accessed funds for a range of activities including: tenure security; "slum"/squatter upgrading with tenure security; bridge financing for shelter initiatives; improved provision for water and sanitation; enumerations and maps of informal settlements; exchange visits by established federations to urban poor groups; community-managed shelter reconstruction; and federation partnerships with local governments. These activities took place in more than 18 countries.

In 2008, SDI built upon the International Urban Poor Fund and created the Urban Poor Fund International (UPFI) as a platform to access finances from international sources. Major donors to the UPFI included the Bill and Melinda Gates Foundation, the Governments of Norway and Sweden, and the Rockefeller Foundation. The SDI secretariat built up the capacity to manage project funds and these are variously used for housing projects, technical assistance and "federation strengthening" (e.g., launching savings schemes and conducting enumerations).

At the level of SDI affiliates, funds continue to be developed. The benefits of savings for fund management are evident, as this builds community-level financial skills, including financial accountabilities within a small group, and helps to prepare them to take over larger amounts of money. It also enables them to hold governments to account more effectively due to their core skills in financial management. Affiliates in Harare (Zimbabwe), Kampala (Uganda) and Cape Town (South Africa) have been working with city governments to establish city funds. A key challenge is how to ensure that the activities enable investments that are affordable to the majority of those living in informal settlements.

3.3. Precedents that lead to state and citizens coproducing improvements in informal settlements at scale

Local groups working with both SDI affiliates and members of ACCA establish precedents in order to improve shelter options, including investment in tenure security and physical improvements, and to provide precedent-setting investments that can be scaled up. Through a set of specific activities related to land planning (often with some re-blocking to improve road access), installation of services, and sometimes construction of dwellings, members of savings schemes demonstrate how they can improve their neighbourhoods. This also illustrates their understanding of the costs associated with this process, and supports learning that enables them to develop more ambitious proposals. City governments and some national governments have become interested in supporting these community-driven approaches, recognising their potential contribution to poverty reduction. City and national funds established to help federations and community networks to scale their work are invaluable once governments become involved.

SDI affiliates and ACHR members recognise that large-scale programmes to upgrade informal settlements, including secure tenure and service provision, are not possible without government support. Hence, they seek a development partnership with government, especially local government. As most of the homes and settlements in which federation members live are illegal, such relationships are essential if security is to be achieved. In addition to tenure issues, various local state institutions control aspects of shelter development. Local government agencies implement land-use controls (including zoning regulations) and building regulations, and these are often responsible for putting affordable housing beyond the reach of most citizens. For affordable shelter, such regulations need to be renegotiated.

The purpose of precedent-setting investments is to demonstrate the kinds of regulatory amendments that are required for an inclusive city, as well as to explore the scale of finance required and the kinds of cost-sharing arrangements that might be necessary. When local government officials see the quality of a new housing development undertaken by the federation with plot sizes smaller than the official minimum-plot size regulation or cheaper forms of infrastructure, there is a much greater chance that other settlements will be allowed to do likewise. In some cases, government agencies can be persuaded to be partners in precedent-setting investments: federations and city governments collaborate to identify improvements in which both groups have a stake. Exchanges between community residents, politicians and government staff about places where these problems have been addressed provide a platform to explore these issues within some kind of neutral space. Government officials responsible, for instance, for zoning and land-use management or water and sanitation become more open to innovations suggested (or implemented) by the community federations and networks if they find that their peers in the city they visit have accepted or even supported this.

Section 2.2 discussed the BSUP. In Pune, the failure of the first phase, which involved multi-storey apartments, led to a second phase that favoured informal settlement upgrading. In this city, the National Slum Dwellers Federation and Mahila Milan (a network of women's savings

groups) had long been active. Senior staff in the Municipal Corporation worked with these civil society groups to design a new approach to the BSUP, drawing on these experiences. As the programme scaled up, the women leaders in Mahila Milan provided valuable assistance to the Corporation to manage in-situ upgrading. Securing resident agreement when upgrading a very dense informal settlement is particularly difficult; most housing units are very small, and it is challenging to install infrastructure without reducing the size of some units. This requires much negotiation. When they first began to work with the Corporation, community groups needed a lot of support. Many vested interests including elected bodies, corporation officials, and politicians had not wanted the community-driven programmes. The municipal commissioner found that it was essential to have regular meetings with the mayor and elected politicians to prevent them from sabotaging the process. He would also meet with officials and NGOs. Gradually the Corporation institutionalised a capacity to work with low-income groups and this proved invaluable when working with the BSUP. A second Indian city, Bhubaneswar, drew on these experiences following a multi-stakeholder exchange at Pune and introduced in-situ upgrading (Mitlin *et al.*, forthcoming).

4. Conclusion

As evident from the discussion above, the context in informal settlements is changing. Some of the most significant trends are adverse for the lowest-income households. As shown above, rising prices and charges can make it difficult for low-income households to secure access to water, and challenge the assumption that MDG targets have been achieved. The emphasis of the SDGs on universal access draws attention to the scale of need, but suggests that current approaches need to be re-designed. Urban centres have become increasingly difficult locations for low-income groups to trade and to live (Bhan, 2009). In India and elsewhere, there is an active anti-poor discourse that sees no place for low-income households in the inner city, despite labour needs. Alternative approaches for the redevelopment of informal neighbourhoods draw our attention to the forms through which exclusion occurs. In so doing, this analysis suggests a way in which it can be tackled. However, as the experience in South Africa demonstrates, securing a political commitment to scale up bottom-up modalities of urban development that are, by their origin and nature more inclusive, continues to be work in progress.

Social movements and other civil society groups have been developing their responses to be more effective. As discussed above, they have crafted a complex response in their efforts to mobilise residents, strengthen their legitimacy, protect their autonomy, and advance their needs and interests. The dual challenge to secure scale and remain relevant to the lowest-income groups is intense. Central to addressing this challenge are the efforts to build strategic capacity by linking up social movements in multiple contexts that share similar challenges. Such networks build solidarity as well as invest in capacity and share intelligence. They also enable the consolidation of experience and hence help to build effectiveness. Inclusion requires the State to play an active role through financial redistribution and the subsequent provision of subsidies. However, in many contexts, this is either limited or non-existent. In

these circumstances, the residents of informal settlements have to continue to follow a multiplicity of strategies to secure their homes, upgrade their settlements and expand their development options.

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Normalizing and regularizing slums: what explains the sidelining of onsite interventions in Europe? Comparing Paris and Madrid

Thomas AGUILERA

Introduction

Raising the question of normalizing, upgrading or regularizing slums^[1] in Europe could be seen as provocative at a time when all local and national governments are very often doing everything they can to raze slums – perceived as the shame of this twenty-first century’s civilized world and as a reflection of housing policy failures since the 1950s, and when associations that support slum dwellers and ensure their daily survival have been campaigning for years for the implementation of integration projects to promote housing and jobs.

Yet, this question deserves to be asked for two main reasons, especially so in this book on informal settlements in the Global North and Global South. First, the option of onsite slum normalization or regularization resurfaced in the early 2010s in the Paris and Madrid regions, which serve as case studies for this chapter.^[2] In both cases, given the seeming impossibility of rehousing all of the slum dwellers, these “soft” intervention methods are being discussed and debated. Second, for the comparatist researcher, it is surprising to see such a contrast between North and South. Certainly, in the major global cities of the southern hemisphere, onsite interventions are plentiful and help regularize whole neighborhoods, while international bodies advocate various forms of legalization and upgrading programs.

[1] Normalization may be defined in several ways. It can be physical or legal (Larson, 2002: 146). Normalizing may refer to upgrading programs, i.e., improving slums by building surfaced roads, or helping to consolidate a building’s structure, as well as providing connection to water and electricity networks. Regularization refers to legalization by granting or selling property titles, or by changing the use rights of land initially designated as non-constructible.

[2] The empirical data used in this chapter are drawn from a doctoral research project carried out in France and Spain between 2010 and 2014 (Aguilera, 2015). The chapter also reworks the ideas presented and discussed at the “Should slums be normalized?” workshop, co-led with Grégoire Cousin during the one-day study session, “European cities: contemporary slums and their economy,” on 15 April, 2016 (MSH – Maison des Sciences de l’Homme, Paris-Nord).

Besides the fact that the sizes of slums in the Global South and Global North are not comparable, what can explain why European city governments choose (or not) to normalize or regularize slums? In this chapter, we will attempt to explain why this option is sidelined, drawing on a comparative analysis of the situation in Paris and Madrid, and contrasting these with experiences in the Global South.

In Section 1, we set out the main research and debates on slum normalization, regularization, and upgrading policies in the Global South in order to outline the main issues – opportunities and risks – that undergird such policies. We then present the Paris and Madrid case studies to show why, since the 1960s, normalizing and regularizing slums have not been considered as a mode of large-scale action: national and local officials have consistently ruled out the idea of onsite consolidation, preferring to constantly displace these populations, designated as “undesirable,” through partial rehousing or eviction. Yet, some experiments have been undertaken by associations and non-governmental organizations (NGOs) working to help these populations survive and temporarily improve their living conditions in slums that time after time are destroyed (Section 2). Finally, we discuss the most recent debates that seem to be emerging in Paris and Madrid, against a backdrop not only of budget cuts that constrain rehousing capacity, but also social movements that support the idea of softer interventions on slums, which are after all places where people live (Section 3).

1. Insights from the Global South: implementation, effects, and debates around slum normalization and regularization

All over the world, slums are routinely cleared by force (Leckie, 1994), and the slum dwellers, left vulnerable, are pushed out to the city fringes (Dupont *et al.*, 2013). Although these policies are accompanied by rehousing programs, they are often limited and selective, and do no more than disperse the slum communities, destroying their solidarity and local ties (Dupont, 2010; Bhan *et al.*, 2013). The same findings hold true for European cities (Vitale, 2009).

This type of intervention quite often comes with forms of tolerance that open the way for the consolidation of informal settlements (Clerc, 2005). Tolerance may be the result of government failures (Maccaglia, 2009), but it can also be used as a strategy by some governments seeking to speculate on land (Smart, 2001). The fact of tolerating informal settlements also helps forestall the emergence of social movements and maintain patronage networks (Varley, 1998). In this respect, similar strategies are seen in Europe, where tolerance is usually associated with police harassment and social emergencies (Fassin *et al.*, 2014; Aguilera, 2015).

Finally, the debates crystallize around regularization policies, which for many years have accounted for most slum interventions in the Global South, under the intellectual authority of the liberal economist Hernando de Soto, whose tenets have been relayed by international bodies such as UN-Habitat and the World Bank. According to de Soto, granting or selling property titles to slum dwellers gives them the incentive to improve their housing and

facilitates the construction of infrastructure (de Soto, 2000). A second option, based on soft interventions, is to improve living conditions in slums so as to gradually normalize the situation.

Yet, these virtuous circles are not linear and may even be empirically limited or invalidated (Varley, 1987; Durand-Lasserve *et al.*, 2009). Some studies even show that such policies do not necessarily benefit the poorest inhabitants (Gilbert, 2002; Gulyani *et al.*, 2012) as they contribute in some way to their “silent eviction” (Burgess, 1982; Desai *et al.*, 2012). In fact, the policies implemented have not eradicated slums according to the United Nations, which admits that the estimated number of slum dwellers worldwide has continued to grow over the past decade (UN-Habitat, 2010).

This detour via the countries of the Global South provides a contrast for the cases found in the Global North and informs currently emerging debates, especially those in France and Spain.

2. Onsite interventions sidelined by slum policies in Ile-de-France and Madrid

The European cases differ from experiences in the Global South. To begin with, the reported sizes of slums are smaller. Next, the policies targeting slums in the 2000s were institutionalized to a lesser degree in the Global North, with the exception of Madrid, hence the need for comparison. Finally, when policies do exist, they prioritize soft onsite interventions, but alternate between systematic eviction of slum dwellers and slum clearance that selectively rehouses families outside the slums.

2.1. Madrid’s Franco legacy: policies for clearance, rehousing, and social support

While slums were already present in the Madrid of the early twentieth century (Vorms, 2013a), these became established in the capital’s southern and eastern outskirts following the Spanish Civil War in the late 1930s, under the combined effect of a massive rural exodus (Cabo Alonso, 1961) and city-center regeneration policies that were partly responsible for ousting the poorest households to the peripheries (Castells, 1977; Vaz, 2006; Vorms, 2013b). The *chabolismo* (*chabola* translates as “shanty”) became a mass phenomenon. As a result, 16% of Madrid’s population (i.e., 250,000 people) were living in slums in 1950 (Castells, 1977: 51).

Effective slum policies were introduced in the form of housing policies by Franco’s Government not only in view of co-opting internal opposition to the regime and nascent social movements in the capital’s slums and squats, but also of freeing up land for private developers highly subsidized by the State (Castells, 1979). Some squats were legalized, but it was primarily the launch of major national rehousing schemes that propelled most of the slum clearance between 1960 and 1980 (Vorms, 2013b: 53).

However, when the Autonomous Community of Madrid (CAM) – created at the regional level in 1983 – was confronted with the Government’s withdrawal from housing policies, there were 3,000 families still living in slums (Nogués Saez, 2010: 104). As these families had not fulfilled the socioeconomic criteria to obtain the proposed dwellings, they had not been rehoused and

were categorized as both *gitanos* (gypsy) and marginal. This meant that the issue of inadequate housing was being ethnicized (not unlike in France), leading to the notion that when dealing with distinct groups such as *gitanos*, whose lifestyle is perceived as unsuited to life in an apartment, specific policies need to be implemented.

To set this in motion, a new institution in charge of slum clearance was created in 1986, the Consortium for the relocation of marginalized populations (Consortio para el Realojamiento de la Población Marginada – CPM), under the joint supervision of the Madrid Mayor’s office, the CAM, and the Government Delegate’s office. The rehousing procedure comprised three main measures. More than 1,000 families (the most comfortably off) were rehoused in local authority apartments between 1988 and 1991 (CPM, 1986). Just over 250 families were relocated to outlying neighborhoods hastily built on slum sites (Barrios de Tipología Especial [BTEs] – Neighborhoods of special typology) (Franco, 2004; Lopez de Lucio, 1999). Finally, the poorest families were relocated to “temporary camps” intended to serve as an airlock on the way to towards more permanent housing. But, like the camps, the conditions in the BTEs deteriorated and rapidly became drug trafficking hubs, which prompted some families to sell their houses and return to the slums (Sevilla Buitrago, 2003).

Faced with what amounted to the failure of public policy, and after the changeover to a right-wing regional government (Alberto Ruíz-Gallardón of the People’s Party [Partido Popular] criticized the slum policies of his predecessor Joaquin Leguina of the Spanish Socialist Workers’ Party [Partido Socialista Obrero Español]), in 1996 the CAM proposed the destruction of the BTEs and camps over the medium term, as well as the creation in 1998 of a new agency dedicated to slum clearance: the Rehousing and Social Integration Institute (Instituto de Realojamiento e Integración Social – IRIS).

According to official figures, IRIS had to deal with over 1,400 families living in slums in 1998. The decision was taken to rehouse the families, spreading them out across the housing stock so as to limit the risk of ghettoization and avoid resettling already very vulnerable populations far away from the city. Social and educational programs were also key to supporting the relocation (Tejedor, 2002). The agency’s annual budget averaged 26 million euros between 1999 and 2012 (Aguilera, 2015: 133). In 2012, IRIS owned 2,388 apartments, while its social workers dealt with more than 9,000 families and helped rehouse 2,030 families over a thirteen-year period. In July 2015, IRIS finally lost its autonomous status as an agency when the new CAM President, Cristina Cifuentes (former Government Delegate for Madrid) merged it with the regional social housing agency (Instituto de la Vivienda de Madrid – IVIMA).

These slum clearance policies pursued since the 1970s have fueled the growth of Europe’s largest slum, Cañada Real Galiana, which hosts 11,000 people and where families not rehoused by the CPM and IRIS have found shelter (Aguilera, 2015): since the late 1990s, it has become home to Spanish *payos* (non-gypsies), *gitanos*, Moroccan and Latin American migrants, and precarious populations. The slum occupies a 70 m-wide former livestock trail, stretching for 16 kilometers. It is divided into six sectors, from north to south, going from the most comfortably off to the most precarious. One of its central sectors is also a major drug trafficking hub.

The stretch of territory raised a highly complex legal situation, as it straddles three municipalities (Madrid, Rivas and Coslada). This limited the public authorities' intervention, while responsibility for clearance was passed back and forth among the municipalities concerned and the CAM. Moreover, the slum had been tolerated strategically as it served the dual function of safety valve for the slum clearance policies pursued in the center of Madrid, and informal settlement area for the families not rehoused. Under pressure from social movements and in order to recover land for major urban projects, the CAM finally passed a specific regional law for Cañada Real Galiana in 2011 that launched consultation procedures aimed at crafting an overall clearance program.

2.2. Policies, omissions, and "tinkering" in the Ile-de-France/Paris region

The first slums in the Ile-de-France region sprang up in the 1930s when the French Government, pressured by business leaders, called on a large workforce from Spain, Portugal, and Italy (Viet, 1998). In the 1950s, new slums then emerged to accommodate the Algerian workforce. However, at the time, slums were not perceived as a housing issue, but rather as a security and migration issue. State action took the form of police violence in the authorities' search for the independence activists of the Algerian National Liberation Front (Front de Libération Nationale – FLN) (Gastaut, 2004: 7) and in their fight to prevent consolidation of shack settlements (Lallaoui, 1993: 53).

On the other hand, an "assistance sub-market" (Tricart, 1977: 606) had been developing. Municipalities and social housing agencies relocated some families in old rundown dwellings or built new housing to less stringent standards. Some 100,000 temporary dwellings were also installed in disused army barracks, and the State provided loans to the first *cités d'urgence* (emergency prefabricated housing complexes). The idea of transitional rehousing emerged in the social movement that mainly mobilized squatter groups. But it was as a result of Abbé Pierre's appeal on 1 February 1954 that Emmaüs set to work building emergency shelters: tents and "igloos" were erected, notably by self-build groups such as the "Castors."

Drawing on these association-led experiments, the State launched the larger-scale production of emergency housing, initially dubbed "family promotion housing" then "transitional housing": 12,000 units were thus constructed in 220 French towns at a total cost of ten billion euros (Lallaoui, 1993: 26). Sonacotral,^[3] created in 1956, was responsible for overseeing the resettlement operations (Bernardot, 2007).

In 1966, a national survey by the Ministry of the Interior reported a total of 75,000 people living in slums, 47,000 of whom were located in the Ile-de-France region across some thirty slums (Ministry of Equipment and Housing, 1966). A confluence of three factors led Parliament to consider introducing a national slum clearance program in response to pressure from (i) the media (it was journalists who produced the first maps of slums and the surveys inside slums

[3] Sonacotral: Société nationale de construction pour les travailleurs algériens – National company for construction of housing for Algerian workers.

from 1965), (ii) various local elected officials (following various fatal accidents, mayors called for state intervention) and members of Parliament (the subject came up several times on the National Assembly agenda between 1964 and 1972), and (iii) social movements.

Yet, these programs initially amounted to “tinkering”^[4] rather than planning. Moreover, while they enabled the rehousing of Spanish, Portuguese, and French slum dwellers in apartment blocks (Tricart, 1977: 617), Algerians were rehoused in transitional housing complexes (Blanc-Chaléart, 2006: 7), a situation that persisted until the late 1990s (Cohen *et al.*, 2012). The last slum was officially demolished in Nice in 1976.

Slums reappeared in the late 1990s, driven by the influx of migrants from Eastern Europe following the collapse of the communist bloc (Reyniers, 1993). As political refugee status was being increasingly denied to these migrants, they settled in the urban cracks of the Parisian “red-belt” (communist suburbs) (Jaulin, 2000). However, as in the 1950s, the foremost issues raised were not housing, but rather immigration, security, and public order. The State kept well away from the issue of poor housing conditions, preferring to discuss the problems posed by the so-called traveller communities – who did not even live in slums.

For nearly twenty years, migrants living in slums – then labeled as *Roma* in the public debate – were regularly evicted once or twice a year.^[5] Families lived in confined spaces but, given the repeated evictions, had no time to consolidate their homes, while children were unable to follow a stable educational pathway (Thiéry, 2014: 28). Living conditions in the slums were highly precarious and presented significant health issues (Médecins du Monde, 2010). This reflects a political orchestration of “deterioration” (Fassin, 2014), through police harassment, non-removal of rubbish, and denial of access to drinking water and electricity, a decision taken by city halls for the sole purpose of pushing residents to depart on their own initiative (Romeurope, 2012; Amnesty International, 2014). A self-eviction policy was setting in (Fassin, 2014).

Municipalities on the left and right of the political spectrum systematically sent families on to neighboring municipalities and called for state intervention to evict or rehouse them, more often than not outside their own territory (Costil, 2011). National governments, both left and right, persuaded European authorities to regulate migratory flows. In a situation where the various competing bodies of territorial governance and public inaction systematically passed on the blame, humanitarian organizations and local authorities necessarily had to mobilize significant human resources to ensure the slum dwellers’ survival.

Here and there, local authorities set up alternative projects that recycled existing mechanisms. From the late 1990s, some municipalities rehoused families following evictions. But it was particularly from 2005, taking advantage of subsidies granted under the MOUS (Maîtrise

[4] “Tinkering” refers here to an incremental, experimental, and often chaotic notion of public policy, as opposed to the barely credible vision of a hypothetical rational and planning-oriented decision-maker.

[5] Several surveys have attempted to estimate the number of slum clearances carried out, particularly since 2010 (Goossens, LDH – Ligue des Droits de l’Homme, 2010–2015).

d'œuvre urbaine et sociale – Urban and social organization program) scheme that around ten towns in the Ile-de-France region began to experiment with *villages d'insertion* (inclusion villages), following in the footsteps of the Municipality of Aubervilliers (Legros, 2011).

The implementation of these projects systematically follows the same pattern: a town finds itself having to deal with large slums, an accident (e.g., a fatal fire) unleashes the media agenda, and municipal teams then mobilize associations and institutional partners. The purpose of these “villages” is to temporarily settle some of the slum families in specific areas (Bernardot, 2007). But all of these projects are selective: families are chosen based on social, economic, and health criteria relating to their “capacity to integrate.” The projects impose constraints, with strict internal rules governing everyday life. They are exclusionary and justify the eviction of most of those who are denied access to the project. In the Ile-de-France region, nearly 1,500 people participated in these inclusion projects between 2000 and 2011, but over 4,000 others were not entitled to participate (Aguilera, 2015: 215). These non-beneficiary families have been repeatedly dispersed across different municipalities by municipal and prefectural orders.

Since 2012, the State has nonetheless sought to regain leadership in slum governance, channeling this through two conduits. On 26 August 2012, the French Government issued a circular urging prefects to coordinate social support schemes in tandem with evictions, which were expected to rise. The circular, supervised by DIHAL (Délégation interministérielle à l'hébergement et à l'accès au logement – Interministerial delegation for accommodation and access to housing), has however remained a dead letter and done no more than facilitate police evictions by providing social survey tools. The second conduit for state action is the “Plate-forme d'accueil, d'information, d'orientation et de suivi,” AIOS (platform for reception, information, counseling and monitoring), created in 2015 under the auspices of the regional prefect. Again, this platform has been a disappointment to associations, as they are neither consulted nor convinced by political leaders, who still refuse to speak of “slums” and prefer to talk of “illicit encampments.”

3. Onsite interventions: an option left by the wayside

The comparative analysis over time of the Paris and Madrid case studies points up two invariants. The policies for both of the city regions have always given priority to clearance, which involves razing slums and relocating families either by rehousing them or by evicting them towards new slums. In rare cases, normalization experiments have been carried out, but these have often been undertaken by the third sector, while local authorities refuse to stabilize the situations of the slums within their municipalities.

3.1. *Rare onsite normalization experiments: the third sector steps in to upgrade living conditions*

The onsite interventions carried out are few and far between, and very often implemented by associations and NGOs rather than by the public authorities. In fact, NGOs are always the first to intervene in slums, launching pilot projects that were able to serve as the bedrock for larger-scale institutionalized public policies, as was the case in the 1960s in both cities: squatter

and self-build movements gave rise to “tinkering” approaches which became systematic and subsequently mainstreamed into regional policies.

The 2000s also saw this type of local experiment, which filled the void left by public inaction. The largest slum in Madrid, Cañada Real Galiana, has hosted a large number of architect, activist and student collectives that, over the past decade, have conducted social and urban-planning diagnostic analyses in order to contribute to the slum dwellers’ indigenous knowledge. On the one hand, this meant producing counter-diagnoses by mobilizing knowledge as a weapon to resist institutional urban projects (Appadurai, 2012; Deboulet *et al.*, 2013). On the other hand, these diagnoses often gave rise to participative self-build projects that brought together architects and residents. Volunteers working for the association Architects Without Borders (AWF) supported residents in the slum’s Sector 5 for the construction of a community center on abandoned land (Carriot, 2014). Likewise, a young architects’ collective, Todo Por la Praxis, had produced counter-proposals for the development of Cañada Real Galiana in 2011.

In the Ile-de-France region, the larger NGOs such as Médecins du Monde – highly active through its Roma Mission – and the Catholic Relief Services have maintained an everyday presence to ensure the bare essentials and prevent the spread of epidemics. Moreover, each time a slum springs up local support groups are created. These may or may not belong to the local Romeurope collectives that are dotted around the Ile-de-France region with support from various antennas coordinated by the National Human Rights Collective Romeurope. These collectives provide consumer goods and occasionally healthcare, and may physically intervene to improve living conditions by helping build dry toilets, provide waste collection or carry out maintenance on shacks. Recently the association Convivance successfully negotiated a no-cost lease agreement for a plot of private land to develop a self-build project with the residents of a slum in Ivry-sur-Seine, south of Paris.

At the margin of the *villages d’insertion* set up by municipalities, architect collectives and urban planners have turned slums into land hosting self-builds. This was the case in Saint-Denis (north of Paris) following the eviction of the Hanul slum dwellers in 2010, as well as in Orly (south of Paris) in 2011, where the *village d’insertion* aimed to have the future residents participate in building their wood cabins. One association, PEROU (Pôle d’exploration des ressources urbaines – Pole for the exploration of urban resources),^[6] has attracted attention due to its drive to “de-culturalize” the Roma question by intervening in slums at an architectural level to open them up to the world, but above all to improve the residents’ living conditions. For example, the association built a communal wooden building in the heart of the Ris-Orangis slum south of Paris as a venue for Christmas parties in 2012 (Thiéry *et al.*, 2013).

These interventions may seem derisory compared to the repeated evictions by the prefectures in the Ile-de-France region, or to the massive rehousing carried out by IRIS in Madrid. They

[6] For more details of this organization, see their website: <http://www.perou-paris.org/>

nonetheless demonstrate that actors are envisaging upgrading operations that avoid the immediate removal of families, and these interventions may well, as in the 1960s, percolate into decision-making spheres and lead to experiments on a larger scale.

3.2. *The return of onsite interventions? How the economic crisis affects the reshaping of local slum policies*

The idea of onsite interventions seems to have resurfaced in Paris and Madrid as from 2010. The revival of this idea in Europe may be due to the fact that associations and some elected officials have observed that the policies formerly pursued have not necessarily borne fruit, and that the slums are still there, and even growing. The economic crisis could thus confirm the need to find intervention methods that are softer, more gradual, and thus less costly for public authorities. This could open up a window of opportunity for associative actors to promote modes of action that are more respectful of the social and territorial roots of slum families and facilitate more stable paths to inclusion.

As clearance proves impossible, the legalization option is considered in Madrid

IRIS had been clearing slums in Madrid since the late 1990s. But after 2007, the agency's annual budget tumbled (40 million euros in 2007 compared to 20 million euros in 2012). Its wage bill also declined, as did the budget earmarked for housing (Aguilera, 2015: 133). In July 2015, the CAM – announcing the end of slums, but above all no longer able to fund an institution subject to debate – decided to merge IRIS with the regional housing agency (IVIMA) to create a social housing agency in charge of promoting and managing public housing, but also responsible for the Cañada Real Galiana dossier. This merger spelt the end of the clearance policy and heralded a new instrumentation of slum policies.

As soon as the 2011 regional law was passed, the CAM formulated alternative proposals to cope with the excessive volume of people to be rehoused in the event that an IRIS project were implemented. One proposal that falls under the framework agreement pursuant to this law is to “consolidate as many inhabited houses as possible, if they comply with residential zoning and if they are integrated into an urban fabric” (CAM, 2014: 6) Priority is to be given to the residential use of the spaces due to be normalized: “single-family” homes are targeted by the agreement, which clearly aims to seize the opportunity to demolish businesses, workshops and hotels, all with a view to producing a uniform urban morphology. Yet, this measure does not apply to Sector 6, the poorest and most rundown area of Cañada Real Galiana. The third goal concerns housing and advocates “access to ownership for as many people as possible”(ibid.: 6) Only those families enumerated before 2012 would be eligible for this, while the others would be excluded from the process and relocated to temporary housing. Finally, a review of the hitherto inalienable legal status of the land occupied by the slum would be considered so as to allow the sale of property titles and servicing.

The framework agreement thus makes proposals in line with the normalization, then onsite regularization of Europe's largest slum. Yet, this Law remains differential,^[7] as it fails to cover the most precarious areas. It has also been subject to diverse criticisms from municipalities and associations.

Firstly, the framework agreement only applies to homes that lie strictly within the perimeter of Cañada Real Galiana: homes clustering around the slum would be demolished. Second, while the option of granting land titles seems to suit the dwellers, the idea of sale has sparked debate, particularly with regard to the selling price per square meter and the valuation of the sales price of houses. Although the prices are in line with those proposed by associations in the most comfortably off northern sectors, they are too high to give the poorest families in the southern sectors a chance of ownership. The question remains open-ended, but it is safe to conclude that at least part of the slum will be legalized.

The French debates on normalization

In France too, the debate on soft onsite interventions has begun to spread and, given the cost of an eviction (400,000 euros^[8]), owners and public authorities may well find that this approach offers advantageous modes of conflict resolution.

Among those who support such ideas, the Fondation Abbé Pierre (FAP) advocates forms of "soft clearance" (Huyghe, 2016). This involves intervening discreetly to gradually transforming slums into towns, and step by step bringing the slum dwellers closer to common law arrangements, with social housing as the ultimate goal. Occasional physical interventions are carried out (street furniture, children's games), while self-build projects are set up through cross-funding (especially municipal funds). Yet, support is not always the order of the day. In September 2014, the FAP and Médecins du Monde managed to design a project that aimed to progressively improve the living conditions inside the large Le Samaritain slum in La Courneuve (north of Paris), and in the long run rehouse the families and provide social and medical support. In the end, however, the municipality refused to pursue the project and subsequently ordered the eviction of the slum dwellers in August 2015.

In this case, normalization is only temporary and does not entail legalizing the slum but rather stabilizing situations for a while in order to facilitate social work, job searches, and children's schooling. A recent study by Association Trajectoires, commissioned by DIHAL, confirms that slums are a stepping stone, a base that helps to sustain solidarity and stabilize relations with associations, but also, despite the sometimes difficult living conditions, it help the residents to save income with a view to subsequently accessing social housing (Association Trajectoires, 2016).

[7] By "differential," we mean unequal public treatment of social facts that are a priori subject to the same rules. This differential character is the result of mechanisms that categorize, classify, and prioritize social practices or groups.

[8] Several studies have been conducted to assess the cost of evictions (Cousin, 2013; PEROU, 2014).

The debates then turn to how this normalization is to be conceived and what time lines will be involved. The Romeurope Collective accepts these forms of stabilization, but refuses any notion of permanence. Stabilization must be considered simply as a form of aid to leaving the slum. As in the 1960s, the collectives now envisage departures from slums as being gradual, measured, and adapted to individual and family situations, and thus based on social and health diagnostics.

As in Spain, the idea of onsite stabilization rather than a direct exit from the slums has made its way into the debates and prompted alternative experiments at a time when traditional public policies seem to have proved ineffective.

The reticence of local officials in a context of competitive governance

Cities are competing to make territories attractive (Brenner, 2004), and local officials are positioning themselves in a context of competitive governance. They voice their reticence to the idea of normalization for three main reasons. One of their key concerns about the slum issue is the “pull factor.” The imagined outcome of a dependency on handouts is systematic: offering help would attract more potential beneficiaries and thus create an unmanageable situation. This argument serves as justification for all slum clearance policies to be selective, as many related public policies indeed are.

A second apprehension relates to public order. Local elected officials are accountable to their constituents, and they hold the issue of public nuisance as a primary concern. Even if a slum’s closest neighbors do not complain (Windels, 2014), local officials are sensitive to complaints and the image of their municipality. A slum inhabited by migrants, even if normalized, still represents a stigma for the municipality. The officials – who here see eye to eye with associations – fear forms of “ghettoization” and never-ending projects located far from urban resources or transportation, as was the case in the 1990s in Madrid. Finally, even though soft onsite interventions are inexpensive, the question of operation cost is presented by city mayors as a major hurdle to setting up long-run projects.

To these obstacles stemming from the fears of local officials, we would add one final factor identified by our comparative analysis. Social movements and organizations that support slum dwellers mobilize conventional and legalistic resources that do not disrupt the public and political order. In the 1960s, in France and Spain alike, support for squatter or protest movements opened up greater windows of opportunity, and finally led to rehousing. Similarly, a comparison with the squatter movements of the 2000s shows that, when protest-driven actions or even illegal actions are employed, this pushes local officials to rehouse more quickly (Aguilera, 2015: 600).

Lastly, our comparison should be extended to pinpoint the conditions that have led to a greater number of onsite normalizations, as was the case in Italy, and particularly in Rome, Milan, and Turin, where the local authorities financed connection to water and electricity networks (De Salvatore *et al*, 2009).

Conclusion

The purpose of this chapter was not to deplore the lack of attention given to potentially miracle-producing options. As we have seen, onsite interventions have not eradicated poor housing conditions in the Global South, where the question spurs debate, as it does in Europe, even among those who take up the defense of vulnerable populations. The aim was simply to empirically and theoretically substantiate the causes of the differences between intervention models in a Global North and Global South faced with the same issue. Slums certainly vary in size, but they raise similar problems in terms of poor housing conditions and public management of urban informality.

The comparative dual-lens (North-South, Paris-Madrid) highlights the extent to which forms of public intervention and tools for action may be considered in certain cities, at certain moments, whereas in others they are not. It helps inform debates and gives insights into how the actors mobilize ideas and identify risks.

A comparison and analysis of the arguments around normalization in both the Global North and Global South raise a final debate on the issues of slums and poor housing conditions in general: the debate on security standards and norms. Most often, if not always, squats and slums are evacuated by prefectures in the name of the safety and health of their inhabitants. Yet, just as often, activist architects show that some sites are not as insalubrious (for transitory periods) as the eviction orders state. There is thus the need for a debate on the high safety standards that sometimes hinder experiments for gradual inclusion through informal settlements, without implying however the design of multi-speed normative systems (Delgado, 1997; Larson, 2002).

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PART THREE:
COLLECTIVE MOBILIZATION:
KNOWLEDGE AND LEARNINGS

Communication and participation challenges in precarious settlement restructuring projects. Experiences in Delhi and other Indian cities

Véronique DUPONT^[1]

Introduction

Citizen participation has long been debated in academic circles (Arnstein, 1969). The principle of participation as a guarantee of good governance has also become prevalent in the discourse and recommendations of international development institutions (Christens *et al.*, 2006). Likewise, it is enshrined in the international conventions on the right to adequate housing, which lay particular emphasis on the need to inform the affected persons and groups in reasonable time in the event of the eviction and displacement of populations, as well as on the need to hold extensive consultations in which all stakeholders take part.^[2] The slum clearance policies and programs launched in India since the 1990s also highlight, to varying degrees, the principle of “community” participation.

To begin with, we will analyze how the involvement of affected residents is provided for in national policy documents on slums, and in programs launched by the states of the Indian Union since the 1990s, especially in Mumbai (formerly Bombay) and Delhi. Second, drawing on case studies in Delhi and Chennai (formerly Madras), we will look at how the principle of

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[2] See United Nations Committee on Economic, Social and Cultural Rights, General Comments No. 4: *The Right to Adequate Housing* (1991) and General Comments No. 7: *The Right to Adequate Housing* (1997).

participation is implemented on the ground by examining slum demolition operations, and rehabilitation^[3] or relocation projects.

The participation process covers various levels of community involvement. Arnstein (1969) arranged these into a citizen participation ladder with different degrees of power-sharing. Here, our analysis will focus on two of the lower rungs of participation ladder identified by Arnstein: informing and consulting citizens, in this case slum dwellers. As shown by other experiences in restructuring informal settlements (Deboulet, 2007; Jordhus-Lier *et al.*, 2016), the key requirements for any form of effective participation are certainly the provision of detailed and comprehensive information to residents, as well as two-way communication.

So why does participation matter? It is argued that if the principle of effective participation were applied to slum dwellers, then their voices and needs would be better taken into account, and projects would thus be better adapted and taken on board by the residents. For societies with high levels of social-economic inequality, participation is advocated by some authors as a means of strengthening democracy, of bridging the gap between legal and formal rights on the one hand, and substantive rights on the other (Heller, 2009). However, the “participation” watchword is not immune to manipulation by the State or other actors, who may be concealing power relations behind the rhetoric and techniques of participation and using the cloak of popular consent to pursue their own agendas (Cooke *et al.*, 2001).

The term “slum” nonetheless needs to be clarified upfront. In India, housing policy documents and urban plans use the term “slum,” which encompasses at the same time old dilapidated quarters and informal housing settlements occupying land illegally, otherwise referred to as squatter settlements or *jhuggi-jhopri* clusters (groups of shacks) in Delhi. Here, we focus on the second category, i.e., informal settlements where physically precarious housing, inadequate infrastructure, and lack of basic urban services combine with a precarious tenure status, all of which exacerbate the vulnerability of slum dwellers.

1. Policies on slums: the general principles

India has ratified almost all the international conventions on human rights, including the International Covenant on Economic, Social and Cultural Rights, which lays down the right to adequate housing, and calls for the participation of the populations concerned. While compliance with these conventions still has a long way to go (Kothari, 2003), they nonetheless provide instruments of international law and a legal framework that can be leveraged by organizations defending the right to housing in India (HLRN, 2009).

The principle of participation is also foregrounded in sundry slum policy documents, both at the level of individual states and national level. We first explore the case of Mumbai due

[3] In India, slum upgrading projects entailing demolition of existing buildings and the construction of new dwellings are dubbed “in-situ rehabilitation.”

to its bellwether role in slum rehabilitation programs, which have to some extent inspired national policy. We then present the two most recent national strategies, before going on to examine the case of Delhi in more detail. The situation in the nation's capital is singular: central Government maintains control over land and urban policy through its dedicated agency, the Delhi Development Authority (DDA), whereas elsewhere these responsibilities fall within the competency of the federal States.^[4]

1.1. Mumbai, pioneering the participatory approach

In Mumbai, the participatory approach used in slum rehabilitation schemes was introduced in the 2000s, under tripartite partnerships between the Maharashtra State Government, civil society organizations, and the private sector (which has been involved in these schemes since the 1990s). The NGOs, which initially stepped in to redress government shortcomings in the delivery of urban services and to help slum dwellers resist demolitions and access better resettlement conditions, subsequently got involved as developers in rehousing programs.

A key component of the policy pursued in Mumbai is its consent clause: "in-situ rehabilitation"^[5] schemes thus require the prior consent of at least 70% of the eligible slum dwellers, who need to be organized into co-operative housing societies.^[6] Certainly, requiring consent does not in itself guarantee meaningful participation, and could lead to various coercive practices (Weinstein, 2008). However, according to the residents and organizations fighting for the right to housing, the Mumbai experience shows that the consent clause does act as a "democratic check" on the state agency in charge of slum rehabilitation programs (Weinstein, 2009: 411).

Some instances of participatory resettlement highlight the reshuffling of roles between public bodies and civil society organizations: the latter have a crucial involvement in partnerships while the State plays the role of facilitator – a configuration defended by some activists (Patel, D’Cruz, and Burra, 2002). However, "the participatory approach is not an instant fix and takes long to take root and be effective, especially in a large heterogeneous population and with divergent interests" (Banerjee, 2010, section 2.2: 5). Furthermore, in this type of NGO intervention model, there is a risk of blurring the roles of the different stakeholders in slum rehabilitation or resettlement programs, and of introducing new vested interests (Dewan Verma, 2002). Besides, NGOs do not always have the necessary resources and skills to take on the increased responsibilities assigned to them. This problem was highlighted by the Inspection Panel of the World Bank concerning the implementation of resettlement programs under the Mumbai Urban Transport Project (World Bank Inspection Panel, 2005).

[4] In fact, even though the National Capital Territory of Delhi has had an elected assembly and government since 1991, it does not possess all the powers of a federal State.

[5] Projects in India designated as "in-situ rehabilitation" involve the demolition of existing buildings and construction of new housing.

[6] Source: Slum Rehabilitation Authority: <http://www.sra.gov.in/pgeSalientFeatures.aspx> (last consulted 02/10/2016).

1.2. National strategies

A national strategy for “slum-free city planning” was announced in 2009 with the *Rajiv Awas Yojana* (RAY) program^[7] in operation until June 2015 (GOI, 2010). Although this strategy made no outright reference to the international “Cities without Slums” initiatives promoted by the World Bank (World Bank, 2000) and UN-Habitat (UN-Habitat, 2003), it echoed them obliquely. Its action plan prioritized in-situ upgrading and rehabilitation programs, including access to ownership rights, while programs to relocate slum dwellers to alternative sites were to be limited to those slums whose situation was classed as “untenable,” notably due to environmental risks (GOI, 2010). The strategy advocated a public-private partnership model for the construction of low-income housing. Lastly, “community” participation was made a prerequisite: for each slum identified, the decision-making process regarding its redevelopment “should necessarily be done with the involvement of the community” (*ibid.*: 5) and “with the assistance from Lead NGOs/CBOs^[8]” (*ibid.*: 18). Detailed guidelines for each step were issued to this end (GOI, 2012).

However, regarding the residents’ consent, the national strategy did not go as far as the schemes implemented in Mumbai. For the RAY program mentioned above, a draft model bill of property rights to the slum dwellers was published to provide the federal States with a template on which to base their own legislation on slum rehabilitation and resettlement (GOI, 2011). Until May 2011, this model had stipulated that any rehabilitation or resettlement project required the consent of “a majority of adult slum dwellers.”^[9] The revised model introduced in November 2011 merely stated that slum dwellers should be “involved.”^[10]

Following the change of government in May 2014, the RAY program was discontinued. A new national housing scheme, *Pradhan Mantri Awas Yojana*,^[11] was launched in June 2015 under the slogan “Housing for All by 2022.” Its first component, in-situ slum rehabilitation, reprises principles identical to those set out in the previous program regarding private-sector participation in housing construction for the slum dwellers and the use of land as a resource (GOI, 2015: 2-3). In practical terms, only part of the land occupied by the slum is used for the construction of dwellings to rehouse the residents. The rest of the land freed up is turned over to the private developer to build residential or commercial property to be sold on the market at a profit, with part of the proceeds from the sale helping to fund low-income housing.

As for resident participation, the guidelines state: “Slum dwellers through their association or other suitable means should be consulted while formulating redevelopment projects, especially for the purpose of designing of slum rehabilitation component” (*ibid.*: 4). So far, no mention has been made of a residents consent clause.

[7] The Rajiv housing programme, in reference to former Prime Minister Rajiv Gandhi.

[8] CBO: community-based organization.

[9] Information provided by Subhadra Banda.

[10] See: <http://indiancities.berkeley.edu/2012/docs/Mathur-draftmodelprprightslumdwelers.pdf> (website page downloaded 04/02/2014).

[11] Namely, the Prime Minister housing scheme.

1.3. The participation component in policies for squatter settlements in Delhi

From the 1960s until 2010, the main strategy used in Delhi to deal with the question of squatter settlements was to evict the residents and relocate them to resettlement colonies on the city periphery under sites-and-services schemes, where plots were theoretically supplied with infrastructure and basic services, but with no rehousing or rebuilding assistance. According to the policy adopted by the Municipal Corporation of Delhi from 1990 to 2010, squatter settlements located on public land (almost all of it in the capital) were – in principle – only to be demolished to make way for projects implemented in the “larger public interest” (GNCTD, 1999). Moreover, according to court directives, in the event of eviction, residents must be notified one month in advance.

1.3.1. NGO involvement since the 1990s

There have been several attempts to involve NGOs in the implementation of squatter resettlement programs, the first dating back to 1990. In line with the strategy defined in official documents (GNCTD, 1999), resettlement was to be organized around multi-purpose cooperative societies set up by NGOs. Forty NGOs were selected for this purpose by the Slum and *Jhuggi Jhopri* Department within the Municipal Corporation of Delhi. These NGOs were tasked with conducting a socio-economic survey of the targeted slums and establishing a list of families eligible for resettlement – a list that was to be checked and approved by the Slum Department. Entrusting NGOs with this level of responsibility gave them considerable power. On the one hand, it enabled them to prevent fraud by municipal officials and ensure that all eligible families actually had access to a plot in the resettlement colonies. Their intervention also helped avoid police violence during evictions. On the other hand, this devolution of power gave some NGOs the opportunity to engage in the misappropriation of resettlement plots.^[12] In the end, most of the NGOs initially involved withdrew from the program as payment of most of the budget they had been promised was not forthcoming. Furthermore, the functioning of the cooperative societies was blocked as the government failed to appoint the mandatory official representatives required for managing these societies.^[13]

From 2000 to 2013, the Bhagidari scheme – a government-citizen partnership – was the dominant paradigm adopted by the then chief minister of Delhi. At the outset, the scheme only targeted authorized colonies with duly registered resident welfare associations, which meant that squatter settlements were automatically excluded. The principle of the scheme nonetheless influenced public interventions in slums. New schemes involving NGOs were launched, with a focus on service provision.

Another flagship program, Mission Convergence, launched in 2008 by the Government of Delhi to reach the most disadvantaged social groups, was based on a partnership between

[12] Source: interview with a social worker who witnessed such malpractices (December 2009).

[13] Source: interviews with the General Secretary and Chairman of two NGOs involved in the program (14/12/2009 and 21/12/2009 respectively).

the public sector, the private sector and the “communities,” with the active participation of NGOs. Other more recent schemes have sought to bolster the participation of NGOs and CBOs in slums and resettlement colonies. Pilot projects were also launched in 2011 by the Delhi Urban Shelter Improvement Board^[14] to conduct socio-economic surveys and improve living conditions in some of the slums. However, most of the schemes launched over the last fifteen years have been discontinued.

These forms of NGO participation within “invited spaces” (Cornwall, 2001; Miraftab, 2004), on terms and conditions set by public authorities, have come in for criticism from some activists.^[15] They view this type of participation as contributing to a process of government co-optation, a strategy to control opposition groups by delegating to NGOs activities that formerly fell within the public sector remit – the expected effect being to stifle dissident voices. The debate is inconclusive as to what benefits this “invited” involvement is likely to bring to residents, compared to a confrontational strategy and the mobilization of demands within “invented spaces” (Miraftab, 2004) controlled by the grassroots.

1.3.2. The Delhi Development Authority’s strategy since the late 2000s

The Delhi Development Authority (DDA), Delhi’s urban planning agency, also elaborated a new strategy in the 2000s to address the challenge of slums, in line with the national strategy and drawing on the model applied in Mumbai since the 1990s.

Approved in 2007, the Master Plan for Delhi 2021 acknowledges the shortcomings of the schemes to relocate slum dwellers in resettlement colonies on the city outskirts (DDA, 2007: Section 4.2.3). It thus plans to use an alternative strategy geared to delivering housing in multi-story buildings, under a public-private partnership (PPP), using land as a resource and applying the principle of cost recovery (as described earlier for the national program). In 2008, the DDA identified an initial list of 21 slums for rehabilitation, the first being Kathputli Colony. It was planned to build a total of 37,000 housing units under this new strategy.

The “close involvement” of NGOs and CBOs in the rehabilitation process is another principle laid down in the Delhi Master Plan (DDA, 2007: Section 4.2.3). However, unlike the program implemented in Mumbai, no provision was initially made for a residents’ consent clause.

In March 2015, the DDA published a draft policy for slum rehabilitation on its website, based on the Mumbai model (DDA, 2015). To summarize the main lines mentioned earlier, the policy involves private developers in onsite slum rehabilitation. It allots them part of the land previously occupied by the slum so that they can undertake real-estate developments for their own profit to compensate for the costs they incur by building housing for the slum dwellers (Deboulet, 2007; Nijman, 2008). The DDA draft policy broadly follows the principles already set out in the

[14] This agency was set up in 2010 within the purview of the Government of the National Capital Territory of Delhi to take over the functions of the former Slum and *Jhuggi Jhopri* Department of the Municipal Corporation.

[15] Interviews with some ten NGO executives and independent activists, conducted in Delhi in November and December 2009, and in July 2014.

Master Plan, but with one important addition: the introduction of a prior consent clause, also present in the Mumbai model. Before implementing a slum rehabilitation project, the developer must first obtain the consent of at least 70% of the eligible dwellers. What is remarkable in this proposed adjustment is the DDA's exercise of self-criticism, which recognizes the problems encountered in the Kathputli Colony pilot project (described below): "On analysis, it was found that prior consent from the Slum dwellers was one of the key elements that was missing in this project" (DDA, 2015: 2).

An exploration of these various policy documents reveals how the concept of the residents' participation often implies NGO involvement in the implementation of public programs. In rehabilitation projects, the concept of participation is based on the notion that slum dwellers are organized into a "community" represented by NGOs and/or CBOs, which can be federated through a residents' association covering the entire settlement.

It should also be pointed out that the question of resident consent has been addressed with some variations depending on the states and institutions concerned. Over the last two decades, adjustments have been made either in the direction of better protection for residents' interests or, on the contrary, a weakening of their guarantees.

2. A reality check: feedback from the field

When discourses are confronted with realities on the ground, a marked disconnect appears between the principles announced in slum clearance policy documents and current practices during public authority interventions, be they slum demolition operations or projects for rehabilitation or relocation. We now examine more specifically how information circulates and what arrangements are in place to ensure consultation with the residents, in other words, the application (or not) of the first steps crucial to any participatory process. This will help us to shed light on several factors that, from the outset, limit the residents' involvement in projects that affect them. Our case studies confirm the importance of three factors identified by Jordhus-Lier *et al.* (2016): (i) the retention of information by some actors, (ii) belated communication, and (iii) the ambiguous role of intermediaries.

These diverse dimensions are illustrated by field research for the most part conducted in Delhi from 2007 to 2015, and in Chennai from 2011 to 2013. Several series of in-depth interviews were held with slum dwellers affected by public authority interventions, as well as with various actors involved in the execution of these projects (local leaders, social workers from NGOs and CBOs, activists, elected politicians, civil servants, private consultants, executives from property development companies).

2.1. Retention of information

In Delhi, the first example of a flagrant dearth of information is the case of V.P. Singh Camp. This squatter settlement on the southern periphery of the city was selected by the DDA in 2006 for a flagship rehabilitation project to construct 3,500 low-income housing units in partnership with the private sector. Two years later, most of the slum dwellers had still not been informed of the rehousing project directly affecting them, and even less of its terms and conditions. Only a handful of local leaders had received information through their elected politicians, but they had deliberately refrained from passing this on to the members of their community. No procedure for consulting the residents, or even informing them, had been put in place – either by the DDA or the private developer, who had nonetheless already embarked on the first leveling and excavation works on the land adjoining the settlement. In a word, the residents had been totally sidelined from the rehabilitation project. The project was finally stopped in 2009 as it had failed to obtain the necessary authorizations from the Department of Environment and Forests. In fact, the land that the DDA had ceded for residential use is located in Delhi's green belt, and is a protected area... but the developer had not been informed of this. This case study also shows how retention of information can intervene at different levels and be used by different actors to serve their own interests.

A serious shortfall in information also characterized the new rehabilitation project launched in 2008 by the DDA in Kathputli Colony, a slum settlement hosting about 3,000 families and located in one of Delhi's central areas. The residents only became aware of this in-situ rehousing project in February 2009, when the minister of Urban Development laid the foundation stone for a group of fourteen-story buildings, comprising 2,800 two-room apartments each with a surface area of 25 square meters. In early 2014, five years after the project launch and with the transit accommodation in a nearby camp ready to house the families during the building works, some key questions had still not been clarified by the DDA, notably the eligibility criteria to access an apartment and the financial terms and conditions. This lack of transparency created not only a climate of anxiety for the residents regarding their inclusion in the rehousing project, but also a feeling of distrust towards the authorities. Three years after the DDA's 2010 survey to establish the list of eligible households, the residents still had no access to the results despite numerous attempts by their leaders, including recourse to legal actions such as "Right to information" applications.^[16] A list of eligible households was finally released by the DDA in February 2014, but was contested by the residents. Realizing that they had had little control over the way in which the eligibility survey had been conducted, the local leaders and residents, together with an NGO, set about carrying out supplementary surveys. However, the claims of the excluded families were mostly rejected, even though supporting documents were provided. This example highlights not only the practices of information retention by the public agency in charge of the project, but also the refusal to accept the legitimacy of information supplied by the residents to defend their right to rehousing.

[16] The Right to Information Act, passed in 2005, gives Indian citizens the right to file requests for information with public administrations.



An alley in Kathputli Colony, Delhi, November 2011.

Photo credit : Shankare Gowda, 2011.

2.2. Belated communication

During slum demolitions, the residents are often poorly informed or receive insufficient notice of the demolition date. The requirement that a month's notice be given seems to be seldom respected in both Delhi and Chennai.

Thus in 2001 in Durga Basti, a slum settlement located in northern Delhi and home to over 2,000 households, the police informed the residents only one hour before the bulldozers arrived. The households who had left for work that morning returned in the evening to find their dwellings razed and all their belongings lost, buried under the rubble.^[17] In Chennai, the squatter settlements along Buckingham Canal were evicted during a large-scale operation in July-August 2002, causing the displacement of 2,300 families. The dwellers were aware of the threat of eviction but had no precise information on its planned date. In fact, they were busy demonstrating against these eviction projects, demanding recognition of their occupancy right and the provision of urban services, when the bulldozers arrived on site to demolish the dwellings. According to some of the residents, this was a deliberate strategy on the part of the

[17] Interviews with residents of the demolished slum, near Durga Basti, Delhi, 11/02/2008.



The transit camp for the residents of Kathputli Colony, Delhi, December 2013, two months before the first families settled in.
Photo credit : Véronique Dupont, 2013

public authorities: not to give precise information in advance in order to prevent the residents from mobilizing and resisting. In other words, the intention was clearly to take the residents by surprise. Moreover, the vagueness of information and the politicians' promises to prevent the evictions may also cause residents to be in denial of reality until the very last minute – a phenomenon often observed in processes of forced displacement (Turton, 2003; Menon-Sen *et al.*, 2008; Dupont *et al.*, 2014).

The case of Kathputli Colony in Delhi, referred to earlier to illustrate the lack of information, highlights a further point. When information on the terms and conditions of a rehousing project is given at an advanced stage in project implementation, this makes the procedure for consulting residents sham and symbolic. In fact, the residents were not involved in project design and planning, but only informed after the fact. On this count, the episode of the show apartment is telling. A show apartment had been built in the yard of the school run by one of the NGOs operating in the settlement. According to the DDA engineer interviewed, the purpose of this apartment was to present the rehousing project to the residents.^[18] The

[18] Interview with a DDA engineer, Delhi, 03/11/2011.

explanations offered by an executive from the development company in charge of the project highlight another viewpoint: the show apartment had been built so that it could be presented to the DDA for approval, and not to gather the residents' opinions.^[19] Additionally, access to this apartment became a bone of contention between two rival NGOs engaged with the slum dwellers. The apartment was finally closed to the public, making visits impossible. This meant that the housing complex was designed with no attempt to incorporate the views of those who were to live there. The same remark holds true for the transit camp: prefabricated housing units were presented to Kathputli Colony community leaders on the site of the future camp, but any modification to these was out of the question.

2.3. The ambiguous role of intermediaries

In the example of V.P. Singh Camp, the local leaders could have fulfilled the role of intermediary between the politicians and the residents by passing on information about the project but they chose, on the contrary, to hold it back.

In Kathputli Colony, an NGO initially played a key role as knowledge broker vis-à-vis the authorities, the private developers, and the residents. The NGO's role nonetheless seems ambiguous. On the one hand, it facilitated interactions between the DDA and the residents and allowed some degree of consultation – or at least information. On the other hand, it skewed the consultation process. Many of the residents and a rival organization active in the colony challenged the NGO's legitimacy to represent the opinions and interests of the entire Kathputli Colony population. Certainly, given the broad diversity of communities in the colony and the divides based on caste, religion, home region, and economic activity, it would have been difficult for any single organization to claim that it represented the community as a whole and to fulfill the role of a neutral and consensus-building agent. Thereafter, the challenged NGO gradually withdrew from its mediating role, encouraging the local leaders to organize themselves and interact directly with the authorities.

The Kathputli Colony residents were thus deprived of the right to a genuine consultative procedure to gather their opinions on the project as well as their needs and priorities. They were entitled to no more than project presentation meetings and incomplete information. The direct interactions between the public authorities, the developer, and the residents materialized as different types of more or less open "spaces for participation" (Cornwall, 2002). The first information meetings were arranged by the DDA, together with the consultant or developer, and correspond to "invited spaces" (*ibid.*). Later in the process, other public meetings were launched by local leaders who invited DDA officials, thus creating a "negotiated space" (Baud *et al.*, 2008) in which the residents tried to actively promote their demands. These meetings were generally attended by 50–100 people, which is a relatively low figure for a settlement hosting at least 15,000 residents. Moreover, many interactions with the DDA only involved the local

[19] Interview with an executive from the company, Raheja, the developer that had been awarded this project, Delhi, 02/11/2011.

leaders, deemed to be the legitimate representatives of their respective communities. Yet, the outcomes of these meetings were not communicated to all the residents, which again shows that information flows can be blocked at different levels, including within the settlement itself.

These examples illustrate the ambiguous role of intermediaries but also point to the crucial question of representation. In fact, “not even in the most democratic, participatory processes is everybody involved in every stage of decision-making. There is always somebody who speaks *on behalf of* somebody else” (Jordhus-Lier *et al.*, 2016: 140). In the case of slums, where the role of spokesperson is often monopolized by traditional community leaders, who are seldom elected and even self-appointed, or by professionals from non-consensual NGOs, we can see how representation and mediation with the public authorities may induce various biases, and be a potential source of conflict.

The lack, the vagueness, and the belatedness of information are all hurdles to the effective involvement of residents in projects affecting them: to participate, one needs to possess a minimal amount of information. On the other hand, when residents become aware of the stakes, the lack of information can also become a reason to mobilize, and the absence of fair consultation a reason to resist a project.

This is what the public authorities realized at a late stage, much to the detriment of the Kathputli Colony rehabilitation project, when they recognized with hindsight: “At no point of time a formal or an informal agreement was drawn up between slum dwellers, DDA and the developer, wherein the JJ [*jhuggi-jhopri*] dwellers [sic] prior consent was sought for the rehabilitation” (DDA, 2015: 2). In fact, although the transit camp had been ready since early 2013 and the first families had been moved there in 2014 in January 2016, almost all the families were continuing to resist transfer and occupy the Kathputli Colony site. Only 500 of the 3,000 families or so have settled in the transit camp.

Various findings from field research also show that the NGOs and local leaders who act as mediators and intermediaries for the residents are not impartial agents. They are also pursuing their own interests, which are not necessarily congruent with those of the residents; moreover, they are likely to use the information and knowledge they hold as an instrument of power over the residents.

Conclusion

The case studies conducted in Delhi and Chennai reveal a double divide in the communication process: the residents are not properly informed about the impending projects that affect them; and, for want of adequate consultation, the government agencies have little knowledge of the needs and priorities of the populations to be rehoused. This dearth of information and the lack of a space for the residents’ effective participation – and not simply minimalist or token consultation – are noteworthy in that they contradict the very principles set out in national and state policies.

Our field observations also highlight the challenges to ensure fair consultation in contexts where populations are heterogeneous and have diverging interests. In addition, information retention by intermediaries – some local leaders and NGO representatives – may well bias consultations and prove detrimental to an effective participatory process involving residents. NGO involvement does not suffice to counter the lack of communication and participation; the focus on these organizations as the best intermediaries to help implement slum rehabilitation projects, as recommended by the policy documents we examined, runs the risk of harming the interests of affected residents. As has been foregrounded for other settings (Navez-Bouchanine, 2007), it is crucial to take into account “the conflicting nature of the relationships between the actors” (*ibid.*: 109) – including relationships within the resident communities and between these and the organizations claiming to defend their cause. The failure to do so can but contribute to transforming the principle of participation in informal settlement clearance policies into a “methodological decoy” (*ibid.*).

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Informal settlements at the intersection between urban planning and rights: advances through judicialisation in the South African case

Marie HUCHZERMEYER

Introduction

Informal settlements are an enduring feature of cities in unevenly developed countries. While causes and conditions vary across countries and regions, the precariousness of these neighbourhoods is to a large part a result of the uncertainty surrounding their future. Planning frameworks seldom recognise their existence and often assume informal settlements can be replaced with a formally planned land use. This status of uncertainty over the destiny of informal settlements restricts both self-help (private) and public (state) initiative in improving basic services, shelter and social amenities. Since Habitat I in 1976, informal or precarious settlements have been the subject of policy debates and initiatives at the global level. Longstanding efforts to promote state support of self-help initiatives through in-situ upgrading of informal settlements have been at odds with calls to accelerate planned, modernist mass housing programmes for the rehousing of informal settlement dwellers. This tension between in-situ upgrading and planned rehousing was evident in initiatives that led from the Millennium Development Goals (MDGs) of 2001. Communication around the MDGs included an aggressive anti-informal settlement slogan, namely “cities without slums”, officially accompanying MDG Target 7d, which modestly called for improvement in the lives of only ten percent of the global slum dwellers of 2000 by 2020. To date, reports on this target describe “people lifted out” of slums or “informal settlement conditions” (Habitat III, 2016a: 1), unwittingly conjuring images of those remaining in “slums” waiting in a queue for the saving hand of relocation. However, more often than not, informal settlement dwellers resist relocations from informal settlements. Where the judicial system is accessible and sympathetic, communities invoke their rights to continued occupation of the informally settled land, in contravention of planning, through the courts.

A tentative shift is evident in the way informal settlements are treated in global agreements. Beyond the MDG initiative, which Nelson (2007) identified as antagonistic to socio-economic rights, there is an increasing call to recognise inhabitants’ rights. The more complex set of Sustainable Development Goals (SDGs), which the UN adopted in September 2015 to replace the MDGs, refer only cautiously to “slums”, mentioning (in SDG11) the need, by 2030, to

“upgrade slums”. SDG11 also requires urban planning to be inclusionary, integrated, sustainable and participatory. SDG16 titled “Promote Just, Peaceful and Inclusive Societies” underlines these same principles for all public decision-making, calling also for universal access to justice (UN-Habitat, 2015).

This chapter argues that it is at the often unresolved nexus between planning and rights that informal settlement residents find themselves trapped in uncertainty, which in turn perpetuates precariousness. It examines the intersection between urban planning and rights, or the extent to which justice for informal settlement residents can be realised through planning. It reviews debates on this question in the anglophone context, in order to clarify the meanings of rights in relation to planning. It then turns to the South African case, where judicialisation has gradually nudged the State in the direction of reforms to the point where housing policy, housing rights and planning legislation, for the first time, have the potential of being aligned. The chapter highlights the importance of judicialisation or recourse to courts, premised on a democratic Constitution, in the South African case. However, it also points to the larger questions that global interest in the notion of a right to the city raises for the interface between planning and rights.

1. International debates on the intersection between planning and rights

Rights in relation to urban habitation are either held as property rights, with ownership being the dominant emphasis of property law in systems of civil law, or occupational rights which include rights of unlawful occupiers, for instance, against arbitrary eviction (van der Walt, 2009). These rights are in a hierarchy, with property rights being significantly stronger than occupational rights. However, housing policy imperatives in countries striving for socio-economic transformation, such as South Africa, may conflict with the doctrine of property (*ibid.*). Planning, which van Wyk (2012) minimally defines as comprising regulation and control of land use, intersects with the property regime in defining and managing use, including habitation. Planning also intersects with housing and urban policy in having to manage changes in land use in order to realise policy objectives.

Policy documents are more readily adjusted to incorporate statements of compliance with human rights than are planning systems. There is general consensus that urban policies should strive for inclusion and sustainability. However, translating these principles into the legal frameworks that govern land-use planning faces far more resistance than policy changes, due to direct implications for interests vested in urban land. Cognisant of this tendency, UN-Habitat’s (2015) *International Guidelines on Urban and Territorial Planning* make a strong case for the role of planning in achieving the global policy objective of a sustainable urban future. They recommend measures that balance “three complementary dimensions of sustainable development”, namely “social development and inclusion, sustained economic growth, and environmental protection and management” (*ibid.*: 13). Under “Social Development”, the guidelines recommend that the urban plans that local authorities develop “in cooperation with other spheres of government

and relevant partners” should incorporate “[i]nstruments to support the realisation of human rights in towns and cities” (*ibid.*: 15).

Planning systems generally are understood to create and manage rights in relation to land. Alexander (2007: 113) identifies three ways of understanding rights in relation to planning. Firstly, the development rights that planning systems confer and protect, secondly which institutions or state entities hold the right to plan, and thirdly “rights held by parties affected by plans and planning decisions”. The latter would refer to human rights, in particular the often conflicting right to protection of property on the one hand and occupational rights such as the right to adequate housing on the other. Expanding on the rights held by those affected by planning, Alexander (2007: 113) sees property rights as planning rights, thus “integrated into the very substance of planning”, rather than property rights being in opposition to, or curtailed by “regulatory planning and development control”, as the liberal anti-planning movement would have it.

However, planning systems, closely associated with property rights regimes, can foster exclusionary tendencies in the land market. The South African planning system, to which I turn below, is a case in point. There is a debate as to whether such exclusionary tendencies can be mediated by human rights such as the occupational right to adequate housing, when planning is understood to serve what is perceived as legitimate other interests. Davy and Pellissery (2013: 72) allude to a dilemma, internationally: informal settlements emerge in contravention to or defiance of planning systems, yet their residents are recognised through human rights, in particular the right to adequate housing. Violations of the right to adequate housing through, for instance, forced eviction, may occur “for the sake of the formal economy and the planning system” (*ibid.*). Such planning is antagonistic to human rights. It may be legitimised through reference to public interest. But as Alexander (2007: 120) has argued, there is a “real difficulty” in defining criteria for public interest. Furthermore, it has been argued that “ideas of the public interest cannot be thought of as binding obligations in the same way that duties of justice can” (Enemark *et al.*, 2014: 342).

Thus planning, even if serving an articulated public interest, is often not aligned with human rights. Porter (2014: 338) argues that “planning, as a technical-legal function...operates in ways that deliberately *transgress* rights in all sorts of ways” (emphasis in the original). Concerned with the “dispossessory tendencies of planning”, Porter warns of the ease with which the “liberal hegemony” seduces through the rights it nominally creates, rendering them meaningless while ignoring “the more radical and fundamental claims of the right to space” (*ibid.*). This tension plays itself out in the debates on the right to the city, a concept that Harvey (2008) has framed as “a common rather than an individual right”, and which scholars have cautioned against incorporating into the liberal framework of human rights (Butler, 2012; Kipfer *et al.*, 2012).

The Habitat III policy paper produced by the Policy Unit on “Right to the City and Cities for All” follows the scholarly position in defining the right to the city as “a collective and diffuse right” (Habitat III, 2016b: 3). However, it goes against the scholarly caution by recommending its

operationalisation as a legal right, given “the need to address spatial exclusion” (*ibid.*). It builds three pillars, “spatially just resource distribution, political agency, and socio-economic and cultural diversity” (*ibid.*: 5), all of which speak to the multi-faceted reality of informal settlements in the context of growing urban inequality (see Figure 1). Aware of the dilemma between conventional planning and rights, the policy paper recommends, among several “transformative actions”, the search for planning innovations that explicitly recognise “human rights treaty obligations” while also addressing “existing challenges without infringing on the rights of inhabitants” (Habitat III, 2016b: 17). A right to the city framing that brings together planning and rights should not distract from the progressive and collective dimensions of the right to the city, but rather bring these to bear on the efforts to transform towns and cities. Informal or unplanned occupation of land by impoverished households, supported by occupational rights invoked through judicialisation, may present a fruitful challenge to the planning and property regime in forcing a reconsideration of exclusionary practices. The South African case to which the chapter turns next, illustrates this juncture.



Figure 1: Msawawa informal settlement on Johannesburg's north-western periphery borders onto the gated luxury estate, Cedar Creek, which is seeking its removal (photograph by Marie Huchzermeyer, 2013).

2. The South African case: towards aligning planning law and rights

The colonial and apartheid planning system in South Africa, which spatially cemented inequality and exclusion, distributed land rights in a manner that concentrated “economic and social power in the hands of the White minority” (Strauss *et al.*, 2014: 430). This planning system, consisting of planning laws based on comprehensive zoning lent itself to political abuse in the interest of racial exclusion and segregation, while also enhancing the value of privately owned land in privileged locations (Berrisford, 2011; van Wyk, 2012). This created and fixed rigid socio-economic contours onto urban land. In the political transition around 1994, private rights to land created under the planning systems of the previous regimes were protected and formed the distorted territorial basis of the post-apartheid city (Berrisford, 2011). As increasingly identified in urban and human settlement policy documents, “the inequalities and inefficiencies of the apartheid space economy...lingered on” (Department of Housing, 2004a:11). Dismantling this planning regime and its implications have remained an ongoing challenge (van Wyk, 2012).

The South African planning system was developed hand in hand with a property rights system commensurate with that of the Western world. This system remains unreformed as a result of a deliberate political decision in South Africa’s transition, which favoured economic stability (van der Walt, 2009). This combination of an unreformed property system and an only partially transformed planning system has accentuated spatial fragmentation and exclusion over two decades since the end of apartheid rule. It fostered a residential property market that demands continued socio-economic segregation through exclusionary planning. Area rankings used by the real estate sector to determine property value, and which inform banks’ decisions to grant, curtail or deny credit, are exclusionary and stigmatising practices deemed to be justified in this market (Haferburg *et al.*, forthcoming).

In addition to perpetuating the exclusionary residential market fostered under apartheid, flaws in the planning system have allowed excesses in spatial exclusion to flourish since 1994: on the one extreme, the private sector drives poorly planned, land-hungry and unintegrated upmarket-lifestyle estates; on the other extreme, the State relocates qualifying low-income households from informal settlements to often distant, poorly planned and unintegrated, large-scale, subsidised dormitory housing developments, in some instances including serviced sites. Low-income housing relocation has reached over 3.8 million households since 1994, although transfer of titles lags behind allocation (Huchzermeyer *et al.*, 2016). The continued commitment to mass delivery of free housing despite attempts at policy revision is the result of a reductionist politics of patronage, which succeeds in trumping emerging high-level political concern with the unsustainable and unjust form of post-apartheid towns and cities, including its subsidised housing developments (NPC, 2012; CoGTA, 2013).

Despite the remarkable scale of delivery, the number of households having to resort to life in an informal settlement has continued to grow. Informal settlements emerge and exist in a complex relationship to the subsidised housing initiative. While many households in informal settlements are registered for “free houses” and awaiting their turn, informal settlements also house people who are ineligible for the latter for reasons such as not having dependents, someone in the

household having previously benefited from a housing subsidy, not being a South African citizen or permanent resident, or not being fit to contract. Through informal settlements, impoverished households have subverted the spatial inequality inherent in formal development in two important ways. Firstly, by occupying land not planned for low-income residence, households in informal settlements have contributed to breaking down the apartheid spatial form, if only marginally, and often only for short periods of time. Resistance to plans for distant relocation sites has at times led municipalities, still reluctant to upgrade in situ, to identify land developable for low-income housing in proximity to existing informal settlement. In some cases, municipalities have redeveloped informal settlements into formal low-income housing projects. While this involves demolition and a degree of displacement, it does insert low-income housing into areas not envisaged through foresight in formal plans. This has seen low-income housing receiving a permanent foothold in areas dominated by upmarket suburbs or gated estates. Secondly, although relocation to dormitory developments, whether distant, nearby or on the occupied land, offers entry or integration into the property rights system, organised communities in informal settlements have resisted being moved, invoking instead their occupational rights under the constitutional right to adequate housing. Resisting exclusion from informally occupied space also involves resisting non-voluntary integration into the property system at a relocation site. It is only once an informal settlement community has won a further battle, namely to be upgraded in situ, that a more appropriate integration into the property system becomes possible.

In their defiance of the complex implications of relocation, informal settlement communities have received some support from the socio-economic rights framework under the Constitution, and in the process have achieved a gradual shift in the property versus right-to-occupancy hierarchy. Thanks to a framework in South Africa through which impoverished households and groups can seek legal representation, the organised informal settlement communities' struggle against eviction or relocation and for better living conditions in informal settlements has seen a number of high-profile court cases. Through this process of judicialisation, official housing and human settlements policy has had to respond to Constitutional Court guidance. However, to take effect, this needed reinforcement through planning reform. Before turning to the judicialisation that finally unlocked protracted planning reform, I will briefly set out the most important Constitutional Court judgments initiated by informal settlement communities and the shifts they have occasioned.

2.1. *Judicialisation of the informal settlement struggle: unlocking movement in human settlement policy*

Judicial guidance for urban policy in South Africa began with the *Grootboom* judgment in 2000.^[1] As a result, South Africa saw the introduction in 2004 of programmes for emergency housing and for in-situ upgrading of informal settlements into housing policy. This formed part of a policy refinement towards sustainable human settlements referred to as "Breaking New Ground"

[1] CCT11/00 [2000] ZACC 19. The *Grootboom* judgment was internationally acclaimed as a watershed in the justiciability of socio-economic rights. It required the State to provide measures in its housing policy to respond to the immediate needs of those, such as evictees Irene Grootboom and others, living in desperate conditions.

(DoH, 2004a).^[2] The policy change provided a dedicated funding mechanism, the Upgrading of Informal Settlements Programme (UISP), that enabled upgrading in cases of unlawful occupation on both private and publicly owned land. The new policy required that informal settlements “urgently be integrated into the broader urban fabric to overcome spatial, social and economic exclusion” (DoH, 2004a: 12), while the UISP stated that relocation be treated “as a last resort” (DoH, 2004b: 35). In providing that wherever in-situ upgrading could be implemented (and irrespective of underlying property rights) informal occupiers of land would ultimately be given permanent rights to occupy through an upgrading process, the UISP provided the potential to reverse the hierarchy in which property rights trump rights to occupation.

A number of subsequent cases, emanating from informal settlements as well as occupied inner-city buildings, did not refer to the UISP directly, but clarified municipalities’ requirement, under the right to adequate housing, to provide alternative accommodation before eviction of destitute households could take place. In the case of *Port Elizabeth Municipality v Various Occupiers*,^[3] the Constitutional Court in 2004 in particular requires “courts to avoid the traditional hierarchical view of property and housing rights and to reconcile them in as just a manner as possible”, taking all relevant circumstances into account (van der Walt, 2009: 154). The Court had to consider the circumstances surrounding the municipality’s efforts to obtain an eviction order to remove a small informal settlement within a suburban residential area from which the municipality had received a petition with signatures from 1,600 nearby property owners calling for the removal of the settlement. In its judgment, the Court decided not to allow an eviction to go ahead and instead called for engagement and mediation.

The Upgrading of Informal Settlements Programme of 2004, which remained poorly promoted and unimplemented for several years, began to be invoked directly in court cases that dealt with informal settlements. In 2009, the Constitutional Court was required to make judgements on three such cases in which the State had misread its obligations in relation to informal settlements and the UISP. In so doing, the Court developed its own understanding of and sensitivity to the intentions of the UISP and underlined important principles in relation to this programme.

Acknowledging a misunderstanding of the conditions under which in-situ upgrading of informal settlements is possible

The *Joe Slovo* case^[4] in Cape Town involved a contested eviction order to make way for the high profile N2 Gateway Project for medium-density housing (see Figure 2). The Court engaged with the UISP and accepted statements that the informal settlement could not be upgraded in situ. The Court granted the eviction order, and endorsed the State’s plans for temporary relocation

[2] Breaking New Ground also sought a departure from the main form of housing delivery, taking issue with “[t]he dominant production of single houses on single plots in distant locations with initially weak socio-economic infrastructure” (DoH, 2004a: 8). It called for the delivery of more diverse housing typologies and tenure forms (*ibid.*: 8,11).

[3] CCT 53/3 [2004] ZACC 7.

[4] [2009] ZACC 16.

pending formal housing provision. Building on the *Port Elizabeth Municipality* judgement of 2004, which had called for engagement and mediation, the Court required that within a set timeframe the informal-settlement residents be meaningfully engaged about the relocation. However, a subsequent shift in political leadership at provincial level led to an undertaking to instead upgrade the Joe Slovo informal settlement in situ. The Constitutional Court therefore withdrew its eviction order.^[5] In so doing, the Court indirectly acknowledged that it had not properly understood what was possible under the provisions of the UISP.



Figure 2: The N2 Gateway project underway in Cape Town, 2005 (photograph by City of Cape Town, with permission)

Misreading when interim basic services can be provided in informal settlements

Second, the *Nokotyana* case^[6] involved a request for interim basic services from the Harry Gwala informal settlement in the Ekurhuleni Metropolitan Municipality, while the results of the provincial government's investigations into feasibility of in-situ upgrading of the settlement were being awaited. The process of waiting for these results had already taken several years. The Court took serious issue with this delay, finding it to be a key cause of the Harry Gwala residents' complaint. The Court therefore underlined the constitutional principle that an organ of the State must take decisions with which it is mandated without delays. However, the judgment did not grant an order for the full range of basic services that the residents had motivated for, taking the State's side, which involved a misreading of the UISP, namely that basic services could only be provided once feasibility of upgrading had been established. As this undermined the most basic living conditions that should accompany occupancy rights, it unleashed severe criticism from human rights scholars (e.g, Bilshitz, 2010).

[5] *Joe Slovo* [2011] ZACC 8.

[6] [2009] ZACC 33.

Underlining the need to consider in-situ upgrading in every case

Third, the *Abahlali* case^[7] involved the social movement Abahlali baseMjondolo challenging the constitutionality of the *KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act No 6 of 2007*. This provincial act increased the State's powers to evict, ostensibly to further the State's goal to eradicate informal settlements. The Constitutional Court struck down the central section of this legislation, finding it in violation of the framework of dignity which post-apartheid legislation required for evictions (see Figure 3). Demonstrating a refinement of its understanding of the UISP, the Court underlined two important principles. One is that eviction from an informal settlement may only be used as a last resort, after all possibilities for upgrading in situ had been exhausted. The other linked this directly to meaningful engagement, requiring to include the wishes of the informal settlement residents, whether in-situ upgrading is possible and whether alternative accommodation has been provided should an eviction be necessary.



Figure 3: The Landless People's Movement in solidarity with Abahlali baseMjondolo at the Constitutional Court in Johannesburg (photograph by Marie Huchzermeyer, 2009).

[7] [2009] ZACC 31).

The three judgments in 2009 came at the height of the South African Government's preparation for the hosting of the 2010 Fifa World Cup and followed on a sustained campaign associated with this (in a misreading of MDG7d) to eradicate all informal settlements by 2014 if not 2010. The eradication drive, mentioned also in the judgments, received increasing criticism in the media, particularly in the wake of the *Abahlali* judgment, which had exposed the State's resort to repressive, unconstitutional measures. The new housing minister as of mid-2009 abandoned the eradication campaign. A year later, the President announced a target not to eradicate but to improve the lives of 400,000 households through informal settlement upgrading (Zuma, 2010). This resulted in enhanced mandates for the National Upgrading Support Programme (in the Department of Human Settlements) and the state-owned Housing Development Agency in assisting provincial and local governments to assemble upgrading projects.

However, the State at all levels continued to treat the implementation of the UISP as optional,^[8] therefore also ignoring its potential to break down the hierarchy between property and occupational rights. The ambivalence towards the UISP necessitated a further informal settlement to take its case to the courts. In April 2016, the High Court in *Melani and others versus City of Johannesburg and others*^[9] found it unlawful that the City of Johannesburg had not applied the UISP to the Slovo Park informal settlement, which had sought upgrading for the past 20 years. The Court required the City to rectify this omission within four months. The judgment, considering the constitutional right to adequate housing, underlined again that the UISP applies to all informal settlements and that relocation be resorted to only after the possibility of upgrading has been investigated and this approach found to be unfeasible. The City Council decided not to appeal; therefore the judgement is binding for all municipalities in Gauteng Province and is a persuasive or guiding precedent in all other provinces in South Africa (Zondo *et al.*, 2016). The judgement strengthens the occupational rights of those living in informal settlements, while reducing the ability of owners of unlawfully occupied property to implement plans to develop such land in an exclusionary manner.

2.2. Judicialising the struggle for the right to plan: unlocking planning reform

Planning law in South Africa is rooted in colonial approaches to land legislation which contained the means to impose racial restrictions on the use of land (Strauss *et al.*, 2014). The transition to democracy in 1994 involved a consensus on the need to reform the planning system including its legal basis, though not departing from the Roman Dutch and English tradition despite this having enabled abuse under apartheid (van der Walt, 2009). The interim, transitional approach was to enable greater flexibility and ease for realising transformative land development objectives. Informal settlement upgrading as well as rapid delivery of services and housing for those previously excluded from South African cities were to be enabled through an interim law enacted in 1995, the *Development Facilitation Act no. 67 of 1995* (abbreviated DFA), a year before enactment of the

[8] In 2012, the National Planning Commission (NPC, 2012: 273) still noted "an ambivalence across government towards how to address the upgrading of informal settlements".

[9] (02752/2014) [2016] ZAGPJHC 55 (22 March 2016).

final *Constitution Act 108 of 1996*. The DFA allowed for the creation of development tribunals at provincial level with powers to override municipal re-zoning and other cumbersome measures for land use regulation. The rationale for this interim arrangement was to speed up much needed development. The DFA sought to facilitate development for informal settlements in several ways. The first of its land development principles was to promote development of new as well as existing settlements, whether formal or informal. While discouraging unplanned occupation of land, it called for the enactment of laws and the development of administrative procedures and practice to recognise informal processes of land development so as to give content to rights which at the time were set out in an Interim Constitution.

The first step towards national legislation to replace the interim DFA was a draft policy and legislation in 2001.^[10] However, in somewhat of a rivalry over the planning function, the Ministry of Provincial and Local Government^[11] had enacted the *Local Government: Municipal Systems Act 32 of 2000*, legislating five-year cycles for municipal integrated development plans (IDPs) for the coordination of municipal budgets (Harrison *et al.*, 2008). An additional contestation arose over the sphere of government with the constitutional mandate “to make planning law” and, importantly, also with “the extent to which planning laws can interfere with and restrict the exercise of property rights” (Berrisford, 2011: 253). This, as well as a bias towards rural development in the responsible department, contributed to a decade of delays following publication in 2001 of the draft policy and legislation for land-use management (*ibid.*). In these lacunae, land-use ordinances dating as far back as 1949 and favouring property over occupancy rights remained operational in some provinces (*ibid.*). Municipal spatial planning frameworks since 1994 had envisaged compact urban development along corridors and around public transport nodes, containment of urban sprawl and the poor having access to opportunities in urban areas (e.g., City of Johannesburg, 2010). However, the opposite materialised. Urban spatial development followed the short-term interests of property developers, who could bypass municipal spatial plans by choosing the most likely route for plan approval, namely provincial tribunals under the DFA, while also resorting to informal means to influence the outcomes of planning applications. At the same time, the urban development discourse increasingly prioritised economic development, urban competitiveness and laissez-faire, while planners lacked understanding of the relationship between economies and the organisation of space (Harrison *et al.*, 2008; Todes, 2011).

This trend, alongside the State’s unwillingness to upgrade informal settlements in situ (Huchzermeyer, 2011) expanded the unequal distribution of property rights in South African cities and drove urban inequalities to unprecedented levels. According to UN-Habitat (2010), and recognised with concern by the South African government (NPC, 2012; CoGTA, 2013), South African cities reached the highest category of inequality internationally. Growing frustration at

[10] The then Department of Land Affairs (now the Department of Rural Development and Land Reform) in 2001 released the *White Paper on Spatial Planning, Land Use Management and Development* and a *Land Use Management Bill*.

[11] Previously the Ministry of Constitutional Development, now the Ministry of Cooperative Government and Traditional Affairs or CoGTA.

the planning system was voiced by the Presidency, Treasury and several implicated Ministries including Housing (now Human Settlements). However, it was the City of Johannesburg that occasioned a decisive decision by the Constitutional Court in 2010^[12] in a case that revolved around planning decisions taken by the Gauteng provincial tribunal under the DFA in 2003 and 2004 in contravention of the City's spatial plans.^[13] The Constitutional Court proceedings confirm complex economic interests vested in the status quo, which is underpinned by the expectations of land owners to realise their property rights with as little planning interference as possible.^[14] The Constitutional Court^[15] found the powers vested in the provincial tribunals to be at odds with the powers which the Constitution confers upon municipalities and declared key sections of the DFA unconstitutional. Noting that "[t]his situation cries out for legislative reform" (para. 33), the Court required that new national legislation be enacted within twenty-four months. The new *Spatial Planning and Land Use Management Act no. 16 of 2013* (abbreviated SPLUMA) places planning decision-making exclusively at municipal level, thus allowing for alignment with municipal spatial frameworks and curtailing the ability of property developers to circumvent these. SPLUMA repeals the DFA along with four apartheid era laws, but as legislation it is only effective once provincial and municipal law is aligned to it and a new system as a whole is operational.^[16]

It is hoped that SPLUMA will mediate the hierarchical tension between property and occupational rights. Its preamble cites those sections of the Bill of Rights in South Africa's Constitution that relate to the protection of property rights and to access to adequate housing. On the one hand it highlights the constitutional requirement to "foster the conditions that enable citizens to gain access to land on an equitable basis" (Republic of South Africa, 2013: 4). On the other hand it clarifies the constitutional right to adequate housing by including the right to "an equitable spatial pattern and sustainable human settlements" (*ibid.*). SPLUMA operationalises this reference to the Bill of Rights by requiring "spatial planning land development and land use management" to submit to development principles: spatial justice, spatial sustainability, efficiency, spatial resilience, and good administration (Republic of South Africa, 2013, s7). The act requires all spatial planning and land-use management applications and policies to explicitly align to these principles (Strauss *et al.*, 2014). With direct reference to informal settlements, SPLUMA makes provision for a "pragmatic differentiation" of land-use management systems, calling for "the gradual introduction of land-use management and regulation...in informal settlements and slums" (van Wyk *et al.*, 2014: 358).

[12] *Johannesburg Metropolitan Municipality v Gauteng Planning Tribunal and Others* [2010] ZACC 11.

[13] Due to similar experiences, eThekweni Municipality (Durban) joined City of Johannesburg's proceedings once they reached the Constitutional Court.

[14] Land owners, the property owners' association, the association of consulting town planners, Gauteng Province, two other provincial governments and the national Department responsible for the DFA all participated in the legal proceedings in opposition to the City of Johannesburg.

[15] The case took five years, the High Court ruling in favour of the DFA, this being overturned by the Supreme Court of Appeal, and the Constitutional Court confirming the Supreme Court of Appeal judgement.

[16] This process remained underway at the time of writing.

As the “conceptual” planning rights begin to be translated into “concrete” planning rights that may break down the power that property rights have over occupancy rights, various loopholes and challenges are anticipated. Firstly, performance management in South African state bureaucracy does not lend itself to facilitating the change that is needed (van Wyk *et al.*, 2014). Secondly, SPLUMA allows for a discretionary interpretation of public interest which may justify amendments to land-use schemes, restrictive conditions, tribunal decisions and the Minister’s granting or withholding of exemptions from the provisions of the Act (Huchzermeyer, 2014). Thirdly, land-use management through the zoning system in South Africa, which is envisaged to continue under SPLUMA, has limits in relation to realising spatial justice (Nel, 2016). Lastly, it is relevant to return to the lead-up to the Slovo Park informal settlement’s litigation around the UISP. The community’s legal team identified the planning requirements of environmental impact assessment (EIA) (required under environmental legislation) as well as township establishment^[17] as delaying and frustrating in-situ upgrading endeavours (SERI, 2011). Township establishment in turn forms the basis for the integration of informal settlements into the system of property rights. These challenges are not resolved by SPLUMA. It is at this point that a wider understanding of spatial justice under a right-to-the-city framing, bringing collective dimensions of city rights into planning, might be needed.

Conclusion

The varied condition of informal settlements speaks to rights in various ways, most prominently in relation to the occupational right to adequate housing held by those creating shelter out of desperate need, and property rights which informal settlements are often seen to infringe upon. While creating territorial rights to property and use, planning has long derived its ethical framing not from the doctrine of human rights but from a discretionary notion of public interest, open to political interpretation and at times embracing economic development and growth. With increasing urban inequalities and concern over the sustainability of urban form (the result of deliberate planning or emerging through loopholes in the planning system), global attention is gradually turning to the need to align planning with rights. At the same time, it is challenging hierarchies embedded in rights which trump urgent transformation. The case of South Africa is one of hard-fought legal battles in which high-level judgements have gradually elevated occupancy rights in a way that has interacted fruitfully with policy. A similar constitutional contestation, though emanating from within the State, removed the largest barrier to planning transformation by empowering local government with the planning competency and by beginning to allow for planning to reduce the power of property rights over the occupational rights of economically weak, informally settled households. At country and global level, the journey to align planning with rights must continue beyond individual rights to the more complex collective right that an emerging global movement on the right to the city is increasingly articulating.

[17] Township establishment refers to the procedures involved in having a new residential area officially declared and a register opened for its plots.

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From slum^[1] to ordinary neighborhood in a provincial town of South India: Resident-induced practices of participation and co-production

Bhuvaneswari RAMAN, Éric DENIS, Solomon BENJAMIN

1. Participation: performance, actions and intent

This paper illustrates the bottom-up process of participation by which the settlers of a squatter settlement named Pomudi Nagar (PMNGR) influenced the state agencies to legalize their occupation, access basic infrastructures and secure titles. PMNGR is a cluster of three settlements on the outskirts of Villupuram, a small town located 16 km from Chennai metropolis (in the State of Tamil Nadu). The town is the administrative capital of the District and has approximately 100,000 inhabitants (GOI, 2011). PMNGR developed incrementally on an irrigation tank bed over four decades. It is home to approximately 250 households. The settlers' experience illustrates the communities' capabilities to mobilize with minimal or no external support, to influence the actions of government institutions through everyday engagement with different scales of government.

Drawing on our fieldwork undertaken between 2012 and 2013, we discuss three key features of the bottom-up process of participation.

Firstly, PMNGR settlers influenced the decision of government institutions and circumvented legal obstacles by mobilizing the opportunities as well as the ambiguities of institutional procedures, practices, and schemes. Unlike the ritual of top-down participation where the registration of local voices becomes a standardized procedure controlled by external agents, the settlers, here, constantly adjusted their actions in response to the ever-changing situations.

Secondly, while one central aspect of their actions is the generation of information and securing information recorded in the government registers, another dimension is pressuring

[1] *Slum*: in India, the term "slum" denotes highly diverse groupings of housing, both in terms of the buildings themselves and socio-economic composition and economic activities. It can cover simple shacks built out of waste materials as well as buildings several stories high. *Slums* are also characterized by the illegal occupation of public or private land. Finally, they correspond to a precise administrative category; a notified *slum* may be eligible for rehabilitation programs (Arabindoo, 2011).

the concerned institutions to create title documents for their plots. They organized surveys on their own and lobbied the concerned government agencies to undertake official surveys. In the process, they generated sketch maps, identity documents, *parchis*,^[2] and cadastres.

Thirdly, the settlers drew on the support of their networks in the mid-level bureaucracy and elected representatives, in their efforts to influence the actions and decisions of various public institutions.

Based on our observations of a bottom-up participatory regularization process,^[3] we call for more attention to the ordinary ways by which people attempt to improve their conditions without waiting for external intervention. There are numerous examples of squatters incrementally regularizing their de facto land-tenure status on their own (Banerjee, 2002; Payne *et al.*, 2009). However, the literature on participatory development of squatter settlements in India published since the 1990s has focused on the projects implemented by governmental and non-governmental agencies (NGOs) to grant land titles to residents.^[4]

Squatters' participation in projects is imposed top down, as an invitation to participate that may turn into an injunction. In projects with a component of titling, squatters perform compulsory routines of attending weekly public meetings, surveying and mapping their settlement, organizing votes/consultations, etc., as instructed by the project implementers. Advocates of participatory mapping argue that such rituals of mapping and surveying render the titling process transparent. This transparency is supposed to create the proper conditions for the inclusion of the voices and interests of the relatively weaker groups, whose concerns are usually overlooked in processes, led by community leaders or elected representatives (Herlihy *et al.*, 2003). Further, it is suggested that squatters can own information and use it to directly negotiate with government institutions to influence their decisions, bypassing the exploitative middlemen (Appadurai, 2001; Park, 1993; Tolman *et al.*, 2001). The participatory mapping process brings the community together to pool and share their knowledge about their settlement, and acquire new skills (Patel *et al.*, 2012). The support of the NGOs as mediator and knowledge partner to mobilize communities and impart skills to them is underscored in the arguments for participatory mapping (Livengood *et al.*, 2012; Mitlin *et al.*, 2012; Chambers, 2006; Appadurai, 2001; Boonyabanacha, 2001).

The reality on the ground tells a different story. Evidence of squatter dwellers securing titles under these "participatory projects" is limited in the Indian context (Raman, 2015; Payne *et al.*, 2009; Dupont *et al.*, 2015; Bardhan *et al.*, 2015). Participation, as Mosse (2001) points out, has become an ideology – an end in itself. While at the outset the rituals of participatory mapping may appear to promote transparency and the voice of the poorest, in reality communities participate within the framework established by the project formulators, facilitators, and

[2] *Parchis* – meaning slips of paper, including paper tokens and acknowledgement slips issued by the government institutions. These are critical evidence required to move one's file through the system.

[3] The fieldwork was conducted between 2011 and 2013, contributing to a comparative research project on titling, supported by the *Mission de recherche Droit et justice* (Ministry of Justice, France).

[4] See for example Appadurai (2001), de Wit *et al.* (2009) and Patel (2012).

donors, whose interests differ from those of the communities (Cooke *et al.*, 2001; Hickey *et al.*, 2004; Whyte, 2011; Bryan, 2011). Further, far from mining local knowledge, the top-down participatory process constructs “local knowledge” (Mosse, 2001) and often reinforces the interests of powerful groups (Cooke *et al.*, 2001: 8; Flyvberg, 1998; Raman, 2015). This is critical in the context of titling, as power relations influence how and which types of information are recorded and used (Bryan, 2011; Ferguson, 2007).

The rest of this chapter is divided into four sections. The next section (Section 2) illustrates the PMNGR residents’ trajectory and strategies of engagement with the government agencies. Sections 3 and 4 focus on community-led surveys and PMNGR residents’ alliances in their engagement with the State. Discussions in these sections point to the need to review three key concepts in the literature on participatory development. First, the residents initiated the reconfiguration of the institutional practices and rules for assigning individual titles to land, creatively mobilizing opportunities in law, schemes and administrative procedures, and electoral politics. Contrary to de Certeau’s conception of squatters’ actions as tactics and those of the State as strategies (de Certeau, 1984), we suggest that the former’s actions are strategic, as they influenced a shift in institutional practices. At one level, the spaces claimed by the PMNGR residents parallel Miraftab’s (2009) description of invented spaces through which they strived to change the legal status of their land claims, but the political dynamics is far more nuanced, comprising individual and collective action. Second, differing from Appadurai’s (2001) arguments on participatory planning, we found that the PMNGR residents’ involvement in the surveying and mapping process was not only to be enumerated, but more crucially to register their claims, in different administrative records. The residents of PMNGR appropriated state practices to reinforce their claims and in the process influenced the co-production of official information about their settlement. Third, similar to Björkman (2015) and other works on popular groups’ engagement with the State, we found that the role of the neighborhood’s elected representatives and their ties with mid-level bureaucrats enabled them to navigate state procedures.

2. The performance of participation: trajectory and strategies

The bottom-up process of participation concerns the PMNGR residents’ prolonged engagement with various government institutions at different scales. Their actions, coordinated by the PMNGR Resident Welfare Association (RWA), focused on three aspects: (i) assembling documentary evidence to prove their occupancy; (ii) lobbying different institutions to influence their decisions to create titles; and (iii) co-producing information for the official registers.

This section describes the trajectory of the residents’ actions and how they navigated multiple institutional procedures for their title documents.

2.1. Residents’ actions for securing titles

The PMNGR cluster of three settlements was consolidated on the banks of two irrigation tanks (or *eris*), namely the Erumanthangal and the Keezhperumbakkam tanks, separated by a main

road. Today, the settlement on the Erumanthangal tank bank follows a gridiron layout with plots organized in three parallel streets, while the other two settlements on the Keezhperumbakkam bank grew linearly along a main road and two streets off the main road. There are varying estimates of the number of households, ranging from 110 households to approximately 250.^[5] Our survey showed also that dwellers are from diverse caste backgrounds: they are predominantly from the Mudaliar, Vanniyar and Nadar caste communities and the historically disadvantaged Scheduled Caste community. These dwellers held public-sector jobs, were self-employed (running a tea stall or driving an auto-rickshaw, for instance) or wage laborers, such as manual laborers (loading merchandise) in the town's market or the construction industry.

The history of the settlements can be traced to the early sixties, when a few residents of Erumanthangal village occupied the lake bed and constructed temporary structures. Until then, the villagers had used the lake bed for grazing. The first settlers were joined by migrants working in Villupuram town and government officials posted to surrounding villages. In the 1970s, the Government allocated the lake bed and the lake bank occupied by the PMNGR settlers to the construction of a new college. A college board was created and the Public Works Department (PWD) was entrusted with the responsibility of constructing the college. The PWD design located the college in the lake land and the staff quarters on one of the lake banks. Several times, the College Board attempted to evict the settlers with the support of the Revenue Department. The threat of eviction accelerated the residents' actions to demand land titles.

The PMNGR settlements developed on the banks of two minor irrigation tanks, administratively categorized as *eri poramboke* land or its English equivalent, "common land". *Eri* means "lake", *poram* means "outside" and *boke* signifies a "revenue record". Thus, the term *poramboke* can be defined as non-arable land that can be assigned to common purposes. The British introduced the *poramboke* category to bring the village common land under unified administrative control. There are several sub-categories of *poramboke* land: village grazing land (*meichal*), village common land (*grama natham*), lakes and tanks (*eri*), and land earmarked for public utilities, such as roads and railways. Different local, regional or federal government agencies control/administer the *poramboke* land depending on their use. By law, titles can be created for developments on *natham poramboke* land. The *eri poramboke* land of PMNGR had to be reclassified as *natham poramboke* or *grama natham*^[6] before it could be titled. The lake had to be declared as "abandoned" or "disused" by the agency administering lakes.

The timeline below provides an overview of residents' struggles to secure title documents to consolidate their claims.

[5] Based on community surveys and official surveys undertaken in 1977, 1983, 1986, 1993 and 2006, and a house-to-house survey undertaken for the research in 2012 in one of the three settlements.

[6] *Grاما natham* is defined in law lexicon as land upon which houses can be built in a village. This was brought into existence in order to stress that the land could be used for housing sites where the owner could build houses. Land can be classified as privately owned *patta* (titled) land, government *poramboke* land or *grama natham* land. In *grama natham*, the first occupier of the land is considered the rightful owner and, generally, no *patta* is issued to him/her. However, it is still possible to apply for *patta* while owning *grama natham* land.

Year	Key Actions
1966	Village panchayat ^[7] levies a penalty (<i>Bhim</i>) on PMNGR residents occupying <i>eri poramboke</i> (lake bed).
1968–72	The land of the PMNGR settlement allotted by the Revenue Department to construct a college. Lake and lake bed transferred to the College Board.
1975–77	Three attempts to evict PMNGR settlers by the college authorities and the Revenue Department.
1977	PMNGR settlers submit the petition to the Governor of Tamil Nadu; the governor issues an order to provide housing for the residents. Settlers mobilize to set up a public distribution shop and ration card.
1982	College authorities renew their attempts to evict the settlers.
1977–83	Settlers submit several petitions to the District Collector and the Revenue Administration (RA), and simultaneously lobby via the elected representatives; and secure information and survey maps of the area through their networks in lower- and mid-level bureaucracy of government agencies.
1983	Lobby the RA to survey the settlement and prepare the sketch maps.
1984	The PWD recommends transfer of lake bed to the settlers. The college authorities decline to issue a non-objection certificate (NOC) to transfer the land to the settlers. RA suspends the titling process.
1986	Change of political regime in the State. Residents' renewed attempts to title their land; Lobby the RA through their elected representatives and petition the PWD to survey the area a second time. Petitions to the RA to reclassify the lake bed from <i>eri</i> to <i>natham poramboke</i> to enable the creation of titles. RA surveyors visit the area and prepare sketch maps. Process stalls as negotiation with college authorities fails.
1984–89	Several written communications to the PWD, college authorities, the RA and elected representatives to influence the College Board to issue an NOC. College authorities orally agreed to issue an NOC = to allot the land to occupiers.
1990	The executive engineer of the PWD resurveys the land; submits report on the land occupied by the settlers, which was fixed at 5.90 acres. The PWD issues a non-objection certificate to assign titles to occupiers.
1996	College authorities withdraw their agreement to issue an NOC. Setback in titling process until 2004. Settlers demand change of leadership in the resident association.
1996–2003	Resident association lobby the elected representatives for infrastructure.
2004	Change in the political regime. Residents revive negotiations with the College Board and the Revenue Administration, which was then the Ministry of Social Welfare.
2004–2008	Resurveys and finalization of the household list and sketch maps. Registration of resident welfare association in 2006. Village panchayat extends piped water supply along the main access to the settlement. PMNGR territory annexed to the municipal administrative limits.
2009–2013	Proposal prepared for granting free <i>pattas</i> (title documents) under the free house <i>patta</i> scheme. <i>Pattas</i> issued to 190 houses in 2009. Conflict over easement rights, and individual plot owners mobilize a municipal tax for vacant land to record their claims. Municipal officials encourage residents to file property tax and, in the process, to regularize development in the settlement.

[7] A *panchayat* is the village local government.

As can be inferred from the above timeline, the PMNGR residents' efforts to secure territory and titles span more than three decades. Different government agencies influenced the titling process. The collector, who is the head of the district administration, is authorized to assign titles. The collector relies on the advice of other institutions including landowners (the College Board), administrators of land and the lake, and the Revenue Department. The village panchayat was in charge of administering the two lake beds of the PMNGR until these were annexed to the Villupuram Municipality. The Revenue Department is in charge of creating, maintaining, and updating land records. The role of the Revenue Department's field officials (the surveyors, village administrative officer, and revenue officer) and the panchayat officials is crucial, as they are responsible for collating the information on the ground and recording it in different registers. The department is headed by the collector. Titles can be assigned to squatters only if the landowners (i.e., the College Board) issue a no-objection certificate (NOC). In addition, other factors like the land tenure and the administrative category of land have a bearing on the collector's decision.

In negotiating the rules and procedures of various institutions, the residents creatively mobilized opportunities opened up by legal provision, electoral politics and welfare schemes, as shown below.

2.2. Residents' strategies for negotiating institutions

- Mobilizing the provision in law for adverse possession

The PMNGR settlers started to consolidate their land claims prior to the Revenue Department's eviction drive. They used a widely prevalent practice among encroachers on *poramboke* land called the "B-Memo", locally known as the *Bhim* (penalty), as evidence of their length of occupancy. A settler on *poramboke* land constructs a temporary shed, on the basis of which the government agency levies a penalty and issues B-Memos. The B-Memo is a statement showing the details of the land encroached and the fine levied for illegal occupancy. The *Bhim* is the acknowledgement issued to an occupier for payment of fines. An occupant can use such receipts to prove twelve continuous years of occupancy and claim titles in the form of adverse possession.^[8] This practice is common among the occupants of *poramboke* land in Tamil Nadu.^[9]

Not all households succeed in proving their occupancy using the "*Bhim* route". To start with, an occupant on *poramboke* land would have to lobby the rural local government to levy a fine and issue the B-Memo record. Some agencies, like the Railways or the Roads Department, do not issue B-Memos, as it means recording a household's occupancy in official registers. Further,

[8] The practices of claiming land through occupying common land and regularizing their occupancy using penalty procedures is a common way by which a large proportion of low-income households in both urban and rural areas secure land in India (Joda, 1986). In recent years, such land is also targeted by state institutions to set up Special Economic Zones and other productive sites, reducing the opportunities for individuals to occupy such land (Balakrishnan, 2013).

[9] Similar practices exist in North India where farmers pay *girdhawari*, which is the equivalent of *Bhim* in Tamil Nadu.

the concerned government agency may disrupt the continuity by not collecting fines in one year. The early settlers of PMNGR were able to prove their length of occupancy based on the annual B-Memo receipt series. The village panchayats discontinued issuing B-Memos to the occupants on the Erumangal lake bank after 1995 and, to those on the Keezhperumbakkam lake bank in 2001. Consequently, the poorest households and those who moved into the settlement at a later stage faced difficulties in building the chain of documentary evidence to prove their length of occupancy.^[10]

- **Mobilizing schemes to build documentary evidence**

The PMNGR residents faced difficulties in providing proof of identity and address to support their application to the government for titles or other welfare schemes. In the Indian context, the ration card – a document issued by the Department of Food and Civil Supplies – is recognized as evidence of identity and residency. However, securing a ration card is not an easy task (Sriraman, 2011). Households applying for a ration card must provide proof of residence, but they often face difficulties in generating proof of address, as their settlements are not recognized under the provisions of the town planning law. They face a catch-22 of generating valid evidence of their address to secure a ration card and securing a ration card to generate proof of address (Sriraman, 2011). Circumventing this problem, the PMNGR residents collectively lobbied to start a public distribution shop and individually applied for a ration card. They used a provision in the administrative norms to set up a ration shop for every 150 households and in localities with no ration shop within a distance of 1.5 km (Justice Wadhwa Committee, 2007). The leaders of the PMNGR's RWA enlisted 230 households from their settlement and nearby neighborhoods to submit an application to start a Public Distribution System (PDS) shop. The governor, who then recommended issuing land titles to the dwellers, inaugurated the shop.

- **Appropriating administrative practices**

The residents faced another hurdle due to the administrative category of their settlement territory. As mentioned earlier, the settlement developed on an *eri poramboke* (tank bed land), which has to be converted into *natham* land before titles can be assigned. Creating titles for lake bed land is not an easy task, as its reclassification to the *natham* category is highly restricted. According to the ruling of the Government of Tamil Nadu, creating titles in individual names on such land is not allowed. The PMNGR residents appropriated an ambiguous administrative nomenclature in official records to influence the Revenue Department to reclassify their *eri poramboke* land. In the context of the PMNGR, the PWD declared the minor irrigation tanks

[10] The practices of land management vary from one public agency to another. Some agencies, such as the Railways or the Road Department, evict squatters on *poramboke* land under their control every year to break the continuity in occupancy. The alternative route is to use an electricity bill to prove occupancy. In the context of inheritance or sale, the relatively poor households are unable to pay the charges for transferring the utility bills to their name. Moreover, in the case of inheritance, a no-objection certificate is required from all members of the household, which may be difficult to secure when there is an intra-household dispute over property.

as an abandoned water body when the Government of Tamil Nadu decided to construct a college on the tank land. After reclassifying the land, the Revenue Administration transferred it to the Department of Education and the College Board. The official communiqué refers to the converted lake and lake bed as “college *poramboke*”. Officials we interviewed were unable to explain how and when this category was created. The PMNGR residents appropriated the same nomenclature in their applications to different agencies, to convert their territory to *natham poramboke*.

- **Petitioning, pleading, pressuring government institutions**

The PMNGR residents resorted to various forms of collective action such as petitioning and lobbying via their elected representatives, and used the legal provision for the Right to Information (RTI) Act to pressurize government agencies based on updated intelligence. The RWA’s records show that the settlers submitted numerous petitions between 1976 and 2006 to the state governor of Tamil Nadu, the district collector heading the Revenue Administration, the *tehsildar* (the district head of the Revenue Administration), the College Board, the Department of Education, and the PWD. These petitions pleaded for title to be assigned to them, for the process of land category conversion to be initiated, and their land surveyed. The earliest petition was submitted by the leaders in 1977 to the governor of the State of Tamil Nadu. Titles were ordered to be assigned to PMNGR dwellers by the governor’s office, which was appealed to by the residents association to put pressure on the Revenue Administration. The residents also mobilized during several other events, such as visits by political leaders and special camps organized by the Revenue Administration, to voice their grievances on land records. They utilized a free house title scheme to secure their document. The negotiations between PMNGR residents, the Revenue Administration and the College Board were lengthy and interrupted numerous times. Despite the governor’s recommendation, the Revenue Administration refused acknowledgement of the dwellers’ petitions on twenty occasions. Acknowledgement by the Revenue Administration is critical, as it indicates the administration’s willingness to initiate the process of titling. The PMNGR residents faced another obstacle in that the landholders, namely the College Board, refused to issue the no-objection certificate until 2006. The dwellers frequently lost hope about the prospects of securing title to their land. Despite the setbacks, the resident association kept the issue alive through petitioning, lobbying or using the RTI Act to force the institutions to act on their file.

The residents’ actions were coordinated by a few influential male leaders who were ex-government employees or had close connections to political party leaders. The leaders functioned as a loose coalition until 2006. They registered an association in the name of the “Navalur Nadu Theru College Nagar Village Residents”, which was renamed “Ponmudi Nagar Resident Welfare Sangam” later in 2009, after the minister who was instrumental in assigning titles under the free house site patta scheme. Their knowledge and experience with institutions enabled them to draw on their networks in different institutions to secure information, organize official visits to survey their land and, most importantly, to navigate the complex institutional rules and scheme requirements.



The Resident Association President presenting a folder of petitions, official registration of claims, newspaper cuttings and sketch maps in September 2011.

Photo credit: Authors

As can be inferred from the above discussions, the residents creatively mobilized a variety of opportunities to have their territory titled. We suggest that the actions of the PMNGR residents are strategic in themselves as, in the process, they influenced the reworking of an institutional procedure, namely creating title for squatters occupying the lake bed area. We suggest that a binary interpretation of the State's and residents' actions, as viewed through de Certeau's lens of strategy and tactic, is limited. He associates strategies with the boundaries imposed by government institutions and corporations via the maps and documents, and tactics as the defensive and opportunistic actions of the marginal group in response to

powerful strategic relations (de Certeau, 1984). As the discussion in this section reveals, the PMNGR residents creatively appropriated institutional practices, vocabulary and schemes to push the boundaries established by the Government in order to obtain titles to their land. The changes in institutional practices emerged from the residents' actions of improvising (creative mobilization) administrative procedures as much as negotiating through existing ones. Their actions culminated in their claims being recorded in official registers and documents that were treated on par with titles being assembled. India does not have conclusive titling, and a variety of documents, including those assembled by the residents, are used as deeds.^[11] Further, the residents co-generated the information for official records described in the next section. Having a surveyor visit the settlement and preparing official documents prior to the official titling agreement are not merely tactical maneuvers within the boundaries set up by the Revenue Department. Interpreting the everyday actions by the PMNGR residents as tactics/strategies is not useful because it conveys a sense of rigidity of state plans to which the community responds, whereas, in reality, the State also adjusts its actions in response to demands from below.

The case of PMNGR is not an isolated or unique episode. This type of consolidation of occupancy and claims is the dominant practice whereby settlers claim land in periurban locations, as can be inferred from the table below. It has concerned 561,000 households over the last ten years in Tamil Nadu alone. The scale is massive but uneven, and still insufficient. Such instances of securing land title exist in each neighborhood, albeit through different routes, each with their setbacks and chances.

Rather, specialized programs for titling and redistribution of land – especially for poorer groups – are implemented in Tamil Nadu (as well as in other Indian states) through a multiplicity of schemes and legal procedures. It is important to be aware of the diversity of routine procedures of the government institutions through which the redistribution of land claims takes place.

[11] Deed system: definitive property deeds do not exist in India. What is recognized as proof of ownership of land or property is the documentation of the transaction and previous transactions, or other documents evidencing ownership, validated by an officially registered sale deed. It is thus the transaction that stands as the guarantee and not the good itself. This means that ownership can be contested by anyone who can furnish proof of earlier possession, or who contests the validity of the documents compiled by the sellers and buyers.

Number of <i>pattas</i> issued to <i>Adi-Dravidars</i> in Tamil Nadu (2002–2003 to 2010–2011)			
Year	Amount spent (in 100,000 rupees)	No. of house sites issued by the <i>Adi-Dravidar</i> Welfare Dept.	No. of house sites assigned by the Revenue Dept.
2002–03	290.50	1,308	26,593
2003–04	381.84	13,395	28,750
2004–05	407.53	15,087	31,266
2005–06	442.65	12,469	25,716
2006–07	526.04	12,215	26,388
2007–08	571.13	13,100	112,503
2008–09	459.72	9,349	42,022
2009–10	428.14	6,871	15,907
2010–11	319.04	6,126	37,058
2011–12	301.92	4,284	31,044
2012–13	298.51	1,903	36,116
2013–14	252.51	912	51,434
Total	4679.53	97,019	464,797

Source: Government of Tamil Nadu (2015).

3. Bottom-up vs. top-down process for surveys and mapping (co-production vs. mapping as a resistance/lobbying artefact)

In this section we describe the process of enumeration and surveying at the PMNGR settlement to illustrate the capability and competences of the inhabitants (Berry-Chikhaoui *et al.*, 2002) to self-organize, not only to generate information and knowledge about themselves but, more importantly, to shape the institutional information and knowledge. The co-production of information and knowledge about PMNGR is a significant outcome, as it provided the legal basis for creating the title documents. In this light, the progress made by PMNGR differed from the top-down participatory models that have had limited influence over shaping institutional knowledge, specifically in the Indian context. The PMNGR experience illustrates the community members' capabilities and knowledge of institutional practices and community, in contrast to the assumptions undergirding the top-down model of participatory mapping, where residents have to be guided.

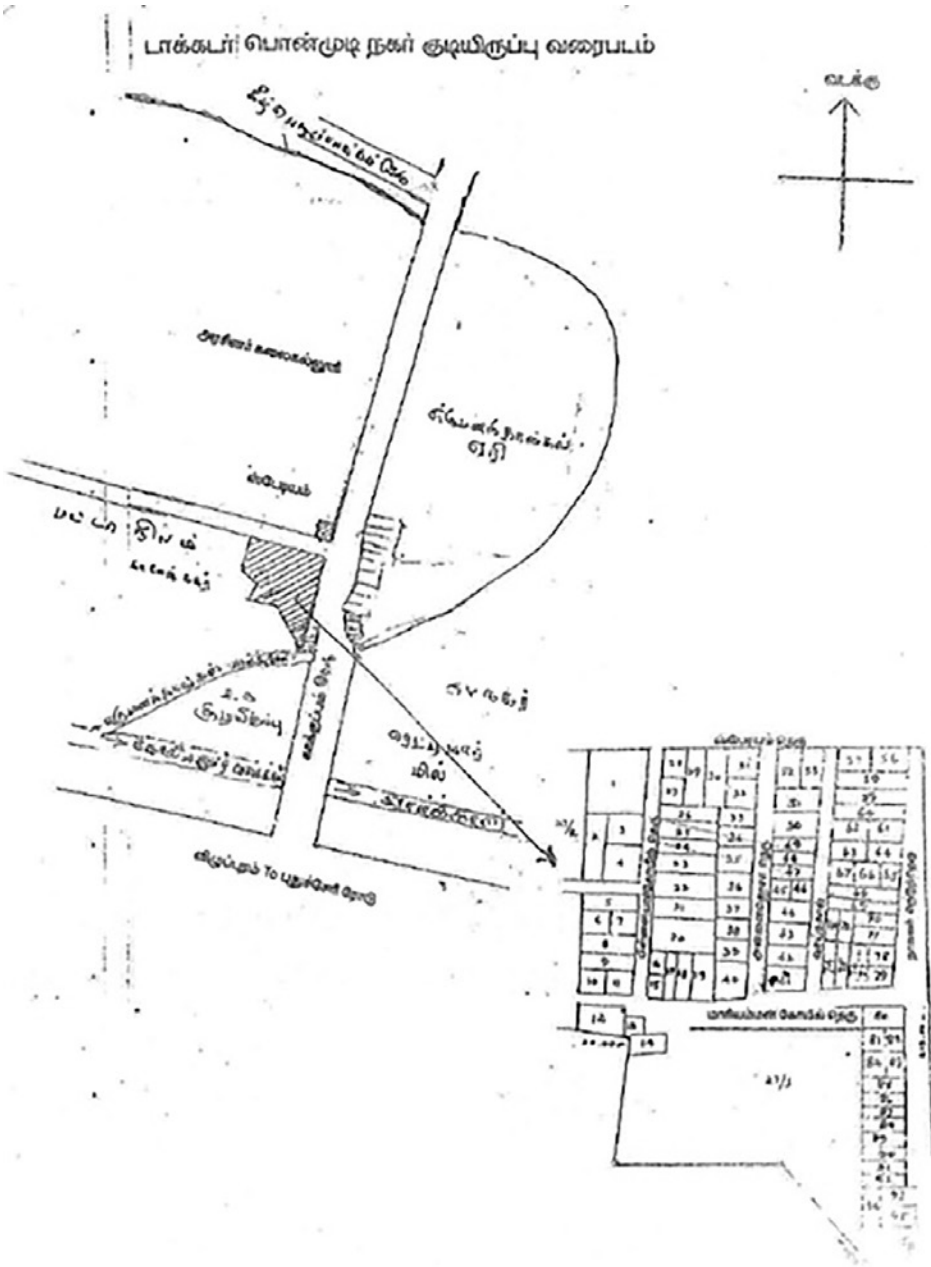
As can be inferred from the timeline (Section 2), the RWA initiated several surveys to generate demographic and spatial information. There were five surveys in total, some of which were jointly organized with mid-level bureaucrats of different government institutions. The RWA organized the first survey in 1976, following the letter from the governor recommending

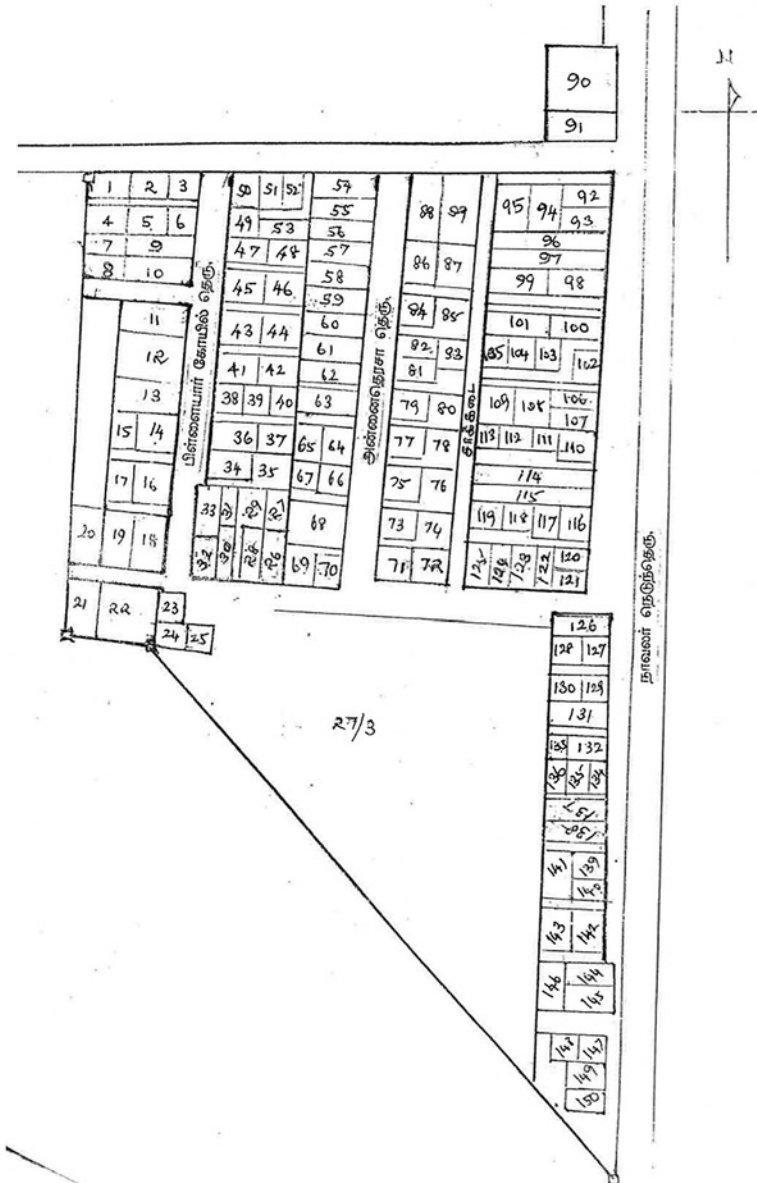
the assignment of free *pattas* to the households. It became necessary to enumerate the households. The settlers conducted a second survey to generate proper evidence of the number of households to support their application to set up a public distribution shop. This list included households in the three clusters, as the community required a minimum number of applications to set up a ration shop. The third survey was conducted primarily to facilitate the negotiations within the community over the area of land that could be allotted to each of them. The RWA leaders drew on their ties with the mid-level bureaucrats and surveyors of the PWD to identify the settlement boundaries and secure the layout map. Establishing the boundaries was critical in order to calculate the total land area of the settlement and the area that could be allotted to each household. According to the rules of the free *patta* scheme, each household was to be assigned a minimum area of 4 to 5 cents.^[12] The available land area of the PMNGR settlement was inadequate to accommodate all the families. The RWA organized another survey of the area of land that could be allotted to each household. Eventually, an area of 2.5 cents was fixed for each house after the survey of 2002. A fifth survey, organized by the office of the District Collector, was a house-to-house survey of occupation, caste and income in order to ascertain the eligibility of applicants for the titling scheme. It resulted in the District Administration stalling the distribution of titles for eighteen households. Following a re-survey by the Revenue officials, nine of the eighteen *pattas* were finally assigned.

The surveys were conducted alongside the residents' struggle (lobbying directly or via the elected representatives) to influence the decision of the collector's office to issue titles. In parallel, the association lobbied – both via the elected representatives and directly – the surveyors of the District Revenue Administration and the village administrator officers to survey their land, fix plot boundaries, establish boundary stones, and prepare an official sketch map. When surveys were undertaken by the government agencies, the RWA played a major role in shaping the information compiled by the concerned agencies. This involved checking the number of households enumerated in the official list, ascertaining the plot boundaries, accompanying the surveyor on the field, and subsequently lobbying the surveyors to generate the settlement map and the sketch map. In contrast to participatory mapping by invitation, the PMNGR case points to the ability of communities to self-organize in order to influence and accelerate the institutional process.

Ordinary self-mapping is envisaged to counter the official information – *i.e.*, as a tool of resistance. By contrast, the PMNGR RWA organized surveys and prepared maps to generate evidence about each household, negotiate internally between residents and with the government agencies and, most importantly, to generate official records. One such essential record is the sketch map, which constitutes the reference for creating title for individual plots. Getting the Revenue Department officials to visit their settlement is, as Hull (2012) notes in the context of Pakistan, a consuming process.

[12] A cent equals 40.46 m².





Map 2: The 2008 Resident Association (re)survey.

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The repeated surveys and the shifting numbers observed in the PMNGR context may at a surface level resemble a conflictual phenomenon. A closer look reveals other reasons for these shifts. The first survey was organized to petition the governor, and it counted only 97 households. The number on the list kept changing over time, ranging from 100 to 140 due to the formation of new households by old settlers and the arrival of new settlers. The first survey, in 1976, counted only those residing in the largest of the three clusters. The subsequent lists also included households from the other two settlements.

Unlike the PMNGR experience, the participatory enumeration and mapping activities undertaken in the pilot project of a centralized poverty alleviation program (RAY) rolled out in 2008 spurred a spiraling web of lists and plans due to conflicts between the community and the government institution over the number of eligible households (Raman, 2015). The participatory planning and surveying promoted under these projects, though seemingly a bottom-up approach, are, in reality, controlled by the NGOs in view of sifting the “eligible” from the “ineligible”.

There are two underlying assumptions: first, that communities do not have the skills to generate information and knowledge about themselves and, second, that somehow the mapped information owned by residents would enable them to represent their needs to the State. Contrary to the above assumptions, a community map in itself may not be adequate to protect land claims and cannot overpass the legal complexities involved in creating records. What are critical are the manner in which the government agencies record the information, and the community’s knowledge of institutions – their procedures and practices. The ability to influence decisions outside the existing administrative procedures is no less important.

4. Participation: patron-client ties or strategic alliances?

Are the bottom-up practices described in the earlier sections merely tactical maneuvering reinforcing the status quo? Does the promotion of bottom-up practices, in reality, perpetuate backward patron-clientelistic practices? We argue that both these positions should be re-examined.

The PMNGR case can be erroneously read as a celebration of regressive clientelistic politics, in which residents drew on their alliances with elected representatives and lower- and mid-level bureaucrats in their engagement with the government institutions. Such alliances are exploitative and work against the interests of poor groups. Instead, the involvement of NGOs is promoted as a progressive avenue to protect different interests, especially the marginalized groups. This is based on the assumption that the NGOs, unlike the elected representatives, do not have any biased interests. They are thus neutral actors who can channel the demands of poor citizens, especially those with weak voices.

On the contrary, available evidence on the ground shows that the poor predominantly engage with the State through their elected representatives and their ties embedded in the mid- and

lower-level bureaucracy (Benjamin, 2008; Harris, 2007). Based on his research on metrocities, Benjamin (2008) argues that, with the ascendancy of middle-class politics and their alliance with senior bureaucrats, the conduits already available to the poor via the elected representatives becomes important to route their demands. We suggest, rather than hierarchizing one form of participation over the other, viewing participation as a political process. If empowerment is linked to the voice that communities have in influencing decisions, there is evidence to show that conflicting and individual interests within an organization or between organizations can also influence NGO mediation.

Evidence of participatory mapping projects led by NGOs resulting in in-situ titling is limited in India. Experience of squatters affected by slum rehabilitation programs and urban renewal in Mumbai and other metropolitan projects shows that participation and titling have been mobilized both in government-led and NGO-driven projects for resettlement (Raman, 2015; Doshi, 2011). These projects use new planning instruments such as the Transfer of Development Rights (TDR) and land sharing as strategies to finance the construction of houses. Land sharing in the Indian context does not necessarily mean sharing the land area between the occupants and the developer. Rather, the flexible interpretation of land sharing and TDR with respect to any part of the city means that squatters in the city center are targeted to be moved to the periphery. A developer is allowed to construct multi-storied buildings on the periphery in exchange for a high-premium real estate plot occupied by squatters. TDR and land sharing arrangements create favorable conditions for slum eviction and rehabilitation in the name of providing titles to the poor.

The TDR projects implemented in Mumbai assign a specific quota for non-governmental organizations to implement slum rehabilitation projects. An influential international federation of NGOs in Mumbai – the Society for the Promotion of Area Resource Centers (SPARC) and the National Slum Dwellers Federation (NSDF) – is among the beneficiaries of TDR-based slum rehabilitation projects. Its lobbying led to the inclusion of participatory mapping and surveying in the official poverty programs. However, the financial incentives for the NGOs' participation in TDR projects conflict with the community causes they espouse. Given the changing (shrinking) funding (aid) scenario for the development sector in India, government-led projects are an important source for raising funds. The TDR benefitted the developers and the NGOs turned into builders (Doshi, 2011). The NSDF-SPARC alliance, with its connections to international federations of shack/slum dwellers (SDI) and its special status in international organizations like the Cities Alliance, the World Bank, or the United Nations Centre for Human Settlements (UNCHS), has an extremely limited impact on the ground in terms of in-situ titling (Sanyal, Bishwapriya and Vinit Mukhija, 2001). It played a major role in the resettlement of squatters under the World Bank-funded Mumbai transportation project and, subsequently, in shaping the RAY project document. While the NGOs and their allies have moved on to promote courses on participatory planning in academic institutions, many slum dwellers, called "encroachers", remain stuck in transit camps in Mumbai, and squatter tenants are excluded. In 2015, the NSDF-SPARC alliance advocated for social tenure in lieu of titles, claiming that the regular land-for-the-poor schemes, such as the one led by the PMNGR residents, were not

performing well. The record on strengthening squatters' land claims through contemporary approaches in India – including the most participative ones – supported by large national civil society organizations and international NGOs has been poor.

Strategies for squatter redevelopment in ongoing poverty reduction projects (e.g., RAY) draw on the Mumbai model. Planning instruments such as TDR and land sharing are designed to attract private developers' participation in redeveloping squatter settlements under Public-Private Partnerships (PPPs). Although titles were promised to squatters through official poverty programs, these have not materialized. Under the RAY program, only 4% of squatter settlements were selected for in-situ rehabilitation (Simpret *et al.*, 2014). In 42% of the cases, the approach induced the displacement of squatters. The RAY program thus extended the approaches of large-scale eviction and resettlement, adopted under the previous program, such as the Integrated Housing and Slum Development Programme (IHSDP) complemented by the Basic Services for Urban Poor (BSUP). The second phase of the RAY program implemented between 2013 and 2016 has, moreover, moved away from the ambitious plans to grant titles towards an affordable housing policy, whose meaning is unclear. The slogan of "the right to housing", interpreted as resettlement for titling, replaced the previous attempts of squatters to secure the right to settle through incremental regularization. Meanwhile, the socio-political movement in favor of the Property Rights to Slum Dwellers Bill (2011) did not materialize.

It is critical to reconsider earlier policies of incremental regularization of squatter settlements given the large number of households living in precarious conditions, estimated to reach 93 million (+18 million over the last decade), or 7.7% of the total population of India – 17% of world slum dwellers.

5. Conclusion

In this chapter, we aimed to draw attention to the self-mobilization efforts of squatters to improve their life. Although there is a vast literature on urban poverty and development studies focusing on the top-down process of participation, unmonitored bottom-up processes are overlooked. This paper is firstly an attempt to contribute to fill this gap. The PMNGR residents' course of action described in Section 2 illustrates the predominant ways through which popular groups claim land and record their claims in official registers, by mobilizing welfare schemes and a variety of political and legal opportunities – keeping in mind the diversity of these ways. Our intention is not to celebrate the agency of squatters, while overlooking the structural constraints. It is to draw attention to the possibility of supporting a community's efforts to secure their claims. We argue that consideration should be given to the multiple schemes and regular administrative procedures through which societal resources are redistributed in India, especially in the welfare States of southern India, as compared to the more centralized and supposedly innovative approaches involving participation. Titling and participatory planning have been mobilized in projects for slum redevelopment to relocate squatters to the city's periphery. Participation is imposed to serve different interests.

The findings presented in this paper point to the usefulness of reviewing some of the dominant concepts in the discussion on squatters in general and the titling process in particular, namely: (i) the nuances of the titling process and the binary conception of squatters' strategies as tactics and government actions as strategies; (ii) the role of communities in the mapping process, and (iii) the assumed links between transparency and NGO/civil society mediation and the notion of patron-clientelism.

In Section 2, we illustrate the nuances of the titling process and show the involvement of different institutions and actors. We argue that the actions of PMNGR residents cannot be reduced to "tactics" and those of government institutions to "strategies". Rather, this binary framework is reductionist if we understand strategies as actions that push and reconfigure the boundaries set by a dominant actor. We show the complex ways in which communities mobilize state institutions and schemes to realize their interests. In Section 3, we underline the usefulness of tapping local knowledge and community expertise. We show that the members of the PMNGR communities drew on their knowledge of institutional practices and networks to generate their community's information and knowledge. Generating information on the community is crucial to creating a title document. The survey process initiated by the community resulted in the residents co-producing the information recorded in state registers. What enabled them to influence the state agencies to reinterpret state documents was their ability to work with the political parties and institutions. They were capable of "shopping" in both the relevant schemes and state provisions to secure their occupation, to access services and, importantly, to secure titles. Knowledge about the settlement was generated through their intensive interactions with street-level bureaucrats and locally elected politicians.

In Section 4, we plead for a move away from a hierarchical and ideological bias when inferring the various circuits that squatters such as the PMNGR residents used to secure titles. Here, community ties and relationships with the elected representatives are central to influencing institutional actors' decisions on granting titles. The findings point to a critical review of the role of NGOs. The large NGO federation, with extensive connections to national governments and international agencies, tends to standardize and orchestrate the participatory process. The excessive focus on organized participatory rituals has masked, in a way, the diversity of the local co-production of neighborhoods initiated by residents on their own without any external advocacy, outside of the regular political and electoral game, both local and regional.

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Pedagogy for “real change”: The DPU/ACHR partnership

Barbara LIPIETZ and Caroline NEWTON^[1]

The educational position is a very powerful position: it facilitates new understandings of societies, of actors in city, the dynamism of societies. We need to prioritise this capacity, contrary to the other potential view of the comfort zone of the university. The issue is how to get universities as actors in the transformation of societies. We need creativity, we need sharing of knowledge (build with the people). We also need knowledge from the people and people processes to feed back into shaping and updating the university. We need new architects and planners – those who want to give, be a part of finding constructive and creative solutions! (Somsook Boonyabantha, Secretary General: Asian Coalition of Housing Rights, London, 3/7/2014)

Responding to Somsook Boonyabantha’s injunction, this chapter adopts a different entry point in rethinking the notion of, and shifting approaches to, precarious neighbourhoods. Effectively, it explores what taking seriously pioneers’ contributions to the field means for the academy.

In the late sixties, urbanists such as John Turner, Lisa Pettie, Otto Königsberger and others sought to recalibrate dominant understandings of precarious neighbourhoods. This entailed placing the women and men of such neighbourhoods at the centre of analyses, highlighting their myriad “informal” responses to housing pressures and indeed their core contributions to city-making processes (e.g. Turner, 1972; Königsberger, 1971). Such a reconfiguration had important policy and programmatic implications: solutions to urbanization pressures in the so-called developing world would have to depart from conventional top-down practices, and instead focus on supporting household and community self-help responses, in their diversity.

Such positions have sparked controversy: on the role of the state and capital in the making of precarious neighbourhoods, and whether a people-centred (or self-help) approach was effectively letting governments “off the hook” in the search for equitable and environmentally just cities (Pugh, 2000, 2001; Werlin, 1999). This is an enduring debate, and one that pioneers probably did not entirely envisage, as they sought to bring attention to the hitherto largely unrecognised army of city-builders across cities of the developing world.

[1] Before joining K.U.Leuven as Guest Professor, Caroline Newton was lecturer on the DPU BUDD (Building and Urban Design in Development) Programme.

Notwithstanding these critical debates, John Turner and colleagues' act of recognition raised profound questions for urban development practitioners. What implications did this new approach to the informal city – and its inhabitants – entail for “professionals” working in contested urban settings? What qualities should future planners, architects or designers seek to develop as part of a reconfigured – radical or insurgent – approach to their profession? And, closely intertwined, how should the academy respond, as a producer of knowledge on precarious neighbourhoods *and* as a producer (or trainer) of such future practitioners?

The notion of an activist academy, a provoker of alternatives and (in)direct agent of transformatory processes, has of course spurred the reflexivity of many, including in the urban development field. In what follows, we recount one way in which one academic institution, The Bartlett's Development Planning Unit (DPU), University College London, has responded to the challenge set out by Turner and colleagues.^[2] Critically, and as the article develops, this response – or pedagogy for “real change” – has been shaped by longstanding relationships and action research with organizations federating mobilized urban poor community groups – including and importantly, the Asian Coalition of Housing Rights (ACHR).^[3] The chapter provides a brief background to the two protagonist organisations, highlighting their shared commitment to people-led development, and the reconfiguration of the professional's role that such commitment entails. It goes on to unpack the components of a pedagogy that has evolved to nurture such engaged, recalibrated practitioners. At the heart of this approach is the notion of deep co-production – or the affinity towards and ability to co-produce knowledge and development practices *with* inhabitants of precarious neighbourhoods, on the basis of a relationship of equivalence (see Levy, 2015).

Shared values, combined strength

The pedagogic project described in this chapter represents one of a growing number of university–community collaborations at international level, responding to a perceived need to render the academy more socially relevant (see, for instance, the special feature of *Urban Pamphleteer*, No.5, dedicated to this issue, or Deboulet and Mamou, 2015).^[4] The partnership between the DPU and ACHR, whilst recently strengthened through shared action-learning exchanges, field trips and research projects, builds on longstanding personal relationships between key players in the institutions. Below, we describe the shared focus on

[2] This approach refers to that adopted within the Urban Development Planning and the Building and Urban Design in Development MSc courses, although it also reflects core pedagogic principles common to other programmes within the DPU.

[3] Other key partnerships that have helped shape the DPU's approach to urban development practice include for instance, the Shack/slum Dwellers International network, WIEGO, Habitat International Coalition, etc.

[4] See also students and researchers' field work and workshops on various “development situations” and mainly precarious neighbourhoods developed by Centre SUD and coordinated by A. Deboulet, <http://www.citego.info/?-Populaire-Precaire-Regards-croises->

community-driven processes but also, and crucially, the shared commitment to recalibrating knowledge production and education, which lie at the root of this collaboration.

ACHR: Forging pathways towards housing rights and people-driven development

Set up in the late 1980s, in the wake of the United Nations Year for Shelter for the Homeless, the Asian Coalition for Housing Rights emerged as a response to the dearth of collaborative space for urban social activists, NGOs, professionals, and especially for grassroots or community groups, working in Asian cities.^[5] In a context of growing urban poverty, increasing inequality and an upsurge in forced evictions, the newly established forum brought together voices calling for the recognition of poor communities in the living, planning and management of their cities.

The network was soon to act as a platform for the sharing of experiences and people-driven responses to the land, infrastructure and housing problems faced by the inhabitants of precarious neighbourhoods in Asian cities. In the early days, a Training and Advisory Support Programme was set up to enable organisations, community planners/architects and other partners to travel in the region and learn from each other’s projects and initiatives. The regionwide exchange network sought to develop an alternative repertoire of urban development practices, built on people’s collective grounded experiences, knowledge and creativity. Exchange trips and shared learnings centred on issues such as land sharing, community organising, community savings and people’s participation. All sought to enhance the knowledge and confidence of urban poor collectives as fully fledged actors of urban change, able to negotiate with a variety of stakeholders.

By the turn of the century, the ACHR network was well established and facilitated exchange and learnings between maturing processes of community mobilisation and slum upgrading at scale within the region. New approaches included upgrading processes, such as that supported by the Asian Coalition for Community Action (Boonyabancha, 2005, Carcellar *et al.*, 2005) and the emergence of community development funds,^[6] which acted as levers in community engagement with the state in settings as diverse as Cambodia, Vietnam, Nepal, Mongolia, Sri Lanka and Thailand. In a number of countries, ACHR’s interventions, support and ideas were picked up by governments and integrated into housing, slum upgrading or relief and rehabilitation policies and programmes.^[7]

[5] This section builds on the ACHR website (www.achr.net/) along with the special issue on ACHR in *Environment & Urbanization*, 2012, vol. 24(2) and a number of lectures and interviews given by Somsook Boonyabancha at the DPU and in Bangkok between 2010 and 2014. See also Frediani *et al.* (forthcoming).

[6] A community development fund (CDF) is a financial mechanism that allows urban poor communities to address some of their housing and planning needs. The CDF brings together different actors at different scales for the provision of funds; they are managed in a participatory way by local community groups. Community members participate in saving groups and emphasis is placed on networking and collaboration between the different member groups of the network. For more on CDFs, see Archer (2012).

[7] Possibly the most impressive of such governmental programmes is the Baan Mankong programme in Thailand, which supports people-driven practices for slum-upgrading at the national scale (Boonyabancha, 2005).

ACHR now operates in fifteen countries, with important differences in cultures, political systems and ways of “doing things”. National and local organisations networked through ACHR accordingly display significant differences in operational terms – as befits a network based on principles of horizontality and which promotes locally grown solutions to urban poverty and exclusion. However, a number of processes bind most of the organisations and collectives within ACHR, many of which have resulted from cross-fertilisation through the multiple learning exchanges and study tours organized via the network.

One such practice has evolved in an attempt to enhance the ability of the urban poor to access *and retain* well-located land (and the communities located on this land), in a regional context marked by growing urbanization pressures. This is the notion of collective land tenure, adopted by most organisations in the network, on the basis that poor women and men cannot, individually, withstand the tide of the land market. To support low-income communities in acquiring land collectively, organisations connected into ACHR have implemented a series of mechanisms, including strengthening saving groups, facilitating the setting up of flexible financial structures, forming community cooperatives and consolidating community management systems. They have also fostered new urban alliances to support communities in locating and negotiating for land. Increasingly, this has combined with a focus on citywide responses and mobilisation, again, as an attempt to overcome structural market conditions.

Importantly, the focus on collective land tenure has had another key empowerment imperative, over and beyond that of securing material improvements for the inhabitants of precarious neighbourhoods. Indeed, *collective* mobilization and management of land and land security have been conceived as a necessary palliative to the fragmentation, isolation and powerlessness that come with being poor. By promoting *collective* responses,^[8] the network has sought to foster the collective strength and confidence necessary for long-term community development – and in the process, “enforce” recognition of poor women and men’s presence in increasingly competitive urban environments, as fully fledged (and equal) inhabitants of the city.

Yet, and key to our discussion, ACHR’s commitment to people-driven development and its fundamental belief in the ability of collectives to find solutions to their own problems have gone hand in hand with a reflection on (and promotion of) a new approach to technical support. For organisations and activists within the network, people-centred development *does* require the support of professionals – to translate people’s aspirations into designs or physical layout plans; to assist in community mapping and planning, helping to connect the dots between localised desires and wider environments; to support strategic decision-making around alliances for securing land or other community development imperatives, etc. But professional support can only be of real use – that is, bolster community-led processes – if it is prepared to question, to reframe, the notion of expertise. Co-produced expertise and demand-led expertise are thus key considerations within the ACHR network. In turn, such an approach to professional-community engagement relies on a particular kind of grounded professional, able to act as a

[8] “Poor people are good in numbers” (Lecture by S. Boonyabancha, DPU, London, December 2010).

facilitator of community-led processes; practitioners able to search, dance, stumble and create with community groups – also, at times, an ability to step back.

Accordingly, ACHR has deployed much energy in fostering such recalibrated practitioners. Starting with the Young Professionals Programme in the 1990s, a newly developed Community Architects Network (CAN) was set up in 2010, bringing together community architects, planners, engineers, young professionals, lecturers and academics from across the region. The immediate rationale for CAN’s establishment was to support ACHR’s Asian Coalition for Community Action (ACCA) programme of citywide slum upgrading at the regional scale.^[9] However, deeper ambitions have been the development of a cadre of young professionals willing to work with poor communities, within a people-driven process – a challenging task, given the lure of profits in more conventional professional settings.^[10] An annual workshop now brings together such young practitioners and seeks to build capacity in people-driven development practice through workshops, lectures and the sharing of experiences. An important component of such exchanges is a reflection on the notion of co-production and the meaning of working *with* (and not *for*) communities (Luasang *et al.*, 2012).

A similar focus on people-led processes and the redefinition of the role of the spatial practitioner, has, along with friendships forged, sustained an ongoing intermingling of ACHR and the Development Planning Unit (DPU).

Reframing planning practice: the DPU project

The DPU was set up in 1954 by Otto Königsberger in the context of a decolonizing and urbanizing world. From the start, the newly mooted institution sought to reframe North-based planning and architectural teachings towards the particular developmental and historical requirements of the then Third World. With urbanists and practitioners such as John Turner on board, the DPU’s approach sought to reconfigure spatial disciplines away from their top-down, expert-led and “scientific” aura, towards a conception of planning and architecture as facilitators of transformations, embedded in local contexts and working with the notion of co-production. This was a call for more socially and politically sensitive practices, practices fundamentally aimed at supporting the collective action of women and men of diverse classes, ethnic groups, religions and ages, in their attempt to fashion more socio-economically just urban futures.

Such original objectives continue to imbue the DPU’s contemporary mission, which is to “build the capacity of professionals and institutions to design and implement innovative, sustainable and inclusive strategies at the local, national and global levels; strategies that enable those people who are generally excluded from decision-making by poverty or their social and cultural

[9] See www.communityarchitectsnetwork.info and (Luasang *et al.*, 2012).

[10] A meeting was set up with CAN members and DPU staff in May 2013 focusing on this very issue.

identity to play a full and rewarding role in their own development”.^[11] Central to this activist notion of the academy is an ongoing challenge to orthodox development agendas in its teaching curriculum, along with an ongoing questioning of the meaning of the “expert professional”.

Below, we describe the ways in which a pedagogy that foregrounds the key agency of poor communities in the development, planning and management of their cities has been deepened through a strengthened engagement with ACHR since 2010. This has involved exchange visits, the development of a studio-based design and development exercise, jointly developed field trips in Thailand and Cambodia, emerging research portfolios and, since 2013, a joint DPU/ACHR/CAN internship programme.^[12]

Co-producing knowledge, co-producing practice

Nurturing engaged practitioners who are able to understand their role in processes of co-production requires a particular pedagogical project. Understanding that, as a critical practitioner, you are not “the” Expert or Architect – with capital E or A – nor a mere facilitator, but a true partner in the process of transformation, necessitates a learning process based on committed epistemological principles and a number of supporting methodologies. Both MScs in Urban Development Planning and Building and Design in Development have cooperated closely with ACHR and CAN, and this collaboration has enabled the further fertilization, grounding and embedding of such a pedagogy. For, perhaps more than anything, a pedagogy for people-driven development requires evidence of the latter’s “power-in-action” – and this, certainly, is what the partnership with ACHR has granted recent DPU students (and different generations of staff!). Through “real-life” experiences from exchange visits and field trips, the value and power of people-driven processes has enthused even the most guarded and cynical of DPU’s budding professionals. In fact, the newly mooted ACHR/DPU/CAN Young Professionals Internship Programme was developed on the back of student pressure for additional exposure to such processes, following a field trip in Thailand in 2012.

Indeed, the field trips that have emerged from the DPU/ACHR partnership probably best exemplify the notion of co-production that underpins the DPU’s longstanding pedagogic project (see Allen *et al.*, 2015; Astolfo *et al.*, 2015). Field trips, as pedagogic strategy within the built environment, have gained ground as powerful means of enabling the critical and active application of knowledge acquired in the classroom to “real-life” environments (and relates to Schön’s “knowing-in-action” (1983)). Yet, field trips can take an unpalatable extractive dimension, especially when they involve the crossing of Global North and Global South (Levy *et al.*, 2015). Working with partners such as ACHR has ensured that such potential pitfalls are largely overcome, while also demonstrating the value of partnerships of equivalence for promoting people-centred development approaches. Developed in close collaboration with ACHR and

[11] <http://www.bartlett.ucl.ac.uk/dpu/about-us/vision-and-mission>

[12] <https://www.bartlett.ucl.ac.uk/dpu/the-dpu-achr-can-young-professionals-internship-programme>

CAN, field trips have indeed acted not just as learning ground for budding professionals but as tactical sites for catalysing urban transformations, through knowledge co-production, sharing and, often, advocacy. Through mapping work, focus group discussions, time-mapping, drawings and other field methodologies, students have developed strategic collective action *with* communities, in response to their pressing urban development planning challenges. Such strategies invariably entail increased recognition of communities excluded or ignored by dominant planning practices. As such, field trips have been actively woven into community groups’ tactics: the presence of, and work with, international students acting as “catalyst for hard-to-get engagement with decision-makers, indeed helping to turn the spotlight on alternative ways of doing urban development” (Levy *et al.*, 2015: 39).

These are the moments when Somsook Boonyabancha’s opening question – how can universities contribute to the transformation of society – touches the ground. By learning with community groups and by embracing their tactics, always with a critical attitude, the academy can indeed take up its activist potential. But this requires approaches, tactics and reflexive exercises aimed at giving meaning to the notion of deep co-production, that is, co-produced knowledge and co-produced practice based on partnerships of equivalence – between practitioners and communities, between students and organisations, between experts and individuals.

In this instance, such tactics have focused on sharpening a sense of positionality within the future spatial/development professional. This requires self-reflection and critical thinking. An awareness that who we are and the beliefs we hold influence our thinking and action becomes a critical first step in facilitating dialogue between our specific knowledge and the knowledge of others – of other practitioners, but also of inhabitants, of other actors (Rubin, 2012; Schuermans *et al.*, 2012; Butler, 1990). Such reflexivity can be nurtured academically, but only up to a point. Deeply entrenched notions of “expertise”, often couched under the veil of scientific rationality, tend to cloud this dialogue; just as they can obscure the understanding of practitioners’ contexts and “actionground” – urban development processes – as being fundamentally complex, multifaceted and always situated. To come to terms with such a situated and “positioned” understanding of urban transformations, four important principles are embedded in the pedagogy of the Urban Development Planning and Building and Design in Development MSc courses.

The first is the notion of the planning and design professions as essentially transdisciplinary. By that, we mean more than just inter-disciplinary. Certainly, the rapid shifts in urban dynamics, together with the development of new technologies and the exponential growth of literature on cities today, calls for urban practice (and research) that is innovative, at the cross-roads of disciplines. The city is a multi-dimensional “object”, and knowledge of the urban requires more than the sum of knowledges that can be gathered through singular – and inevitably limited or biased – lenses. Accessing and communicating a profound and pertinent insight into cityness, and then acting upon such insights thus involves working from a multiplicity of approaches, drawing on and finding synergic strategies across disciplines inside and outside the built environment (Till, 2009; Loopmans *et al.*, 2011). Socio-economic structures and power relations are, in particular, central to understandings of the urban.

Yet transdisciplinarity, here, means recognising that such strategic coherence on the urban (at one particular time, in one particular place) is unlikely to take place unless those affected by processes of change take a central role in putting together the urban jigsaw puzzle. As the work of ACHR and CODI (Community Organisations Development Institute) in Thailand illustrates, housing questions are never “only just” housing questions – they are always about more than that, about livelihoods, about education, about mobility, about belonging and recognition. Thus tackling seemingly material challenges requires an integrated approach, but also, and critically, requires the knowledge and activism of inhabitants and local actors. The practitioner’s skill then becomes that of dialogue, of facilitation – enabling local, situated knowledge and desires to surface and enter into dialogue with strategic considerations regarding land markets, costs of building materials, political alliances, etc.

Transdisciplinarity in the above sense thus also demands an appreciation of embeddedness, our second principle. Enabling the emergence of strategic coherence described above, enabling conversations, co-constructed knowledge with communities (but also with external actors such as government authorities) – or indeed co-developing workable strategies and design – takes time. We, as academics, policymakers or practitioners, like to find general rules, commensurate with a rational lens for looking at the world; this gives credence to approaches and methods that can easily be rolled out in different situations and contexts. And yet of course, and as working closely with our partners in different settings constantly reminds us, generalized approaches are an illusion. Every situation and context is specific, whether it is a different country or another neighbourhood in the same city. After all, and as Polanyi (1968) and others liked to remind us, the economy, social realities or indeed actors’ choices are deeply intertwined with the social, institutional and relational contexts in which they operate – and these, always, require the slow work of knowing, of unpacking, at different scales.

Embeddedness or gradual immersion in local contexts enables familiarisation with the terrain, with the people, with habits and ways of doing things – which are key to understanding “what is going on”, as well as what is possible and what can be reframed and in what way. In particular, it enables a realisation that working in planning and design means working with people. The successful outcome of any planned intervention (such as organising and planning the reblocking^[13] of an informal settlement) is always more than a technical feat. Hidden relations and aspirations of a community, of government officials, of donors, etc. are critical elements that can make or break a project. Learning to seize this relational dimension, learning to work with it – the “soft skills” of planning and design are difficult to learn in theory; they come by doing in embedded situations. Embeddedness also forces a “live” appreciation of scale in practice: international trends have direct effects on the local scale, but community decisions also impact on developments at the city scale. The ability for the practitioner to “jump scale” demands an inter-disciplinary reading of a given situation, but is only made “real” through embeddedness in specific, idiosyncratic contexts.

[13] *Reblocking* is a structured way of improving infrastructure and housing, often applied in informal settlements. It involves a spatial reconfiguration of housing to allow for open space or land sharing.

Closely connected is our third principle – the notion of action-learning or learning-by-doing. Learning-by-doing stems from an embedding tactic. But it also means connecting to the multiple and often urgent and conflicting demands that any real-life setting embodies. Navigating these waters and learning from each encounter, conflict and moment is necessary. These experiences, however chaotic they may be for students, can be transformed into knowledge. In our pedagogic approach, we seek to provide a gradual process of learning-in-action. In the BUDD (Building and Urban Design in Development) course, for instance, students arriving in London are asked to develop an urban intervention in a specific locality. This experience, and the observations that are derived, become a reference point throughout the course. Gradually, this learning-by-doing is expanded, through a four-day European field trip; later in the year, through a two-to-three-week field trip in a Global South city.

Finally, the process of learning-by-doing is also, at core, one of unlearning and relearning. This, our last principle, is often the most confrontational one. Working in a context and network setting as described above can only be successful if all partners in the process of knowledge creation and practice are prepared to work with horizontality. The so-called expert knowledge, acquired in the academy, does not necessarily become obsolete, but it becomes just one piece of a larger puzzle, where other pieces are of equal importance. Such an appreciation requires that students go through a process of unlearning and relearning, where the acquired knowledge, and the illusion of control over both this knowledge and what one does with it in practice, are questioned. In the process, students and practitioners alike are confronted with the boundaries of their own knowledge and ways of doing.

This is, at times, a highly charged process, whereby students can be overcome with feelings of loss – loss of control, loss of expertise, loss of self-worth: as if what they know, how they have addressed issues in the past and their ability to contribute are no longer adequate. Yet when knowledge is being “relearned”, we have observed that students are better equipped to face the challenges of planning and design practice in contexts of contested urban spaces. As educators, we have the important task of supporting students in this journey.

Education is more than mere training and “*knowing that*” (Cross, 2006); it is also becoming able to position yourself – the architect/planning student – as an engaged professional. As educators we have an obligation to stimulate students to think of their own position within the professional field they will enter, and within the world at large.

Forefronting Ethics

Fifty years ago, the pioneers of precarious neighbourhood research and action set the academy an important challenge – one which practitioners and activists such as Somsook Boonyabancha, Secretary General of ACHR, have repeatedly (re)actualised. The approach to learning as described above provides, we believe, a committed response to this challenge, offering a preparatory platform for future practitioners likely to work in the contested spatial settings that are becoming increasingly common today.

Contemporary towns and cities are shaped by multifarious dynamics, including the forces of (variously defined) capital, government, citizens' everyday practices, the often indecipherable impact of nature. In this complex terrain, we stress that there is a need to reclaim the utopian impetus, the ethical responsibility of planning and architecture in the shaping of our cities. In line with the legacy of urban pioneers and urban activists, this necessarily entails thinking about (and acting on) the possibilities of co-creating just urban futures with the communities currently largely marginalized from decision-making processes. It means that the myriad processes that are shaping our cities need to be acknowledged in their diversity and the currently "misvalued" city-making processes of the urban poor re-valued and understood through the opportunities they hold. In turn, this means recalibrating the role of the "professional" and re-instating the ethics of design/planning interventions.

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Conclusion

Rethinking precarious neighborhoods, rethinking the future city

Armelle CHOPLIN

Urban precariousness is a sensitive topic and now more relevant than ever before, be it in Asia, Latin America, the Arab world, or Africa, but also in Europe. The various contributions in this book have clearly shown the extent to which these so-called precarious settlements are heterogeneous both in time and space. Their residents – be they tenants, owners or squatters – present various aspects of precarity. The situations and settings explored in the different chapters are highly diverse, and as such contrast with the relative homogeneity of the knowledge and policies now spread worldwide and implemented to eradicate precarious settlements.

The overarching aim of this dense and rich volume is certainly ambitious: to ponder anew these precarious neighborhoods and, by extension, to rethink the city (of tomorrow) taking these spaces as a starting point, even though by definition they are assumed to be temporary and with no future. The articles presented in the first three chapters open up some interesting avenues for reflection that we will touch on here.

Precarious neighborhoods, between fear and fascination

The different contributions clearly point up the fact that precarious settlements suffer first and foremost from a negative vision. To some extent they are rendered invisible, with their very existence even being denied over the years. When indeed they are mentioned, it is in negative terms, for example, as carcinogenic spaces needing to be eradicated before they gangrene the body of the city, or as apocalyptic visions in which slums and informal and precarious settlements are lumped together as being equally synonymous with breeding grounds for marginality, violence, and delinquency (Mike Davis, 2006). Yet, as several texts in this volume show, precarious neighborhoods are not exclusively populated by poor residents, and even less marginalized. Above all, these settlements are living spaces for “ordinary citizens” who work, move around, and very often even pay their taxes.

A pitfall at the other extreme would be to opt for an overly romanticized vision of these spaces, which sees them as hives of extraordinary creativity and indiscriminately lays value on

the inventiveness of their inhabitants, who manage to live on “almost nothing.” This vision is equally simplistic and pernicious as it tends to place undue value on do-it-yourselfers and their propensity to get by on their own, to self-build, to advance under their own steam, and finally to self-manage. This vision goes hand in hand with liberal discourses and gives public authorities the grounds to legitimate their disengagement.

The different contributing authors are thus keen to view these settlements with a fresh eye, one that does not see them in an exclusively negative light as marginal spaces. Rather than idealize the inhabitants’ capacities to survive and get by, they simply consider these settlements to be an integral part of the city. For, while it is now amply evidenced that the residents develop “city skills” (Berry-Chikhaoui *et al.*, 2003), these alone are not enough to cope with precariousness. Like poverty, precariousness is not a fatality; in this sense, both are clearly connected to a political dimension, hence the importance of re-situating these precarious neighborhoods in their specific urban and political contexts.

Building houses does not make the city

Several of the contributions explore the different modes of intervening in these spaces. Regularization, normalization, onsite intervention, or displacement of residents (evictions?) are all questions with which researchers, experts, and policymakers have grappled at different periods and scales, and in different places. Some authors show that it is very often easier to act on material conditions – in other words the built environment and basic services – than on the social dimension, namely integrating these settlements and their inhabitants into the life of the city.

Indeed, while the precarious aspect of these settlements is manifest in the actual buildings made of makeshift materials, it is not limited to this alone. Combatting poverty by distributing plots or by producing dwellings amounts to quick-fix approaches but not long-term solutions. The numerous programs that have promoted such solutions have fast reached their limits. The now well-known program “*Minha Casa, Minha Vida*” in Brazil and the (mass) production of social housing in Mexico have unfortunately not resolved the problems of poverty in any lasting way. In other countries, especially in Africa, so-called social housing schemes are mushrooming, but these are not strictly speaking socially oriented, as they propose middle- and high-end dwellings to financially solvent social groups (Bielher *et al.*, 2015). Housing people is not enough to give them the feeling of having a home. Building four walls and replicating the operation thousands of times does not make the city. While housing programs may constitute a useful first lever to lift people out of poverty, they cannot be the only springboard. Other considerations come into play, such as employment or the way that policymakers perceive such settlements and their inhabitants. Eliminating precariousness may depend more on recognizing rights and other markers of dignity, as pointed out in the introduction, than on constructing dwellings or formalizing settlements at any price.

Production of knowledge and recognition: towards a “city of papers”

Yet, recognizing these settlements first supposes knowing them. Some of the contributions propose a reflection on local-level participation and the production of knowledge developed both within and about the settlements. The question of collecting data at local level is discussed several times. In some countries and cities, residents self-organize in order to gather and map these data. If the communities exist on paper, they then have greater legitimacy when it comes to claiming rights and negotiating with public authorities. Some articles underline the substantial weight of various international NGOs, such as Slum/Shack Dwellers International (SDI), in the participatory process, along with their support to grassroots communities for the surveys and information gathering that then enable them to access some basic services. This production of knowledge by locals and for locals calls for reflection on how these data are used. Clearly, counting, naming, and locating people are obvious signs of both knowledge and recognition... provided these data remain secured. The production of land cadastres, maps locating individuals, digital recordings, and data updates are far from neutral. Collecting, holding, and retaining information are certainly becoming a source of power. This approach thus calls for caution in order to know by whom, for whom, and for what purpose this information is being collected, controlled, and used. Is it with a view to knowing and recognizing the residents? Or to checking on their capacity to afford services and pay taxes?

The question of data collection and (geo)localization opens up a broader-based reflection on this “city of papers” (Raman *et al.*, 2016), which seems to be emerging as an urban and material translation of a bureaucratic world (Hull, 2012; Hibou, 2014). The Indian case shows that residents tend to collect sundry documents so as to prove their right to live in the city. A land title, even a temporary one, a map of the settlement drawn by its residents, a municipal tax paid, a petition, a court case, or even an electricity bill (Pilo’, 2015) are all proof of a legitimate presence in the city, and thus support the claim to certain rights. The right to be registered and located in the city could be a first step towards the right to basic services and, by extension, the “right to the city” in Henri Lefebvre’s sense of the term.

Inhabitant, urban dweller, citizen... owner?

Whereas international institutions, influenced by de Soto’s neoliberal theories, put forward the idea that formalization by distributing individual ownership titles is the panacea for ending poverty, the different contributions here show more nuanced ways of thinking. Although precariousness is often associated with the absence of a land title, many studies have revealed that titling in itself does not suffice to guarantee land security or a way out from precarious situations (Durand-Lasserve *et al.*, 2009). In addition, formalization presupposes a distinction between value and cost. De Soto explains that formalization gives value to land (that previously had none, as it was “dead capital”), but he forgot to point out that this process generally implies an increase in the costs borne by the city (notably, for basic services access).

Moreover, it is extremely important to re-analyze the link between ownership and citizenship. Contrary to what liberal theories uphold, being an owner is in no way synonymous with citizen behavior. And, conversely, inhabitants in the most precarious situations can deploy a whole repertoire of actions in order to claim their right to the city. Several of the authors here raise questions about the production of affordable housing, which could offer one solution to improving living conditions in such settlements. In fact, residents are very noticeably absent from the discussions on precarious neighborhoods, even though access to individual ownership is now brandished as the sole solution. Yet, this is to forget the highly promising discussions on “common goods” and “collective titles” now underway, in view of envisioning other spaces and finding alternative ways of thinking the city, poverty, and informality.

Informality as the exception... or the rule

While informality has always been considered an exception, this volume revisits the commonly used categories, reminding us that in legal neighborhoods most owners add extra stories to their dwellings without respecting the rules. What’s more, the lack of a building permit has never been a barrier to construction, for poor and rich alike. In other words, for urban planning, managing by exception has become the rule in many cities. This perspective challenges us to view precarious neighborhoods not as deviant spaces, anomalies, or the result of other planning errors, but quite simply as contributing to the very core of the city. It is a reminder that any attempt to fit the city into a linear and orthogonal plan is very often in vain.

Several of the researchers who co-authored this book espouse the line of Ananya Roy (2011) and more broadly the notion of “subaltern urbanism”, which drives an approach that views “informal” settlements not as anarchic gray areas, but as spaces where the dividing lines between legal and illegal are blurred. Urban production itself evolves in an accepted deregulated framework: this does not mean leaving these settlements to fend for themselves, but rather considering the margins of maneuver they offer as an integral part of city governance. Informality is itself planned (“planned informality”). In other words, these spaces do not exist outside the rules, they are not “outlaws”, but rather alternative spaces in the sense that they are planned differently. As several of the authors point out, these settlements are built not only without or outside of the State, but very often with it. As a result, they are not inevitably spaces of violence and struggle, but also and above all spaces of daily negotiation between residents and the authorities, through everyday practices.

Shifting the perspective and de-Westernizing urban theory: precariousness beyond North and South

Poverty, precariousness, uncertainty... these are some of the universal questions that niche in all of the planet’s urban reaches. The discussions in this volume remind us that the term “slum”, born in the run-down districts of 19th-century England, has travelled extensively through time

and place. Without re-examining the 2000s' return of the term "slum" (Gilbert, 2007) or the somewhat questionable criteria used to denote spaces of poverty, the ubiquity of the term is sparking crucial exchanges on what is being done in vastly different parts of the world to try to deal with these spaces.

To give perspective to the management of slums in Europe and the Global North, it is important today to shift our focus, to go and see what is being done in the Global South and vice versa. This approach is part of the postcolonial stream that has imposed itself in the field of urban research (Robinson 2006; Roy, 2011) and which is striving to de-Westernize urban theory (Choplin, 2012) and to go beyond the Western/Third-World divide that is no longer meaningful. As the dictates of competition are now common to all cities, an international discussion is necessary in order to reconsider all policies aimed at normalizing, regularizing or upgrading slums. The postcolonial turning point not only spurs a recognition of "best practices", but also the acknowledgement and questioning of failures in both the North and South. It is precisely because informality defies frontiers that there is an obvious need for a different way of thinking about precarious neighborhoods here and elsewhere in order to think the city of tomorrow.

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Agence Française de Développement
5, rue Roland Barthes – 75598 Paris cedex 12
Tel: 33 (1) 53 44 31 31 – www.afd.fr

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Rethinking Precarious Neighborhoods

On the occasion of the United Nations Habitat III Conference on cities, to take place in Quito (Ecuador) in October 2016, this research publication proposes an innovative reflection on precarious neighborhoods – whose populations are set to double over the next twenty years.

Building on extensive field research across all continents, the different contributions show that these precarious neighborhoods suffer above all else from a negative vision that poses an obstacle to grasping their diversity and understanding their singularities. Yet, these neighborhoods are home to ordinary citizens who work, move around the city, and build their dwellings with no financial support from public authorities. Since the 1960s, researchers have been deconstructing the accepted ideas about such precarious neighborhoods and showing how a policy based on the ideals of justice could be envisioned, by challenging traditional programs aimed at clearance, rehousing, rehabilitation... Rethinking precarious neighborhoods also means that it is important to develop an ambition for knowledge – in depth – of these neighborhoods, linked to a policy for recognition, beyond the technical categories of rehabilitation or the formal categories of citizenship.

SCIENTIFIC EDITOR

Agnès Deboulet, LAVUE-CNRS

COORDINATOR

Irène Salenson, AFD

