

# **DRAFT 1: Regulatory Guidelines for Urban Upgrading Project**

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## **DRAFT 1: Regulatory Guidelines for Urban Upgrading Project 1**

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## Introduction to the work

This report is based on an international research project supported by DFID-KAR in selected pilot community locations in 3 local authorities; Mumbai; India, Colombo Sri Lanka and Mavoko Kenya. The project partners include ITDG UK, ITDG-EA in Kenya, Homeless International and SPARC in India, WEDC and Sevenatha in Sri Lanka. The project aims to reduce the constraints of exclusive and inappropriate regulations and procedures, which negatively impact on the livelihoods of the urban poor, by constraining the accumulation of physical, human and social assets. Investigations have been made into the kinds of regulations that need to be changed at country levels and how this change could be achieved based on local priorities for change. It is hoped that this research will be used to support local authorities and their partners revise frameworks governing the regularisation and improvement of informal low-income settlements. The research takes the hypothesis that the urban poor are unable to achieve sustainable livelihoods because policy and regulatory frameworks not only constrain their access to assets and opportunities but also prevent them engaging with activities enabling them to make a living.

Regulatory frameworks include laws, ordinances, legislation, regulations, licences, contracts or similar instruments that define acceptable conduct in relation to town planning, public health, land development and construction and are administered and enforced by regulatory bodies. The UNCHS (1985) define building regulations as a set of detailed regulations to control the construction of buildings, they are statutory and must be complied with; Building Codes as a set of practical technical and administrative non-mandatory rules and requirements for the construction of buildings; Building Acts are a government enactment; authoritative decree, law of regulation to control physical development of the built environment. This can only be amended by legislative authority and is statutory in effect. Building acts, regulations and codes are the channels through which Authorities can control the construction sector and ensure safety, health of the built environment. However, codes and regulations may fail to promote indigenous construction materials or generate employment or make foreign exchange savings.

Building Acts, regulations and codes are designed to ensure safety in construction (damage to structures, fire, natural disasters, risks to construction workers); health in the built environment; legal control in the construction industry and provide technical guidance in the industry, standards and specifications for building materials i.e. size of rooms, materials for construction, thickness of walls, placement of windows, doors or reinforced concrete; town planning rules and regulations i.e. residential density, street sizes, provision of open spaces and amenities or plot size. These acts/ regulations and codes have four basic components:

1. A legislative component which sets penalties for non-compliance with requirements
2. Technical components of the regulations, rules, codes for construction
3. An enforcement component for administrative procedures for compliance with requirements
4. Back up facilities for guidance on technical issues

Lack of comprehensive building regulations can mean reliance on imported building materials/ techniques, limited foreign exchange earnings, appropriateness to local conditions i.e. use of glass or reinforced concrete roofs in hot, humid and rainy climate and inhibit use/ production of locally available resources and generating employment through labour intensive techniques.

Informal settlements typically result from inadequate provision of land, perhaps due to investment patterns, tendency to over-regulation and a regulatory framework of standards, regulations and administrative procedures that are hostile to the needs of the poor (ECOSOC, 2001). A practical response to meeting needs when faced with a shortage of land and limited ability to pay may be illegal encroachment onto land often in locations with deficient infrastructure, poor quality of dwellings, and a hazardous environment. Nonetheless, illegal settlements are to a certain extent beneficial to the urban poor in that they offer access to a set of assets and resources such as land, housing, infrastructure, social networks, and income earning opportunities, albeit of a low quality. Baharoglu and Leitmann report provision of infrastructure to gecekondu (illegal dwellings) is not an official responsibility of utilities or cities yet gecekondu dwellers demand infrastructure and services primarily from the municipal government, through muhtars or neighbourhood level part time government representatives and majors. The authors found that formal rules governing service provision are largely irrelevant because of the absence of penalties, loopholes in bureaucratic procedures and the time horizon is difficult to follow for both politicians facing elections and service providers facing daily demands from citizens. There is a pervasive sense of moral obligation to provide infrastructure to citizens regardless

of the legal status of their dwellings. Upgrading of an informal settlement may involve physical upgrading of the environment by providing basic services such as water, sanitation, waste collection, storm drainage, access roads and footpaths and street lighting, regularizing security of land tenure and housing and social support programme, as well as promoting sustainable livelihoods through the accumulation of natural, physical human, social, financial as well as institutional and knowledge/information assets. It is envisioned that pro-poor regulatory guidelines would improve governance, productivity, efficiency and equity in order to provide safe and secure living environments, sustainable livelihoods and better quality of urban life. Kirke (1991) states that whilst it may be necessary to comply with national or state government codes and standards of design, costs can frequently be minimised by efficient planning of layouts and infrastructure networks and by the adoption of appropriate levels of services. Weiss (1990) on the other hand suggests 'non-policies' should be applied to slum areas i.e. deregulation, dropping of conventional types of master plans, maintaining scope for self help measures and political participation and the provision of infrastructure, which have the potential to be more feasible than traditional policies to squatter areas. However, Maia (1995) reports the innovative application of land use policy and zoning regulation implemented in Recife, Brazil, which recognised favelas as part of the city and thus is an important step in recognising the social rights of favela dwellers through the creation of Special Zones of Social Interest (ZEIS). ZEIS regulatory rules (PREZEIS) aim to improve the quality of life in zeis areas, to promote the legalisation of land occupation and development in zeis areas, to promote their integration into the urban context of the city, whilst preserving wherever possible the main characteristics of their spontaneous occupations.

Urban sociologists view city in terms of sites of production, reproduction, and collective consumption (Castells, 1977; Harvey, 1973; 1989; Pickvance, 1977; Saunders, 1979). More recently characterised by processes of globalisation and decentralisation. The role of cities in national development was once promoted on the basis of encouraging industrialisation in order to increase economic growth, and promotion of social development and welfare provision. Modernisation Theory envisioned that the benefits of which would necessarily trickle down to the poor, yet industrialisation strategies such as import substitution policies failed to eradicate urban poverty. Ferguson and Hoffman (1993) take up the issue of urban land and housing markets in Indonesia, where the urban poor are finding purchasing a home difficult due to a rapid rise in urban land prices, increases in construction materials costs and the development approval and land titling process occurs in many countries experiencing strong economic growth and rapid urbanisation such as Indonesia and meant that urban land wasn't being used for low income housing. Informal economies and informal settlements haven't disappeared and the urban poor have been marginalized as a result of their peripheral physical and social locations in the city. Some urban geographers paid attention to who gets what in the city (Castells, 1972; Harvey, 1973; 1989), and realised that the distribution of the benefits of development is not a neutral process but reflects social relations of power and the way it informs social relations manifest in class, status, race, ethnicity, age, culture. Das, (1997) with reference to squatter settlements in Greater Georgetown, Guyana, notes the gendered dimension of poverty in these settlements women typically have lower incomes, skills, literacy, and suffer from ill health, violence and loneliness. However, some women organised themselves into groups or councils to try and obtain title to regularise their squatting land and secure community infrastructure. These community organisers have considerable power in the settlements, but lack know-how and have little support. However, these relations of power can be subverted, DuBois (1999) examines the role of 'valiant ladies' in a squatter invasion of apartment blocks, the squatters worked to finish off the building and installing water, gas, and electricity. Women organised community groups to improve the local school, police presence and sewerage and water supplied. The prominent place that women played in squatting and housing developments were tied to the gendered division of labour and especially of the labour of community organising. Women are typically involved in the process of social reproduction, as homemakers and the sense of home and the community are the proper feminine domains.

In most countries poverty is determined through income, an approach criticised for paying insufficient attention to the enormous differences between households, men and women, and failing to distinguish between temporary and chronic poverty (Chambers, 1988, Kabeer, 1997, Sen 1999). De Haan (1998; 1) acknowledges that urban poverty has been a low priority for the development agenda perhaps due to the extent and depth of rural poverty. However, interest in urban poverty has been precipitated by rapid urbanisation, "resource deficiencies, poor urban management and the absence of effective urban governance" (Beall, 1997; 59). Satterwaite (1995, 1997) draws a distinction between what he calls 'income poverty' and 'housing poverty' to represent the difference between households with a below poverty line income but who have access to a free government school and health care, secure tenure, piped water and adequate provision for sanitation and drainage, (Satterwaite, 1997; 14), and

households without these entitlements who are clearly more vulnerable. Of all the causes of poverty, Siddiqui claims the most pervasive in Pakistan is the relationship of citizens with land. In urban areas slum dwellers need access to regularised land with minimum basic services and new housing at affordable prices, whereby land can be developed incrementally. An additional problem for slum dwellers, Siddiqui highlights is the role of middlemen and extortionate role of government functionaries. In broad terms there are three ways to reduce urban poverty; (a) increasing the income and assets of the poor, through economic growth, in order to promote them above the poverty line and increase their command over commodities and services, (b) improving housing and services in order to address human development indicators and improve local urban economies, characteristic of the Basic Needs Approach of the 1970s; (c) upholding rights and taking a more politicised approach to development with regard to more fundamental changes to the social relations which cause poverty, (Neefjes, 2000; 195; Beall 1997), in this perspective lack of access to basic services such as water and sanitation are seen as denial of human rights (Calaguas, 1999; 2).

“Vulnerable people are those who are more exposed to risks, shocks and stresses and with the loss of physical assets and fewer and weaker social supports, they have fewer means to cope without damaging loss” (Neefjes, 2000; 47). Stephens (1996) is concerned with the process by which people are made vulnerable by other people. She makes the distinction between inequality and inequity; Inequalities in access to services may lead to health inequalities, however, if one group (usually the wealthy) benefits at the expense of another group (usually the poor), this is a health inequity (1996, 13). Wood and Salway’s study (2000) make the link between urban poor’s vulnerability in Bangladesh and insecurity of tenure. They highlight the use of threats or bribes and the role of brokers to secure housing. These brokers or mastaans reduce the vulnerability of the poor in a variety of ways; they act as go-betweens for the poor in their relations with the state and keep the threat of eviction at bay and thus unsurprisingly the mastaans exercise significant control over slum and squatter areas, ‘if not virtual ownership’. Since access to shelter in Dhaka is dependent in successful client-patron relations, those with poor relations with a mastaan are more vulnerable. Wood and Salway present the urgent need for de-clientisation since vulnerabilities are reduced when societies move from informal rights towards formal rights, formal institutions and ideas about citizenship with corresponding assumption about access and equity.

In 1996, the Habitat II Summit in Istanbul emphasised shelter for all and sustainable human development in an urbanising world and reflected the concerns for sustainability raised at the Earth Summit, UNCED in Rio de Janeiro in 1992. The realisation of an ‘urbanising world’ occurred at a time when the trend was towards market based solutions to the delivery of public goods in both developed and developing countries. There has been a shift from the public sector as the actual providers of housing, infrastructure and services to more of an enabling and coordinating role for government. NGOs and other civil society groups have recognised their role in creating a stronger civil society capable of negotiating a better deal for low-income groups with private sector providers and of participating on an equal footing in urban partnerships, and demand an accountable and consultative government. In effect low income communities provide for themselves through public action what governments are no longer thought able to provide. However, not all have the resources to do so, Rao (1990) reports the emerging phenomenon of houselessness among the urban poor, for example in Hyderabad, who are typically migrant males who either are vagrants, mendicants, have special needs, orphaned, destitute, beggars or are able-bodied migrants who work in the city. The Government of India’s response to the houseless began in the mid-1980s with the ‘Footpath Dwellers Rehabilitation Schemes’ (Pavement Dwellers Scheme) and ‘Footpath Dwellers Night Shelter Scheme of 1988-89.

With reference to a low-income informal settlement in Buenos Aires, Barrio San Jorge, Schusterman and Hardoy (1997) show how social capital, trust and the basic social networks enable improvements to be made to housing quality, access roads, land tenure and provision of water and sanitation, with the help of a representative community organisation, the inhabitants relationship with the rest of society, particularly since the settlement is no longer illegal. Herzer et al (2000) examined the formation of social organisation by low-income groups on peripheral vacant land in Buenos Aires. These organisations have helped to negotiate land tenure and have been effective in securing basic infrastructure and services. On the other hand, squatters in vacant buildings in the city centres are less likely to form community organisations or when they do these organisations are less effective. In part this is because residents do not wish to expose their illegal status and because government has no plans to allow their tenure to be regularised and as such sees the organisations as illegitimate. Berner (1997) notes how in Manila more than half of the population live in illegal settlements including not only the poor but also segments of the middle classes such as teachers, nurses, office clerks and policemen. However, here it is the middle class who are typically able to form associations, capable of

increasing the security of land tenure through resisting the plans of land developers, city government and corporations and improve their bargaining position with vertical links to potential allies. Sims (2001) claims that the ultimate security for the squatters on private agricultural land in Cairo lies in the sheer numbers of people occupying the land. Strength in numbers also enables the poor to get a political voice and to demand infrastructure and public facilities, which may be met during local elections. The state recognises the settlement or allows application to purchase long time squatted land.

Of course there are valid reasons for having regulations such as health and safety or environmental protection but in general existing regulations are unrealistic compared with the means available to the people they are meant to help. The laws and regulations of most developing countries are so complex, rigid and beyond the possibility of implementation that they are transgressed daily and provide no protection to the vulnerable. Yasini (1993) states that urban planning standards and guidelines in many developing countries are a legacy of the colonial era, yet recognises the irony that whilst urban planning and guidelines in the developed countries have been changing over the years to match with the changing social, economic, cultural and environmental conditions, there has been no major changes in the standards and guidelines of developing countries. Hardoy and Satterwaite (1989) state that standards must be relative to what is achievable within a particular context and rooted in the needs and preferences of society as well as local climatic conditions, local building materials and skills. The authors suggest one way around this is to designate certain settlements or areas a special development zones where the building and planning codes are not enforced this has been tried in the Philippines, Kenya and Jamaica, although this may have the effect of segregating the poor from the rest of the city. There is a felt need to come up with guidelines to ensure improved living conditions in urban low-income settlements. It is argued that these regulatory frameworks for land, infrastructure, housing and Home Based Enterprises should be reformed in order to remove constraints and disincentives that affect access by the poor. Kundu (2001) describes how squatter residents have demonstrated security of tenure in Delhi and other Indian Cities by using photo-identity cards, ration cards and other proof of residence, which has also been used to get services. Most squatters have stamp papers countersigned by local leaders, indicating that the individual owns the house (but not the land). Another way to counter eviction of to build statues of political leaders in slums, organise visits to slums, photograph the politicians visit etc., to avoid eviction. Nonetheless, informal tenure and assurance by public functionaries may often be enough for slum dwellers to make investments. A pro-poor regulatory framework would aim to eliminate inappropriate standards of provision that raise costs and discourages alternative technologies and small scale and competing suppliers, and may result in a more equitable tariff and cost recovery systems, for services. It is anticipated that such a framework may also facilitate an active partnership between local government, private sector, NGO, and communities to create practical solutions responsive to needs of poor. Regulatory guidelines for urban upgrading in informal settlements can often determine whether poverty reduction can be achieved in sustainable ways, a more participatory style of formulation of regulations would result in enabling standards, procedures and regulations for urban upgrading; regulations tailored to the needs of the poor but more importantly achievable in the context of an informal settlement. Peattie (1994) present the argument for more and better slums rather than a focus on the standard for the housing itself. Peattie observes that people, rather than paying for a house in instalments built a house in installations, a kind of brick by brick investment, doing a lot of the work themselves and getting between value for money than government. Householders are then able to turn the house into an income generation opportunity, renting rooms or making shops. These houses can be used flexibly and paid for flexibly. In addition it was noted that peoples housing strategies do not stand alone but are part of complex trade-offs that may subordinate the quality of the house itself to other issues that appear more pressing. Miah and Weber (1991) found that renters in 6 slums on Dhaka were more likely to spend a limited amount of their income on consumption and investment in the city, preferring to send the majority and other income back to rural areas as remittances. Owners of slums on the other hand have stronger attachment to the city and tend to spend more on consumption and investment.

Razzaz (1992) proposes that it is dweller's perception of their property status that determines their security of tenure property rights are not as relevant in analysing property relations as property claim and property status. Garr (1996) reports the upgrading of homes depends on expectative property rights rather than on legal land tenure. Garr suggests that house tenure is less important to house consolidation than land tenure. Garr suggests that expectative property rights can result from de facto approval such as absence of punitive measures whether from government or private sector; conducting of a census; issuing of identity cards; turning of a blind eye; tax collection or the installation of infrastructure. Mohit (2001) states that in Thailand, people with access to improved security of

tenure afforded by National Housing Authority's public housing, land-sharing schemes, resettlement schemes and low cost housing by private sector, may sometimes opt for lower levels of security. This may be due to the patronage system, which allows the urban poor to live in urban settlements with low security, in return for money and political support.

The UNCHS (1996) identified the central defining elements of informal housing as housing that is illegally built or constructed on land not properly purchased through the formal system and housing that lacks environmental services and community facilities. John Turner (1976) in particular provided another way of thinking about housing, he described it as a verb, something people struggled for and provided for themselves. However, this description only works if it provides viable solutions, if choices and options are available, rather than top down, predetermined and rigid definitions of planning, where enforcement implies issues of power manifested in the ability of regulatory bodies to coerce, force, and control. In order that people can provide housing for themselves regulatory guidelines could be inclusive and participative, recognising people's vulnerability and capabilities and supporting them in creating sustainable livelihoods. De Soto (1989) study of the 'informal' economy of Peru, describes how informal businesses have developed own laws and institutions, and are taking over the market. De Soto highlights the need for a legal system which reflects the informal sector of Peru, he recommends that government adjusts the law to ensure development as well as simplify, decentralise and deregulate government bureaucratise – he terms this the other path. "The real remedy is to recognise the property and labour of those whom formality excludes". Reid (1993) examines the way in which regulations affect those setting up micro-enterprises in slums. The main areas of regulation for slum businesses include:

- Municipal licenses and hygiene regulation labour laws for employees and children
- Obstruction laws for street vendors/ hawkers
- Weights and Measures control
- Traffic and vehicle regulations (rickshaws)
- Taxation for trades and professions taxes
- Property and Planning Laws

The difficulties with regulations include their complexity; time consuming procedures, their wide range and number. Many regulations assume a level of literacy which is beyond most slum dwellers, requiring them to keep account and employment registers and to complete long forms, occasionally in English. The costs involved in adhering to regulations are also prohibitive, whilst the prescribed costs are low, the indirect costs are high, e.g. of hygiene or employee protection and in acquiring legal business premises since the most micro-businesses can't afford rent or to buy. However, in practice these regulations are rarely enforced, which leads to informal payments to officials which are higher than the low prescribed scale of fines. Spasmodic enforcement of regulations also leads to a climate of fear, which discourages entrepreneurs who want to invest or expand their business. Respondents to Reid's survey stated that these regulations were not their main priority; instead it was access to capital. Under reporting of regulatory harassment, in terms of demands for informal payments, may be a problem which the articulate and confident were slightly less susceptible to. Reid found that regulations were more likely to be enforced in commercial areas, while business in outlying resettlement areas have virtually no regulation. The most vulnerable entrepreneurs are those with businesses as main roads or who vend on commercial areas.

Crankshaw, (1993) with reference to squatter settlements in South Africa argued that explanations of squatting can't be limited to housing shortages, overcrowding, unemployment or affordability but depends on the historical context, the balance of power and are characterised by complexity. In essence a study of regulatory guidelines is ultimately concerned with power, which can be overtly seen as the power to do something or power over someone else (Lukes, 1974) but is also subtle, covert, multi-faceted and fragmented (Foucault, 1976). Thus those on the receiving end of regulations in reality have the ability to resist, to subvert and sometimes to transform these regulations so that they account for difference and diversity and become more effective, efficient and with fewer opportunity costs from the perspective of the urban poor. Of interests then is how to scale up regulatory reform from self-help mechanisms to broader social investment in structural change. Coit (1998) emphasises the importance of political will in housing policy in post-communist Vietnam. Coit relates how powerful sectors of the society are able to resist the application of legally adopted policies, thus the main problem is not in the design or the materials or the planning of the policies and programs but in the political question of how to redistribute the scarce resources. The new urban policy of the Ho-Chi-Minh City discourages slum upgrading since the People's Committee are keen to attract foreign capital for developing international trade and business centres. Housing of thousands of poorly housed citizens or maintain and upgrading is not part of the city's agenda, except as part of a

strategy to reclaim the city centre for business and the middle/ upper income groups. Varley (1999) discussed Mexico's tenure legalisation programmes, and draws attention to the political uses of illegality which may be the motivation for or consequences of legalisation programmes. She references Castells' (1977) review of the Tierra y Libertad squatters in Mexico who rejected legalisation because it would establish an individualised relationship between settlers and the state leading to disintegration of the movement and incorporation of the residents into the existing political regime. Varley presents regularisation and settlement upgrading in Mexico as a concession to the poor as a 'sleight of hand', which avoids the need for the state to acknowledge the reasons for illegality – lack of affordable formal sector housing. Regularisation integrates the urban poor into the political system, residents obtain goods in a clientistic pact trading their civic rights for the satisfaction of immediate material need.

Three phases can be traced in the use of self help; in phase 1 (1950-1971) self help in squatter settlements fell outside official policy, whereas in phase 2 (1972-85) self help became an accepted part of state aided sites and services and related to in situ slum upgrading schemes. Phase 3 (1986-96) self-help became part of a package of urban sector economic and social development, which is a more holistic approach than the previous projectisation of self-help Housing and the provision of services historically seen as responsibility of the state, the 50s and 60s were characterised by large scale public housing projects in less developed countries, but when resources ran out the urban poor built their own homes in informal settlements, typically dealt with by forced removals and razing of settlements. Ramsdell (1990) describes the proliferation of the favela in Brazil. The three general policies adopted by national government has been eradication of the favela and relocation its inhabitants to public housing projects, urbanisation of the favela through integrating it into the large urban system and a policy of no policy at the national level. Chatterjee (1996) argues that slums should be accepted as an inevitable part of the urban situation and thus eviction of slum dwellers is not an ideal solution, but they should be provided with facilities to improve their living conditions; the approach of the Calcutta Metropolitan Development Authority since the 1970s and adopted by central Indian government in 1972, who called it the Environmental Improvement of the Urban Slums (EIUS) or Bustee Improvement Programme. The 1980s saw the Washington Consensus on standard economic and developmental policies, State provision of housing and services was perceived to have failed and so partnerships with the private sector were embraced, as more efficient with state relegated to coordinating role. At a time when the role of the state in providing housing and infrastructure was being reduced, the views of De Soto (1989) became popular. He argued that entrepreneurial informal workers are constrained by government regulation, there is a need to ensure the market i.e. legal and regulatory frameworks increase competition and reduced monopolies and improve access to credit/ finance. SAPs of the 1980s and 1990s and other forms of economic stress reduced urban incomes retrenchment of public sector jobs, reduced employment opportunities, user fees for education, health, food, housing and transport and removal of subsidies In this context illegal settlements were accommodated rather than eradicated. Turner (1970) suggested governments should support self help construction of housing and supply cheap, locally produced materials, and redesign uniform standards and design. Sites and Services Schemes were also popular whereby government acquires land, subdivides it into plots connected to services i.e. water, sewerage or electricity connections. The plots would then be sold to people to build own homes or alternatively projects were implemented which upgraded existing slums. However, Sites and Services Schemes were often located on peripheral land and infrastructure wasn't well maintained. In the 1990s the World Bank and UN accepted of the idea that informal urban dwellers and informal economy should be included in development policy and basic needs approach to delivery of pro-poor development, demand responsive policies which provide housing and service options for different income groups and creates an enabling environment for housing and services. Choguill (in Aldrich and Sandu, 1995) concludes the more government intervention that occurs in creating shelter for the poor, the greater the cost will be, the other alternative then is for the government to stay out of the shelter provision altogether and to merely let people get on with providing their own houses with guarantees of secure tenure. Rodriguez and Astrand (1996) contradict the assumption that the technical quality of self-help housing is often low, experience from many organised self –help housing projects, however, demonstrates that is usually comparable to professionally built houses, and in some cases even higher. One explanation they present may be that households learn how to achieve quality workmanship in order to avoid the risks of cheating or corruption.

Finances pay an important part of the access to decent housing; Miah and Weber (1990) explore the possibilities for an upgrading project in Islambag slum, Dhaka affordable without an external subsidy. The slum dwellers upgrade infrastructure services and utilities through self financing, self-help labour of the community and through a loan with a repayment period of 20 years. All households now have



an individual water tap, solid waste disposal facilitates, easy access to a latrine, electricity connection and gas supply and benefit from improved road and drainage system. Farfan (2001) describes an informal initiative in Bolivia, a system of tenure called 'anticretico' which means 'against credit' a response to the rapid growth of informal settlements around the major cities. Anticretico is a mechanism in which the owner of a house makes a legal contract with the person in need of shelter, through which the owner receives an amount of money to rent the property usually for 2 years, without further costs. However, the owner returns the full amount paid by the renter at the end of the contract period. The advantage of the anticretico system is that the owner is able to raise a sum of capital and the renter is able to find accommodation at low cost. The anticretico contract ensures that property owners maintain their property and the renter may be able to buy the house at the end of the contract period. Thus it this system represents a step up on the property ladder for poor household. A variation of this system is also being used in Bolivia, whereby people who can't afford the initial lump sum payment, can pay half in advance and the rest in instalments. The private sector has been used as a mechanism to provide the resources needed for housing projects. Shin (1995) considers the Korean government's use of the private sector in Joint Housing Redevelopment Projects. The major innovation in the JPR has been in delegating responsibility for housing to the owner-squatters, who are encouraged to participate in the planning and implementation process, making the government and construction agencies more aware of their needs. However, squatter tenants are excluded from JPRs and this has compounded the inequalities in society. Shin's study demonstrates the risk of an unequal partnership developing in the city's new approach to the housing problem and found that government should not divest its responsibility to the private sector, and the major beneficiaries of the JRP have been the construction companies, government and speculators. Similarly, Datta (2000) describes a Slum Networking Project to improve infrastructure services in Ahmedabad with four main stakeholders, slum community, Arvind Mills Ltd., AMC and an NGO SAATH. Slum dwellers were given secure land tenure for 10 years and each household paid Rs. 2000 towards the costs and Rs, 100 towards a community fund for maintaining services. The factors contributing to the projects success lies in the homogeneity of the community, the granting of de facto land tenure by AMC for 10 years, the proactive role of SEWA Bank in financing slum dwellers and the active participation of women. However the working relationship between Arvind Mills and AMC was tense due to differences in work culture and decision-making and Arvind Mills withdrew from the programme after the projects completion.

Okpala (1999) argues that the slum and squatter upgrading approach can only be a short term pragmatic solution and that the advance planning of settlements, supported by the requisite political and technical will and commitment, is the only realistic long term and cost effective option to develop sustainable human settlements. Pugh (1992) promotes the professionalisation of land management, the uses of land inventories, databases and effective cadastral systems and the concomitant demand for improving professional and administrative skills and for installing computer based data systems in large towns and cities. Bishop et al (2000) describes the Bangkok Land Information System to show the potential of GIS and spatial information technologies to manage the urban environment. However, housing has wider socio-cultural meanings for example Erman (1997) studies the meaning of squatter and apartment housing for the urban migrants residents and their perceptions and preferences in Turkey. Erman found that gecekondus (squats) housing is perceived very positively by those rural to urban migrants, particularly for the women who spend much of their time in the neighbourhood. Gecekondus housing provides the context for dwellers to form close relationships with their neighbours and is associated with community spirit, informal support networks of support but is also characterised by low standards of housing and inadequate services. On the other hand the association of gecekondus with a rural way of life has created a negative association for those migrants who wish to leave behind their rural roots and become established in urban society, in particular young women.

## Context

The research focused on

- **Global level issues** for example land as a basic right; rapid urbanisation, growth of informal settlements, escalation of urban poverty and parallel security systems, improvements in urban governance; informal industries, sustainable livelihoods and better quality of life; global campaigns for Cities Without slums; Secure land tenure; Good Governance; violence)
- **National Level** attempts to incorporate informal settlements into national development plans in addition to otherwise integrated planning systems; the enabling role of the state; politics; rapid and continuing population growth.

- **City Level;** including and combining in-situ upgrading with relocation options; clear city goals for pro-poor development and political systems; and demographic realities.
- **Settlement Level Issues;** in-situ upgrading with resettlement options; insulation of urban poor from forces that mitigate their efforts to improve livelihoods; politics; violence and security; owners or tenants; cultural acceptability of technologies.
- Recognise the security of tenure to be able to make investments to improve their housing; regulations that prevented the residents accessing some land to settle on. Once people were given assurance that they wouldn't be evicted then householders mobilise their resources.

**KENYA:** A preliminary finding from Mavoko, Kenya indicates that shelter is intrinsic to poverty. In particular, the land allocation system needs to be addressed. The residents of informal settlements are easily tempted by those with resources and end up disposing the land allocated to them by the local authority and move on to other informal settlements, creating a vicious cycle of professional squatters; it was suggested that there is a need to create legal mechanisms that prevent those allocated land in informal settlements from disposing of their plots. In addition problems arise when allocating too much land is allocated to a few people who end up not using it but indulge in holding land for speculative purposes, this is in part due to the physical distance of the local allocating authority from the land being allocated, which creates information asymmetries. It was also reported that the Physical Planning Department in Mavoko tends not to acknowledge informal settlements in its plans, which militates against ensuring well planned urban centres. However, the Physical Planning Act No 6 of 1996 advocates that the populace become involved in urban planning through participatory approaches. The statute also allows for plans made by the Department of Physical Planning to be challenged in a court of law, although it has sections dealing with procedures and development control but none that address issues relating to informal settlements. There is a clear need to make planners more responsive to dynamics of informal settlements in urban centres. Stakeholders from the community, council and other stakeholders in Mavoko identified 4 key issues these are land allocation processes, plot sizes, water and sanitation and information.

**INDIA;** SPARC argues that the poor are the largest voting blocks, and should be enabled to deal with issues of land ownership and regulation and negotiate more strongly in efforts to improve their living conditions and play an important part of the formal sector workforce. However, the urban poor need a more effective information base to facilitate negotiation; organisation and mobilisation – contesting plans as they exist; precedent setting activities; peer exchanges; dialogue/ negotiating and planning. SPARC have reviewed the use of the Coastal Regulation Zone as a critical regulatory tool that affects efforts to improve living conditions; the Coastal Regulation Zone legislation emanates from federal government and local offices in breach of them are personally liable and can be jailed. Activities undertaken with respect to this legislation include enumeration of 72 settlements with between 8, 000 and 20, 000 households and precedent setting activities such as relocation of some settlements; changing building norms for others; reinterpretation of strategies adopted including building upwards where there was little room for horizontal expansion of the settlements, the residents of informal settlements opted to build upwards; sharing private-public partnerships and entrepreneurship.

**Sri Lanka;** SEVANATHA report that upgrading of urban settlements has been promoted by the central government institutions; the Urban Development Authority and the National Housing Authority, lead actors in the million house programmes, which created favourable bottom up approaches such as community action planning, community consultations etc. Under these initiatives some work on housing, guidelines was done but stopped when the programme was aborted following political change

## Principles

The principles underpinning pro-poor regulatory reform for urban upgrading, which should meet local realities while reflecting global concerns. These principles could include:

- Modified Sustainable Livelihoods Framework; such that regulations assist in the creation of Human Capital; Natural Capital; Physical Capital; Social Capital; Financial Capital; Institutional (political) capital; knowledge and information
- Realities on the ground; regulatory guidelines for urban upgrading should address diversity in local realities faced by the urban poor; regulation should be simple, easily accessible and easily understood
- Regulation as process not product; which requires on-going and constant inputs and continuous revision from individuals, community organisations, institutions to create and maintain an enabling regulatory framework
- Governments role as enablers; of an integrated planning and development strategies a pro-poor enabling role and guarantee human rights; formulating local integrated development plans; support removal of regulatory impediments and streamlining of the regulatory framework which means an enabling environment for urban upgrading. An approach supported by partnerships between stakeholders such as NGOs, community groups, multi-lateral and bi-lateral agencies
- Equity driven processes; equity of access to assets and decision making processes, equity in access to and use of resources, sharing power; urban poor should have equal access to services such as safe drinking water, sanitation, shelter, nutrition, education, healthcare and livelihood opportunities as a right
- Access to information; readily accessible information about the regulatory system for urban poor, reduce uncertainty and vulnerability, enable poor to take initiative in crisis, and creation of understandable planning, building, environmental, fiscal, work, health and safety regulations
- Urban poor organisations as a source of innovation and action at local level; grassroots mechanisms for sharing knowledge, information and experience, and promote sustainable livelihoods; ability to generate information to challenge state and negotiation
- Anticipatory planning; reform planning practice within local authorities so that planning and development control are integrated; better planning rather than reactive behaviour, better managed growth and extension of services to urban poor sites and facilities.

## What to Change

Preliminary findings from the case studies reveals that there is a general need for;

- Access to information that people can understand and use
- An equity driven process
- Anticipatory planning
- Dynamic rather than fixed regulation
- Partnership and inclusiveness
- Regulation as a process rather than a product
- Affordability of regulations
- Government to act as an enabler
- Clearer boundaries of internal/ external regulation
- Attitudes at all levels for progress to be made
- Distinction between in-situ upgrading versus relocation; participation of community? Choices made by different communities; issues of ownership and upgrading for whom?
- Focus on process and performance; encourage utilisation of local technological and material options

### **Credit and Finance**

Those living in informal settlements typically lack the kind of formally recognised property which can be used as collateral according to the bureaucratic procedures normally followed by finance institutions, in addition they may also lack regular employment and regular incomes. Lack of access to formal credit increases vulnerability and limits the capacity of the urban poor to achieve sustainable livelihoods, which respect to the high repayment and interest rates of informal credit institutions. Otherwise the urban poor rely on informal credit sources like roscas, savings clubs, based on social capital, used for both housing improvement and business development linked to a home based enterprises. Regulatory reform is needed to link to formal and informal credit, and ensure that alternative financing systems operate freely without unnecessary restrictions that precludes traditional asset based lending but also to ensure minimum performance and reporting standards to improve performance.

## **Politics and Politicians**

There is a general need for the political will to address issues of slum upgrading yet there needs to be precedents set on how to begin to engage politicians in sorting out the land problems? Preliminary findings from the case study locations suggest the need to make change relevant to unique abilities and capabilities of politicians. There is also a wider need to change attitudes amongst all stakeholders to promote positive change.

## **Home Based Enterprises:**

Micro- and small enterprises, and home-based enterprises are often informal income earning opportunities, particularly for women, and as such are either unacknowledged or made illegal by restrictive zoning regulations. Thought that home based enterprises are a threat to the environment. Instead regulations should protect and promote the contribution that home based enterprises make to livelihoods, by guarantee of home ownership or guarantee of non-eviction. This would be facilitated by mixed use zoning, integrated and coherent planning, appropriate environmental regulation and regulations that allow for home based enterprises to be upgraded and plan service levels accordingly.

## **Slum dwellers**

There is a need to understand more clearly the forces that lead to creation of informal settlements; how to secure rights of slum dwellers (whether the focus should be on security of tenure or security, as opposed to vulnerability); the diverse and changing needs of dwellers, (health, education, special needs) and how slum dwellers protect themselves against processes that promote and encourage gentrification. There is also a need to empower dwellers by educating them on their rights and obligations and abilities in relation to the regulatory environment.

## **Institutions:**

Institutions may be set up to cover specific issues such as the provision for low income housing, building materials, structural design, code of practice for construction of buildings, measurement of building work, services, fire protection and special features. Public agencies may include Town Planning Departments, Lands Departments, Survey Departments, City Engineers Department and Public Health Officers Department, and should be strengthened to enforce codes, allocation of resources, strengthen manpower capacity, training, equipment and improve the productivity. Local institutions may ensure that local building materials are readily available, support the users of the codes and explain technical specifications, providing capital and credit, training and ensuring the provision of raw materials, improve the capacity of local contractors with new skills. Professional bodies may support good construction practice, promote innovation in the sector, monitor efficiency and provide information on new research. There is a need for institutional and regulatory measures to be taken to prevent future development of slums in new areas and to enable improvements to be undertaken in existing slum areas. These measures should be based on an understanding of how communities perceive and utilise space in order to get guidelines right in respect to plot size. These institutions may also be used to share information in a coordinated fashion, preventing parasitic behaviour of some residents of informal settlements on others. Institutions should be established or strengthened to deal with standards/ specifications for local building materials, testing laboratories centres, providing training to existing building material producers and quality control, making raw materials available to producers, credit and capital available to producers and making local production competitive in cost with import-based materials.

## **Housing**

Regulations of what constitutes a dwelling creates a barrier to affordable housing mean that poor must live in informal settlements, discourages the construction of affordable housing, and has implications for health and safety. Colonial legislation and regulations create problems in terms of specifications of materials, which increased the need for foreign exchange and high transport outlay, and does not use locally appropriate construction technologies and material options or skills and expertise. The systems for enforcing building regulations and approving new houses may be lengthy and costly; performance standards to address issues such as ventilation, day lighting, building lines, setbacks, room sizes, rights and duties of support arising thereof. There is also a need for appropriate disaster management awareness and practice.

## **Infrastructure**

The poor tend to rely on small-scale, private sector and community based service providers for basic services, standards and regulations typically exclude small, community-based entrepreneurs. Those regulatory barriers should be removed to allow providers, formally recognising informal alternative service providers so that they meet basic environmental, health and safety concerns. Once services are provided to an informal settlement, the poor claim usufructory rights to strengthen claim to tenure. Pro-poor regulation should enable the poor to gain sustained access to safe services, low cost technology options, and can meet management implications. Rules and forms of contract governing infrastructure procurement restrict involvement of poor in management of infrastructure and militate against community participation and management. The infrastructure standards as well as procurement and tendering procedures should not preclude institutional arrangements supporting the involvement of community based organisations and communities to decide what is essential/ non negotiable, stimulate labour intensive construction, allow incremental development, provide adequate fire protection, engage the poor in design and legitimacy of the regulatory system and may lead to a review of infrastructure pricing methodologies.

1. The main areas of regulation for slum businesses include:

- Municipal licenses and hygiene regulation labour laws for employees and children
- Obstruction laws for street vendors/ hawkers
- Weights and Measures control
- Traffic and vehicle regulations (rickshaws and informal public transport)
- Taxation for trades and professions taxes
- Property and Planning Laws

The difficulties with regulations include:

- complexity,
- time consuming procedures,
- their wide range, and
- large numbers.

Many regulations assume a level of literacy which is beyond most slum dwellers, requiring them to keep account and employment registers and to complete long forms, occasionally in written non – mother tongue and non local language.

The costs involved in adhering to regulations are also prohibitive , whilst the prescribed costs are low, the indirect costs are high, e.g. of hygiene or employee protection and in acquiring legal business premises since the most micro-businesses cant afford rent or to buy.

However, in practice these regulations are rarely enforced, which leads to informal payments to officials which are higher than the low prescribed scale of fines. Spasmodic enforcement of regulations also leads to a climate of fear which discourages entrepreneurs who want to invest or expand their business. Respondents to a survey stated that these regulations were not their main priority, instead it was access to capital. Nearly half of those who found regulations a problem also said that capital was a more important issue for them. Under reporting of regulatory harassment, in terms of demands for informal payments, may be a problem which the articulate and confident were slightly less susceptible to. Reid found that regulations were more likely to be enforced in commercial areas, while business in outlying resettlement areas have virtually no regulation. The most vulnerable entrepreneurs are those with businesses as main roads or who vend on commercial areas.

The laws and regulations of most developing countries deem most aspects of the lives of urban poor illegal, yet the lack of social safety nets in many of these countries means that the poor have little choice but to find some sort of accommodation and income. In most Third World Cities, regulations are so complex, rigid and beyond the possibility of implementation that they are transgressed daily and provide no protection to the vulnerable. In some ex-colonies, the regulations are based on European models and foreign aid and foreign consultants have helped reinforce inappropriate foreign models for many urban laws governing the built environment. Building and planning codes and standards can be changed to reduce the costs of the legal house or land redevelopment and thus increase the proportion of buildings and land redevelopment which are legal. However, codes are embedded in a legal system and implemented by professionals who are resistant to change.

Residents choose a location on the basis of

- Access to income earning opportunities, social networks, health and education facilities

- Cost of transport and the cost of renting accommodation against the cost of purchasing a site and developing a shelter
- Amount of space in the dwelling and plot
- Security of tenure which determines the level of investment on the plot and consolidation
- Level of provision of basic infrastructure
- Future prospects of the locality
- Option available to obtain land at low cost

Garr suggests that expectative property rights can result from de facto approval:

- Absence of punitive measures whether from government or private sector
- The conducting of a census
- The issuing of identity cards
- The turning of a blind eye
- Tax collection
- Installation of infrastructure

He provides the following steps to the provision of land tenure in slum upgrading:

- Appropriate site selection
- Acquisition of land
- Allocation of lots
- Tagging of qualified structures
- Protecting rights of structure owners and renters
- Establishing tenure arrangements
- Determining and costing on plot and on site services
- Providing economic assistance
- Negotiating cost recovery and maintenance responsibility

Land:

There is a well-established relationship between land and capital; improving access to land may have meaningful impact on lives of people affected and has a role in determining physical and economic security. Land is a critical element in livelihoods; for agriculture, housing, infrastructure, rights to land represent key household and community asset and enable the poor to meet subsistence needs, promote income generating opportunities, acts as a means of insurance. However, the poor tend to rely on customary or informal rights not recognised by outsiders and it tends to be women's land that is the first to be privatised, which highlights the need to review gender discriminatory policies, legislation and regulations. The meaning and implications of land tenure needs to be clarified (is it freedom from eviction, possession of a title, how can procedures be streamlined to avoid problems of multiple allocations; legal status; transaction costs in acquiring title to land; from whose point of view is tenure to land secure?)

Traditionally it has been accepted that there is a causal link between titling, security of tenure, and higher investment in housing so that security depends ultimately on legal status. However, slum dwellers also begin to feel some sort of security if the probability of eviction is low, if they have occupied the land for some length of time, verbal evidence, the availability of housing finance or if services have been provided for them. These non-legal strategies increase perceptions of security and minimises transaction costs involved in acquiring titles. Official tenure may also have the consequence of raising the value of the property, which means the poor would sell, and leads to gentrification.

The debate on land regulations tends to focus on an artificial dichotomy between private and communal title, which raises the issues of access and control over land and housing, minimum plot size, how long land can be held for speculative purposes and the amount of land which can be owned by an individual, moreover whether it is possible to vaccinate some areas in cities from the operation of market forces to create a space for the urban poor. The creation of special development areas would allow the state to intervene in the market and protect the poor from market forces.

### **How to Change; emerging themes**

### When considering regulatory reform

- In situ upgrading (what standards will apply? For whom? By whom? Affordability? Who benefits?)
- Relocation (What standards will apply? For whom? By whom? Who pays for the land? Affordability? Who benefits?)
- **Standards need to be realistic**, understandable by people and implementable, lead to change that can be carried out by people in the informal settlements – need process of continuous negotiation to take into account changing realities
- **Practical solutions that** take into account the varying priorities amongst the settlements and information owned and used by communities
- **Prevent gentrification**, encourage gender equity, encourage residents involvement in the process
- **Affordable regulation**; guidelines which reflect poor's affordability, cost of land, infrastructure and housing should be reduced, regulations and standards governing land, infrastructure and housing development set within affordability limits
- **Precedents**; Ensure investments in precedents are made in parallel with dialogue with the state authorities that identifies what else is required so that the state can support the process in precedent setting and pilot projects to convince authorities and others of the importance of changes and then extrapolate from pilot projects, scaling up lessons to mainstream macro-policy and programmes & alliances among partners
- **Dialogue with bureaucracy**; Dialogues with bureaucracy can provide a basis for changing the negotiation between local councillors/ politicians and the urban poor, particularly gender sensitive participation at all stages of decision making; better conception of upgrading which recognises the physical, environmental, social, civic and economic consequences for directly affected parties.
- **Attention to use of local languages**, most effective way of creating an enabling environment and condition that will encourage poor, social activists, grass roots political entrepreneurs to invest in pro-poor mobilisation – official language is impediment
- **Engage key stakeholders** to effect changes in regulations (leaders, professionals, poor communities) integrated approach to improving shelter
- **Critical mass for engagement**; Establish the basis for long term exchange by linking research to activism that helps develop a knowledge base enabling the poor to be in a position to be able to contest prevailing approaches that do not work for the poor. Regulatory reform depends on a critical mass in urban poor communities, community leaders need tools to mobilise poor communities and move the venues of dialogues to the settlement.
- **Identify community decision making processes**; which enable them to operate collectively in development and negotiate with the state; knowledge and information in poor's decision making over access to livelihood assets
- **Build Institutional Capacity**; promotion of a participatory regulatory reform process, need for capacity building and institutional development strategies, for governments and local authorities and associations- information systems for networking, accessing resources and for the exchange, transfer and sharing experience, expertise, know how and technology in urban upgrading
- **Make the research process accountable to the poor**; involved them in research design and execution and dissemination of findings, participatory approaches and methodologies, poor can offer critical and invaluable insight not available elsewhere.
- **Link research to activism**; need to improve the status quo, link research to activism
- **Eliminate information brokers**; Communities need to have their own information and organisations to effectively negotiate with the state. There is a need to make sure that information and knowledge is well connected to the target communities and not shared selectively, improve impact at the grass roots and to reduce fear of negotiation, build trust around shared information. Brokers need to be honest and eventually put out of business by wider dissemination of information.
- **Participation in regulatory guidelines**; transform the relationship between the authorities and local communities, enable poor to actively participate in discussions and debates on development initiatives, political interests of the poor and other stakeholders, class, gender and ethnic differences, transform power structures that perpetuate marginalisation and powerlessness – able to decide on critical issues related to interventions. Identify decision that community must make to be able to operate collectively in the development of a site and negotiations with the state
- **Political will**; need for political will in the promotion of large scale urban upgrading, for requisite enabling policy and regulatory environment, political commitment for effectual involvement of poor and marginalized in regulatory reform.

Table : A road map of Guideline for :

Issues	Comments
Participative planning to identify poor and audit their livelihoods activities	
Right to use the land for livelihood.	
Legal ownership to enable them to exchange right in transactions	
Appropriate standards, specifications and designs in areas such as: <ul style="list-style-type: none"> <li>• Drainage</li> <li>• Water supply</li> <li>• Sanitation including waste disposal</li> <li>• Access and paving</li> <li>• Power supply and lighting</li> </ul>	
Financing mechanisms	
Monitoring and regulatory mechanism	

## Conclusion:

A study of regulations reveals that policy isn't neutral but forms an integral part of social construction of reality. Current regulations are in fact cultural and political products with an ideological agenda, able to create impose legitimacy and authority on one agenda. Regulations were typically transplanted in less developed countries by colonial powers, as part of the drive towards creating modernity, economic progress and calculating rationalising individuals free from a culture which constrains individuals from making the most efficient and effective choices. Regulation policy reflects a certain way of conceptualising basic needs, human agency and social change. Experts write policy with a concern for health and safety, environmental protection and are directed towards creation of better solutions to certain problems, eliminating waste, ignorance and inefficiency. Far from being neutral in its outcomes, regulations policy and planning are dominated by assumptions of universal needs and responses. In practice responses to regulations policy are more complex and choices are embedded in a social context.

Achieving a sustainable and secure shelter or service can play a role in reducing poverty, sustaining livelihoods and improving quality of life; often the government determines a minimum standard for households, which assumes it is possible to identify basic needs separate from the historical, social and cultural contexts which have created these needs. It is suggested that it is only poverty which prevents people making use of rational regulations preventing increased productivity, modernity and prosperity and driving economic growth; once people have more income transition will occur to abiding by regulations, people will make more rational and informed choices which will not threaten their health, environment and acts as a catalyst for more productive economy, poverty alleviation; modernity and progress and prosperity faith. Resistance to adopting regulations is not merely a question of affordability but in reality related to a range of social and cultural variables including gender, identity, and income. The urban poor are often praised for competing in the informal sectors,



for being flexible and innovative and meeting needs in the market place. Yet chastised for flouting regulations; although this remain an obvious and popular choice, even among those households that could afford alternative choices. Resistance can become entrenched and naturalised in everyday social practice as a flexible ways to achieve specific social and economic ends. It is a question of whether to focus on a concern to define, measure and monitor regulations or the need to understand the cultures and conditions under which regulations are defined in broader processes of social and cultural processes. The point to be made in conclusion is a recognition that regulations serve a purpose, at best they are intended to promote well-being, the argument has been made here not for a less regulation creating a free for all in housing and service provision, which commentators on private sector involvement in service provision have shown can harm the poor, but for better, more meaningful, flexible and appropriate regulation which stands a better chance of being met. It is recognised that informal settlements represent some form of asset for the urban poor and the intention is to advocate for regulations which upgrades the quality of these assets as well as the quantity, rather than demolishing stocks of assets as well as houses.

**Some emerging themes include**

- Solidarity/ community resistance to eviction, the poor also depend on social capital for housing finance.
- Self-help and incremental house building are important ways for the poor to secure decent quality housing
- Increasing government capacity for monitoring and planning settlements,
- Perceived security of political patronage as a means to promote consolidation,
- Middle class capture of the housing of the poor in informal settlements
- The role of middlemen in land acquisition, social capital and holistic approach to improve housing which includes employment,
- Gender; the gendered effects of regulations and the capacity of women to resist regulations
- National economics, the impact of national economies on the policy on informal settlements
- Poor hire skilled people for some jobs in house building or learn the skills themselves
- The use of traditional materials and traditional skills should be promoted
- The housing deficit of a country is a result of building regulations rather than actual shortage.

## Possible case study 'boxes'

Tomlinson (1999) discusses the role of housing in South Africa, where a municipality is obliged to take all reasonable steps to provide adequate housing and services to all residents in its jurisdiction, however their activities are constrained by finances and resources. Tomlinson reports that a minority of beneficiaries of the new housing subsidy scheme, whereby a one-off capital subsidy was provided to all households with an income of not more than R3850 per month, thought they could meet its own housing needs better, and could get more value from the subsidy if they did not rely on the formal construction industry.

Durand-Lasserve and Toanto (2001) review the current approach to land tenure in Benin, which attempts to integrate customary land tenure into modern law and planning regulations. Public intervention and participatory approaches in customary initiated land development has increased the quality of housing and services in terms of layout plan, simplifying administrative procedures, use of permanent building materials, and provision of housing permits to occupants allowing poor urban households to enjoy relatively secure tenure.

Soliman (1996) explores the development of semi-informal housing areas in Alexandria, Egypt, around half of all housing production in Egypt falls in this semi-formal category. These houses are built on land which has been illegally subdivided by the private developers and that housing is typically not developed through established, regulated procedures and those who construct them do not use the recognised institutions of housing. Residents in these sorts of housing have the possibility of becoming owner-occupiers in a short period of time and are thus attractive to low-income groups.

Tipple and Ameen (1999) examine the effects of house extensions or alterations by occupants in government 'core-housing' in Dhaka, Bangladesh. It is commonly assumed that such extensions are building slums, that the new buildings are of poor quality and either further degrade the condition neighbourhood's housing stock or create 'islands' of poor conditions in a 'good' neighbourhood and thus devalue the property. The consequences of which would be that the middle-income households will leave the area or that the incentives to maintain property would be reduced. However, the authors reveal that these changes brought more rooms as well as more room per person, increased house size and improved service levels and physical conditions. They also increased the value of the housing and helped to contribute to an increased supply of cheap and relatively good quality rental accommodation. The authors critique the imposition of 'pucca' building standards on redevelopment, which only serve to benefit the developers who are able to buy several plots of land and replace low-cost housing with higher cost income flats. The poor are then forced out to the periphery and slums proliferate outside the city centre. They also suggest that even if regulations are not enforced they still inhibit housing development for the low-income groups. Since there are costs in circumventing the regulations, bribes can increase the costs of construction, or those in fear of the costs of failing to meet the regulations may be put off building or may sell to higher income households who can fulfil the regulations.

Nichols, Riddell and Toselli (1999) review land tenure reform in central and Eastern European countries. The governments in the region have changed land administration radically within a decade, supplying land share certificates to urban and rural citizens, certificates of title and other evidence of property rights in the move to create private land ownership. Privatisation of land has been constrained by delays in establishing appropriate legislation, inappropriate institutional arrangements, institutional complexity, lack of co-ordination, inappropriate existing information, the time and cost in surveying each parcel.

Basset and Jacobs (1997) report the recent experiment of the Kenyan government with the Community Land Trust (CLT); a form of community based tenure, which provides an alternative to squatting and is being hailed as a successful model to be replicated through the country. CLT combines community ownership and control of land with individual ownership of improvements on the land, individuals have the right to bequeath their rights to the property and build improvements upon the land however the community retains the right to make decisions on the permissible use of land and controls alienation of land and property rights are share between the individual and the community. Absentee ownership is discouraged, one has to live on the land to use it. The advantages of the CLT model to the government and donors are that it promises to eliminate the element of upgrading projects which promote gentrification, may expand the property tax base, community control of land promotes self reliance and risk sharing within the community and that CBO will be formed

which can be a partner for longer term partnerships. The CLT model also increases the possibility that households can access financial sources of finance for housing. The advantages to the community are in terms of social security, community self help, ownership rights and strengthened ability to control land. Basset and Jacobs suggest the key factor for success of the CLT model include the existence of traditional claims on the land, the value of the land, the social structure of the community and the role of the local authority.

Konate (1993) describes the struggle for land in a peri-urban village called Kalabancoro, Mali whose population has grown threefold between 1977 and 1986, due to urban migration to the nearby urban centre Bamko. The government laid claim to all land without a title, notably the customary fallow and grazing land of the families in Kalabancoro, which is being bought up by migrants. The indigenous villagers are thus experiencing a shortage of farming land, and need cash to buy additional food, health care, housing and consumer goods in the market, the women's fields or plots that are too degraded for cultivate are the ones typically being sold to get money for food, etc.

Acioly (1994) reports the mixed success of the creation of satellite cities to house the urban poor with reference to Brasilia, Brazil. Samambaia is a satellite city created to house tenant population of Brasilia, residents were given raw plots and land development occurred incrementally on a self-help basis. However such satellites have increased the disparity between residential areas in terms of living standards and levels of services and transportation costs and perpetuates the income disparities within the city of Brasilia. Nonetheless, the middle income groups are slowly moving into the satellite cities and expelling economically weaker groups from these locations, initiating further processes of mobility and stratification in the city.

Mosha, (1995) reports the Self Help Housing Agency in Botswana, which promotes a strategy of self help squatter upgrading and site and services program, through which low income people can secure services land, security of tenure and assistance to build their home. In the last two decades the SHHAs in the major towns have been responsible for providing over 9000 serviced plots and for upgrading a similar number of plots as well as providing nearly 7000 building material loans. The planning process involved the community in planning and designing their settlements, using flexible town planning laws to suit the needs of the low income sector, adopting appropriate development standards that are not as difficult to meet as conventional standards applied elsewhere in urban areas; relax development control; providing serviced plots; providing funds and materials for home construction and finally introducing a cost recovery system in shelter provision. The regulations allow for greater plot coverage, smaller setbacks and sub-letting; in addition low income people can use either temporary or permanent materials to build their houses so long as they are durable. The innovations in land tenure comes with the introduction of the Temporary Occupancy Permits in upgrading areas and Certificate of Rights, which have provided security of tenure and supplied plots to low income residents without administrative overburdening. However costs of SHHA plot may be too high for the urban poor and thus government has agreed to low cost for low-income settlers and the capacity of SHHA needs to be improved if it is to meet its objectives.

Berner (2000) reports that the large-scale resettlement programs in the Philippines during the 1970s and 1980s failed because the beneficiaries were unable to secure a livelihood in the remote location sites and returned to the squatter colonies in Manila. Both workers in the formal and informal sectors live in these illegal settlements and a combination of high land prices and low incomes constrain the search for alternatives. From Berner's survey, most respondents in poor urban areas say that land and not livelihood is the most pressing problem they are confronted with. The Philippine Community Mortgage Program aims to improve the on-site development facilities of settlements. CMP does address the most pressing problem of many urban poor but in fact services mainly a middle class squatter elite and even worsens the situation of poorer squatters and renters.

Phe and Nishimura review private citizen's house construction and repair activities in Hanoi, Vietnam. Housing in Hanoi is a mixture of state owned housing, mixed ownership, private ownership and work-unit ownership. The deterioration in housing conditions in the area is the result of feeling of insecurity on the part of the residents. It can be concluded that if ownership were transferred, the residents would be more interested in improving their houses.

Duran Lasserre and Gueye (2001) report the experience of Senegal with large-scale tenure regularisation, carried out from 1987, which recognises the legitimacy of irregular settlements, and

was the first attempt to implement tenure regularisation at a national level in Francophone West Africa. To provide individual titles to households on publicly and privately owned land and in situ regularisation land tenure was taken as a key element of improving the physical environment. However vested interest in land are such that proposed tenure orientated approach were difficult to implement.

Grover and Joloviev (2001) report that the involvement of the Russian state in housing over the last decade has been reduced, personal ownership of real estate has increased and social housing decreased with inadequate provision for low income and vulnerable groups. The new houses are of better quality but mortgage markets are poorly developed and housing loans are scarce. Economic and legal infrastructure needs to be developed.

Aristizabla and Gomez (2001) review the experience of intermediated land tenure in Colombia:

Tenancy by private agreement document and physical possession

- Declaration of possession to a notary after 5 years of occupation
- Buying and selling Rights for Future Use, someone who is going to inherit a unit or is going to have the right of tenure in the future, sells or gives the rights in advance.
- Urban legalisation as a way for families to ensure that developers fulfil their responsibility and protect their ownership rights.
- Communal Tenancy involves self-construction projects and land trusts, the owner of a plot has his deed, form an agreement with a communal group that starts collecting money from potential buyers. This is a community land trust between owners, the institution with intermediated land tenure and low-income families. Land titles move from the owner to the group and then to the users.

Jones and Ward, (1998) report that the Mexican government has established tenure and property rights on customary ejido common land and providing incentives for private sector involvement, through the creation of individual rights to sell, rent or mortgage land to non-ejido members. The new legislation makes clear that the ejido belongs to the ejidatarios. On the one hand if the ejido is not allowed to benefit from urban development it will continue to sell land illegally and not co-operate over regularisation or servicing decisions. On the other, if the ejido is permitted to develop land legally, it is unlikely to be able to do so at prices affordable to low-income households.

Vaa (2000) reports the Malian Government's national strategy for housing (1995), which constituted a programme of legalisation and upgrading of unauthorised settlements, a revision of laws and regulations pertaining to land ownership in order to increase the legal supply of affordable land for the construction of houses and to improve infrastructure and service provision. These strategies have the explicit aim of improving the access of the low-income groups to housing. Vaa suggests that Malian housing policy initiatives, particularly that of legalisation of unauthorised settlements may have unintended consequences for the urban poor. Legalisation will increase the market value of houses and land and make them into collateral for credit institutions. This may make land and housing investments for owners, entrepreneurs or speculators over time thus many mean that the poor are unable to become or remain in the settlements. Alternatively rents may increase and thus force those on low income to leave. The main policy is to make legal access easier, reserve plots for the semi-public agency, ACI to sell for housing and facilitate access to credit.

Yaya (2001) reports that in Botswana there are two main types of ownership.

1. A long leasehold known as the Fixed Period State Grant (FPSG)
2. A Certificate of Rights (COR) meant to grant land to low-income households using simple and inexpensive procedures.

The majority of plots in low-income settlements are on COR, the holder of the land has use rights but ownership belongs to the state. A COR can be transferred to a FPSG if the land is surveyed and registered and if water is connected and a conversion fee is paid. COR was a policy of the Self Help Housing Agency, which has reduced the squatter levels and it is estimated 100, 000 people have been housed under the programme. The COR gives adequate security to its owner since it is guaranteed by the state; development is encouraged and accompanied by financial assistance; it can be bought and sold in the property market and infrastructure levels are relatively high.

## Appendix –Supplement to the literature review already submitted.

- Choguil (in Aldrich and Sandu, 1995) concludes the more government intervention that occurs in creating shelter for the poor, the greater the cost will be, the other alternative then is for the government to stay out of the shelter provision altogether and to merely let people get on with providing their own houses with guarantees of secure tenure.
- Pugh (1992) promotes the uses of land inventories, databases and effective cadastral systems and the concomitant demand for improving professional and administrative skills and for installing computer based data systems in large towns and cities. Along with the professionalisation of land management, Pugh suggests that occupancy rights be negotiable and that the suspension of some building and town planning by-laws is needed.
- Rao (1990) reports the emerging phenomenon of houselessness among the urban poor, for example in Hyderabad, who are typically migrant males who either are vagrants, mendicants, have special needs, orphaned, destitute, beggars or are able-bodied migrants who work in the city. The Government of India's response to the houseless began in the mid-1980s with the 'Footpath Dwellers Rehabilitation Schemes' (Pavement Dwellers Scheme) and 'Footpath Dwellers Night Shelter Scheme of 1988-89.
- Baharoglu and Leitmann report that gecekondu are illegal dwellings have increased due to increases in land ownership and development rights. Provision of infrastructure to gecekondu is not an official responsibility of utilities or cities yet gecekondu dwellers demand infrastructure and services primarily from the municipal government, through muhtars or neighbourhood level part time government representatives and majors. Gecekondu dwellers on state land have an incentive to pay their bills as a means of establishing their legitimacy. The authors found that formal rules governing service provision are largely irrelevant because of the absence of penalties, loopholes in bureaucratic procedures and the time horizon is difficult to follow for both politicians facing elections and service providers facing daily demands from citizens. There is a pervasive sense of moral obligation to provide infrastructure to citizens regardless of the legal status of their dwellings.
- Kirke (1991) states that whilst it may be necessary to comply with national or state government codes and standards of design, costs can frequently be minimised by efficient planning of layouts and infrastructure networks and by the adoption of appropriate levels of services.
- Rodriguez and Astrand (1996) contradict the assumption that the technical quality of self-help housing is often low, experience from many organised self –help housing projects, however, demonstrates that is usually comparable to professionally built houses, and in some cases even higher. One explanation they present may be that households learn how to achieve quality workmanship in order to avoid the risks of cheating or corruption.
- Yasini (1993) states that urban planning standards and guidelines in many developing countries are a legacy of the colonial era, yet recognises the irony that whilst urban planning and guidelines in the developed countries have been changing over the years to match with the changing social, economic, cultural and environmental conditions, there has been no major changes in the standards and guidelines of developing countries.
- Tomlinson (1999) discusses the role of housing in South Africa, where a municipality is obliged to take all reasonable steps to provide adequate housing and services to all residents in its jurisdiction, however their activities are constrained by finances and resources. Tomlinson reports that a minority of beneficiaries of the new housing subsidy scheme, whereby a one-off capital subsidy was provided to all households with an income of not more than R3850 per month, thought they could meet its own housing needs better, and could get more value from the subsidy if they did not rely on the formal construction industry.
- Durand-Lasserve and Toanto (2001) review the current approach to land tenure in Benin, which attempts to integrate customary land tenure into modern law and planning regulations. Public intervention and participatory approaches in customary initiated land development has increased the quality of housing and services in terms of layout plan, simplifying administrative procedures, use of permanent building materials, and provision of housing permits to occupants allowing poor urban households to enjoy relatively secure tenure.
- Farfan (2001) describes an informal initiative in Bolivia, a system of tenure called 'anticretico' which means 'against credit' a response to the rapid growth of informal settlements around the major cities. Anticretico is a mechanism in which the owner of a house makes a legal contract with the

- Of all the causes of poverty, Siddiqui claims the most pervasive in Pakistan is the relationship of citizens with land. In urban areas slum dwellers need access to regularised land with minimum basic services and new housing at affordable prices, whereby land can be developed incrementally. An additional problem for slum dwellers, Siddiqui highlights is the role of middlemen and extortionate role of government functionaries.
- Soliman (1996) explores the development of semi-informal housing areas in Alexandria, Egypt, around half of all housing production in Egypt falls in this semi-formal category. These houses are built on land which has been illegally subdivided by the private developers and that housing is typically not developed through established, regulated procedures and those who construct them do not use the recognised institutions of housing. Residents in these sorts of housing have the possibility of becoming owner-occupiers in a short period of time and are thus attractive to low-income groups.
- Tipple and Ameen (1999) examine the effects of house extensions or alterations by occupants in government 'core-housing' in Dhaka, Bangladesh. It is commonly assumed that such extensions are building slums, that the new buildings are of poor quality and either further degrade the condition neighbourhood's housing stock or create 'islands' of poor conditions in a 'good' neighbourhood and thus devalue the property. The consequences of which would be that the middle-income households will leave the area or that the incentives to maintain property would be reduced. However, the authors reveal that these changes brought more rooms as well as more room per person, increased house size and improved service levels and physical conditions. They also increased the value of the housing and helped to contribute to an increased supply of cheap and relatively good quality rental accommodation. The authors critique the imposition of 'pucca' building standards on redevelopment, which only serve to benefit the developers who are able to buy several plots of land and replace low-cost housing with higher cost income flats. The poor are then forced out to the periphery and slums proliferate outside the city centre. They also suggest that even if regulations are not enforced they still inhibit housing development for the low-income groups. Since there are costs in circumventing the regulations, bribes can increase the costs of construction, or those in fear of the costs of failing to meet the regulations may be put off building or may sell to higher income households who can fulfil the regulations.
- Nichols, Riddell and Toselli (1999) review land tenure reform in central and Eastern European countries. The governments in the region have changed land administration radically within a decade, supplying land share certificates to urban and rural citizens, certificates of title and other evidence of property rights in the move to create private land ownership. Privatisation of land has been constrained by delays in establishing appropriate legislation, inappropriate institutional arrangements, institutional complexity, lack of co-ordination, inappropriate existing information, the time and cost in surveying each parcel.
- Basset and Jacobs (1997) report the recent experiment of the Kenyan government with the Community Land Trust (CLT); a form of community based tenure, which provides an alternative to squatting and is being hailed as a successful model to be replicated through the country. CLT combines community ownership and control of land with individual ownership of improvements on the land, individuals have the right to bequeath their rights to the property and build improvements upon the land however the community retains the right to make decisions on the permissible use of land and controls alienation of land and property rights are share between the individual and the community. Absentee ownership is discouraged, one has to live on the land to use it. The advantages of the CLT model to the government and donors are that it promises to eliminate the element of upgrading projects which promote gentrification, may expand the property tax base, community control of land promotes self reliance and risk sharing within the community and that CBO will be formed which can be a partner for longer term partnerships. The CLT model also increases the possibility that households can access financial sources of finance for housing. The advantages to the community are in terms of social security, community self help, ownership rights and strengthened ability to control land. Basset and Jacobs suggest the key factor for success of the CLT model include the existence of traditional claims on the land, the value of the land, the social structure of the community and the role of the local authority.

- Konate (1993) describes the struggle for land in a peri-urban village called Kalabancoro, Mali whose population has grown threefold between 1977 and 1986, due to urban migration to the nearby urban centre Bamko. The government laid claim to all land without a title, notably the customary fallow and grazing land of the families in Kalabancoro, which is being bought up by migrants. The indigenous villagers are thus experiencing a shortage of farming land, and need cash to buy additional food, health care, housing and consumer goods in the market, the women's fields or plots that are too degraded for cultivate are the ones typically being sold to get money for food, etc.
- Wood and Salway's study (2000) make the link between urban poor's vulnerability in Bangladesh and insecurity of tenure. They highlight the use of threats or bribes and the role of brokers to secure housing. These brokers or mastaans reduce the vulnerability of the poor in a variety of ways; they act as go-betweens for the poor in their relations with the state and keep the threat of eviction at bay and thus unsurprisingly the mastaans exercise significant control over slum and squatter areas, 'if not virtual ownership'. Since access to shelter in Dhaka is dependent in successful client-patron relations, those with poor relations with a mastaan are more vulnerable. Wood and Salway present the urgent need for de-clientisation since vulnerabilities are reduced when societies move from informal rights towards formal rights, formal institutions and ideas about citizenship with corresponding assumption about access and equity.
- Shin (1995) considers the Korean government use of the private sector to provide the resources needed for housing projects manifest in Joint Housing Redevelopment Projects. The major innovation in the JPR has been in delegating responsibility for housing to the owner-squatters, who are encouraged to participate in the planning and implementation process, making the government and construction agencies more aware of their needs. However, squatter tenants are excluded from JPRs and this has compounded the inequalities in society. Shin's study demonstrates the risk of an unequal partnership developing in the city's new approach to the housing problem and found that government should not divest its responsibility to the private sector, and the major beneficiaries of the JRP have been the construction companies, government and speculators.
- Acioly (1994) reports the mixed success of the creation of satellite cities to house the urban poor with reference to Brasilia, Brazil. Samambaia is a satellite city created to house tenant population of Brasilia, residents were given raw plots and land development occurred incrementally on a self-help basis. However such satellites have increased the disparity between residential areas in terms of living standards and levels of services and transportation costs and perpetuates the income disparities within the city of Brasilia. Nonetheless, the middle income groups are slowly moving into the satellite cities and expelling economically weaker groups from these locations, initiating further processes of mobility and stratification in the city.
- With reference to a low-income informal settlement in Buenos Aires, Barrio San Jorge, Schusterman and Hardoy (1997) show how social capital, trust and the basic social networks enable improvements to be made to housing quality, access roads, land tenure and provision of water and sanitation, with the help of a representative community organisation, the inhabitants relationship with the rest of society, particularly since the settlement is no longer illegal.
- Datta (2000) describes the Slum Networking Project to improve infrastructure services in Ahmedabad, a pilot project with four main stakeholders, slum community, Arvind Mills Ltd., AMC and an NGO called SAATH. Slum dwellers were given secure land tenure for 10 years and each household paid Rs. 2000 towards the costs and Rs. 100 towards a community fund for maintaining services. The factors contributing to the projects success lies in the homogeneity of the community, the granting of de facto land tenure by AMC for 10 years, the proactive role of SEWA Bank in financing slum dwellers and the active participation of women. However the working relationship between Arvind Mills and AMC was tense due to differences in work culture and decision-making and Arvind Mills withdrew from the programme after the projects completion.
- Garr (1996) reports the upgrading of homes depends on expectative property rights rather than on legal land tenure. Garr suggests that house tenure is less important to house consolidation than land tenure. Garr suggests that expectative property rights can result from de facto approval such as absence of punitive measures whether from government or private sector; conducting of a census; issuing of identity cards; turning of a blind eye; tax collection or the installation of infrastructure.
- Razzaz (1992) proposes that it is dweller's perception of their property status that determines their security of tenure property rights are not as relevant in analysing property relations as property claim and property status.
- Bhatnagar (1994) reflects on Community Development Wings, which have been used in in-situ upgradation of informal settlements in Tamil Nadu and Maharashtra, in order to integrate community development activity in terms of contracting and communicating with communities with regard to physical infrastructure and housing improvement. NGOs have been used to undertake community organisation activities, acting as advocates, intermediaries between communities and government,

- Njoh (1999) suggests that the effect of imposing high housing and construction standards it results in:
    - Housing shortages
    - Less socio-economic progress
    - Diminished resourcefulness and capital flight
    - Socio-economic inequalities by the costs of housing units with high standards, which means that low and middle-income families have to spend the majority of their income on rents
    - Discourage innovation in the local construction industry and results in the importation of building materials as well as construction techniques
- Capital intensive rather than labour intensive processes

- Mosha, (1995) reports the Self Help Housing Agency in Botswana, which promotes a strategy of self help squatter upgrading and site and services program, through which low income people can secure services land, security of tenure and assistance to build their home. In the last two decades the SHHAs in the major towns have been responsible for providing over 9000 serviced plots and for upgrading a similar number of plots as well as providing nearly 7000 building material loans. The planning process involved the community in planning and designing their settlements, using flexible town planning laws to suit the needs of the low income sector, adopting appropriate development standards that are not as difficult to meet as conventional standards applied elsewhere in urban areas; relax development control; providing serviced plots; providing funds and materials for home construction and finally introducing a cost recovery system in shelter provision. The regulations allow for greater plot coverage, smaller setbacks and sub-letting; in addition low income people can use either temporary or permanent materials to build their houses so long as they are durable. The innovations in land tenure comes with the introduction of the Temporary Occupancy Permits in upgrading areas and Certificate of Rights, which have provided security of tenure and supplied plots to low income residents without administrative overburdening. However costs of SHHA plot may be too high for the urban poor and thus government has agreed to low cost for low-income settlers and the capacity of SHHA needs to be improved if it is to meet its objectives.
- Miah and Weber (1990) explore the possibilities for an upgrading project in Islambag slum, Dhaka which is affordable to dwellers without an external subsidy. The slum dwellers upgrade infrastructure services and utilities through self financing, self-help labour of the community and through a loan with a repayment period of 20 years. All households now have an individual water tap, solid waste disposal facilities, easy access to a latrine, electricity connection and gas supply and benefit from improved road and drainage system.
- Berner (2000) reports that the large-scale resettlement programs in the Philippines during the 1970s and 1980s failed because the beneficiaries were unable to secure a livelihood in the remote location sites and returned to the squatter colonies in Manila. Both workers in the formal and informal sectors live in these illegal settlements and a combination of high land prices and low incomes constrain the search for alternatives. From Berner's survey, most respondents in poor urban areas say that land and not livelihood is the most pressing problem they are confronted with. The Philippine Community Mortgage Program aims to improve the on-site development facilities of settlements. CMP does address the most pressing problem of many urban poor but in fact services mainly a middle class squatter elite and even worsens the situation of poorer squatters and renters.
- Phe and Nishimura review private citizen's house construction and repair activities in Hanoi, Vietnam. Housing in Hanoi is a mixture of state owned housing, mixed ownership, private ownership and work-unit ownership. The deterioration in housing conditions in the area is the result of feeling of insecurity on the part of the residents. It can be concluded that if ownership were transferred, the residents would be more interested in improving their houses.
- Okpala (1999) argues that the slum and squatter upgrading approach can only be a short term pragmatic solution and that the advance planning of settlements, supported by the requisite political and technical will and commitment, is the only realistic long term and cost effective option to develop sustainable human settlements.

Maia (1995) reports the innovative application of land use policy and zoning regulation implemented in Recife, Brazil, which recognised favelas as part of the city and thus is an important step in recognising the social rights of favela dwellers through the creation of Special Zones of Social Interest (ZEIS). ZEIS regulatory rules (PREZEIS) aim to improve the quality of life in ZEIS areas, to promote the legalisation of land occupation and development in ZEIS areas, to promote their integration into the



urban context of the city, whilst preserving wherever possible the main characteristics of their spontaneous occupations.

Peattie (1994) present the argument for more and better slums rather than a focus on the standard for the housing itself. Peattie observes that people, rather than paying for a house in instalments built a house in installations, a kind of brick by brick investment, doing a lot of the work themselves and getting between value for money than government. Householders are then able to turn the house into an income generation opportunity, renting rooms or making shops. These houses can be used flexibly and paid for flexibly. In addition it was noted that peoples housing strategies do not stand alone but are part of complex trade-offs that may subordinate the quality of the house itself to other issues that appear more pressing.

Das, (1997) with reference to squatter settlements in Greater Georgetown, Guyana, notes the gendered dimension of poverty in these settlements women typically have lower incomes, skills, literacy, and suffer from ill health, violence and loneliness. However, some women organised themselves into groups or councils to try and obtain title to regularise their squatting land and secure community infrastructure. These community organisers have considerable power in the settlements, but lack know-how and have little support.

Crankshaw, (1993) with reference to squatter settlements in South Africa argued that explanations of squatting cant be limited to housing shortages, overcrowding, unemployment or affordability but depends on the historical context, the balance of power and are characterised by complexity.

- Mohit (2001) states that in Thailand, people with access to improved security of tenure afforded by National Housing Authority's public housing, land-sharing schemes, resettlement schemes and low cost housing by private sector, may sometimes opt for lower levels of security. This may be due to the patronage system, which allows the urban poor to live in urban settlements with low security, in return for money and political support.

Duran Lasserre and Gueye (2001) report the experience of Senegal with large-scale tenure regularisation, carried out from 1987, which recognises the legitimacy of irregular settlements, and was the first attempt to implement tenure regularisation at a national level in Francophone West Africa. To provide individual titles to households on publicly and privately owned land and in situ regularisation land tenure was taken as a key element of improving the physical environment. However vested interest in land are such that proposed tenure orientated approach were difficult to implement.

Grover and Joloviev (2001) report that the involvement of the Russian state in housing over the last decade has been reduced, personal ownership of real estate has increased and social housing decreased with inadequate provision for low income and vulnerable groups. The new houses are of better quality but mortgage markets are poorly developed and housing loans are scarce. Economic and legal infrastructure needs to be developed.

Tirkstra and Kagawa (2001) relate how the Peruvian government implemented a national regularisation policy and created mortgage based credit and real estate market through formal land ownership in informal settlements with the land titling and registration. In 5 years COFOPRI provided 1 million titles, mainly on unproductive state land.

Kundu (2001) describes how squatter residents have demonstrated security of tenure in Delhi and other Indian Cities by using photo-identity cards, ration cards and other proof of residence, which has also been used to get services. Most squatters have stamp papers countersigned by local leaders, indicating that the individual owns the house (but not the land). Another way to counter eviction of to build statues of political leaders in slums, organise visits to slums, photograph the politicians visit etc., to avoid eviction. Nonetheless, informal tenure and assurance by public functionaries may often be enough for slum dwellers to make investments.

Sims (2001) claims that the ultimate security for the squatters on private agricultural land in Cairo lies in the sheer numbers of people occupying the land. Strength in numbers also enables the poor to get a political voice and to demand infrastructure and public facilities, which may be met during local elections. The state recognises the settlement or allows application to purchase long time squatted land.

Aristizabla and Gomez (2001) review the experience of intermediated land tenure in Colombia:

- Tenancy by private agreement document and physical possession
- Declaration of possession to a notary after 5 years of occupation
- Buying and selling Rights for Future Use, someone who is going to inherit a unit or is going to have the right of tenure in the future, sells or gives the rights in advance.
- Urban legalisation as a way for families to ensure that developers fulfil their responsibility and protect their ownership rights.
- Communal Tenancy involves self-construction projects and land trusts, the owner of a plot has his deed, form an agreement with a communal group that starts collecting money from potential buyers. This is a community land trust between owners, the institution with intermediated land tenure and low-income families. Land titles move from the owner to the group and then to the users.

Bishop et al (2000) describes the Bangkok Land Information System to show the potential of spatial information technologies to manage the urban environment. GIS and the underlying spatial data infrastructure and technologies being adopted in the cities of the developed world have the potential to help resource many of these urgent issues and problems in the developing world. GIS application is constrained by resources, trained personnel, inefficient bureaucratic processes, lack of data and lack of hardware and software vendor support. Bishop et al conclude that the development of a digital large-scale parcel based map as basic spatial infrastructure for a range of GIS business application is very difficult to achieve for many countries in the short to medium term.

Miah and Weber (1991) found that renters in 6 slums on Dhaka were more likely to spend a limited amount of their income on consumption and investment in the city, preferring to send the majority and other income back to rural areas as remittances. Whereas owners of slums have stronger attachment to the city and tend to spend more on consumption and investment. Thus, the authors conclude that cost recovery approaches to slum upgrading implies heavy reliance on owners.

Varley (1999) discussed Mexico's tenure legalisation programmes, which has long been a paradigm of urban governance in Mexico. If land tenure infrastructure provision and building standards are taken in to account an average of 40% and as much as 70% of the population of the largest cities are living in illegal conditions. Varley draws attention to the political uses of illegality which may be the motivation for or consequences of legalisation programmes. She references Castells' (1977) review of the Tierra y Libertad squatters in Mexico who rejected legalisation because it would establish an individualised relationship between settlers and the state leading to disintegration of the movement and incorporation of the residents into the existing political regime. Regularisation avoids the need for the state to acknowledge that it cannot or will not fulfil its constitutional commitment to ensuring that Mexicans enjoy decent housing conditions. Varley presents regularisation in Mexico as a 'sleight of hand' in its presentation of tenure legalisation and settlement upgrading as a concession to the poor whilst glossing over the reasons for illegality – lack of affordable formal sector housing. Thus tenure legislation's is an artificial need created by the state itself, which present legal tenure as a necessary condition for installation of services, concealing the political motivation for legalisation. Regularisation integrates the urban poor into the political system, demobilises the political opposition presented by social movements and remobilizes the social activism in pursuit of legal and infrastructure benefits along established channels leading to a renewal of government. This may involve mobilisation of residents to obtain these goods in a clientistic pact trading their civic rights for the satisfaction of immediate material need in short political manipulation or an antidemocratic model of regularisation. Varley presents an alternative, democratic model of land regularisation, which would put an end to this paternalistic system and depoliticise urban development from a party political point of view, citizens demanding that governments respect their rights.

Ramsdell (1990) describes the proliferation of the favela in Brazil. The three general policies adopted by national government has been eradication of the favela and relocation its inhabitants to public housing projects, urbanisation of the favela through integrating it into the large urban system and a policy of no policy at the national level. The evolution of the favela can be explained by: Policies and attitudes at the national level; history of the city and its development and the internal feature of any one favela

DuBois (1999) examines the role of 'valiant ladies' in a squatter invasion of apartment blocks, the squatters worked to finish off the building and installing water, gas, and electricity. Women organised community groups to improve the local school, police presence and sewerage and water supplied..

The prominent place that women played in squatting and housing developments were tied to the gendered division of labour and especially of the labour of community organising. Women are typically involved in the process of social reproduction, as homemakers and the sense of home and the community are the proper feminine domains.

Berner (1997) notes how for large parts of the urban labour force access to housing are fundamentally insecure. More than half of Manilas population live in illegal settlements including not only the poor but also segments of the middle classes such as teachers, nurses, office clerks and policemen. The middle class are typically able to form associations, capable of increasing the security of land tenure through resisting the plans of land developers, city government and corporations and improve their bargaining position with vertical links to potential allies.

Reid (1993) examines the way in which regulations affect those setting up micro-enterprises in slums. The main areas of regulation for slum businesses include:

- Municipal licenses and hygiene regulation labour laws for employees and children
- Obstruction laws for street vendors/ hawkers
- Weights and Measures control
- Traffic and vehicle regulations (rickshaws)
- Taxation for trades and professions taxes
- Property and Planning Laws

The difficulties with regulations include their complexity, time consuming procedures, their wide range and number. Many regulations assume a level of literacy which is beyond most slum dwellers, requiring them to keep account and employment registers and to complete long forms, occasionally in English. The costs involved in adhering to regulations are also prohibitive, whilst the prescribed costs are low, the indirect costs are high, e.g. of hygiene or employee protection and in acquiring legal business premises since the most micro-businesses can't afford rent or to buy. However, in practice these regulations are rarely enforced, which leads to informal payments to officials which are higher than the low prescribed scale of fines. Spasmodic enforcement of regulations also leads to a climate of fear, which discourages entrepreneurs who want to invest or expand their business. Respondents to Reid's survey stated that these regulations were not their main priority, instead it was access to capital. Under reporting of regulatory harassment, in terms of demands for informal payments, may be a problem which the articulate and confident were slightly less susceptible to. Reid found that regulations were more likely to be enforced in commercial areas, while business in outlying resettlement areas have virtually no regulation. The most vulnerable entrepreneurs are those with businesses as main roads or who vend on commercial areas.

Erman (1997) studies the meaning of squatter and apartment housing for the urban migrants residents and their perceptions and preferences in Turkey. Erman found that gecekondü (squats) housing is perceived very positively by those rural to urban migrants, particularly for the women who spend much of their time in the neighbourhood. Gecekondü housing provides the context for dwellers to form close relationships with their neighbours and is associated with community spirit, informal support networks of support but is also characterised by low standards of housing and inadequate services. On the other hand the association of gecekondüs with a rural way of life has created a negative association for those migrants who wish to leave behind their rural roots and become established in urban society, in particular young women.

Herzer et al (2000) examined the formation of social organisation by low-income groups in Buenos Aires on peripheral vacant land that have helped negotiated land tenure and been effective in securing basic infrastructure and services for their community, typically government agencies recognise their legitimacy and work with them. On the other hand, squatters in vacant buildings in the city centres are less likely to form community organisations or when they do these organisations are less effective. In part this is because residents do not wish to expose their illegal status and because government has no plans to allow their tenure to be regularised and as such sees the organisations as illegitimate.

In Chatterjee's (1996) argues that slums should be accepted as an inevitable part of the urban situation and thus eviction of slum dwellers is not an ideal solution, but they should be provided with facilities to improve their living conditions; the approach of the Calcutta Metropolitan Development Authority since the 1970s and adopted by central Indian government in 1972, who called it the Environmental Improvement of the Urban Slums (EIUS) or Bustee Improvement Programme.

Jones and Ward, (1998) report that the Mexican government has established tenure and property rights on customary ejido common land and providing incentives for private sector involvement, through the creation of individual rights to sell, rent or mortgage land to non-ejido members. The new legislation makes clear that the ejido belongs to the ejidatarios. On the one hand if the ejido is not allowed to benefit from urban development it will continue to sell land illegally and not co-operate over regularisation or servicing decisions. On the other, if the ejido is permitted to develop land legally, it is unlikely to be able to do so at prices affordable to low-income households.

Vaa (2000) reports the Malian Government's national strategy for housing (1995), which constituted a programme of legalisation and upgrading of unauthorised settlements, a revision of laws and regulations pertaining to land ownership in order to increase the legal supply of affordable land for the construction of houses and to improve infrastructure and service provision. These strategies have the explicit aim of improving the access of the low-income groups to housing. Vaa suggests that Malian housing policy initiatives, particularly that of legalisation of unauthorised settlements may have unintended consequences for the urban poor. Legalisation will increase the market value of houses and land and make them into collateral for credit institutions. This may make land and housing investments for owners, entrepreneurs or speculators over time thus many mean that the poor are unable to become or remain in the settlements. Alternatively rents may increase and thus force those on low income to leave. The main policy is to make legal access easier, reserve plots for the semi-public agency, ACI to sell for housing and facilitate access to credit.

Weiss (1990) promotes the freeing up of unnecessary restrictions and hindrances in favour of grass roots mobilisation, self help measures, political participation and decentralised decision making. Weiss suggests 'non-policies' should be applied to slum areas i.e. deregulation, dropping of conventional types of master plans, maintaining scope for self help measures and political participation and the provision of infrastructure, which have the potential to be more feasible than traditional policies to squatter areas.

Coit (1998) emphasises the importance of political will in housing policy in post-communist Vietnam. Coit relates how powerful sectors of the society are able to resist the application of legally adopted policies, thus the main problem is not in the design or the materials or the planning of the policies and programs but in the political question of how to redistribute the scarce resources. The new urban policy of the Ho-Chi-Minh City discourages slum upgrading since the People's Committee are keen to attract foreign capital for developing international trade and business centres. Housing of thousands of poorly housed citizens or maintain and upgrading is not part of the city's agenda, except as part of a strategy to reclaim the city centre for business and the middle/ upper income groups.

Ferguson and Hoffman (1993) take up the issue of urban land and housing markets in Indonesia, where the urban poor are finding purchasing a home difficult due to a rapid rise in urban land prices, increases in construction materials costs and the development approval and land titling process occurs in many countries experiencing strong economic growth and rapid urbanisation such as Indonesia and meant that urban land wasn't being used for low income housing.

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- A long leasehold known as the Fixed Period State Grant (FPSG)
- A Certificate of Rights (COR) meant to grant land to low-income households using simple and inexpensive procedures.

The majority of plots in low-income settlements are on COR, the holder of the land has use rights but ownership belongs to the state. A COR can be transferred to a FPSG if the land is surveyed and registered and if water is connected and a conversion fee is paid. COR was a policy of the Self Help Housing Agency, which has reduced the squatter levels and it is estimated 100, 000 people have been housed under the programme. The COR gives adequate security to its owner since it is guaranteed by the state; development is encouraged and accompanied by financial assistance; it can be bought and sold in the property market and infrastructure levels are relatively high.