

**LIVELIHOODS AND REGULATIONS
REGULATORY GUIDELINES FOR URBAN
UPGRADING**

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Structure of the document

Part 1 provides use the goal, purpose and some contextual information.

Part 2 set the linkages of regulation and infrastructure in the context of sustainable livelihoods approach

Part 3 Provide three examples of case representing project and programmatic approaches in the infrastructure related regulations.

The paper is to be seen as a resource material for discussion in the workshop, hence the concluding section only highlights the emerging themes and is not an exhaustive analysis of the examples.

Part 1

Goal:

To increase the access of low-income households and the poor to adequate, safe and secure shelter.

Purpose:

To help local authorities and their partners to revise and design the regulatory frameworks governing the regularisation and the improvement of informal low income settlement.

Rationale for emergence of Squatter settlements/Katchi Abadis/ slums/ shantytown.

There are different terms for representing the settlements where poor people live and such settlements are generally un-serviced or under-serviced.

Emergence of katchi abadis is linked to the

- Poor Governance
- Failure of formal systems
- Poor city planning
- Population explosion
- Lack of control by land owning agencies

There is a slightly less emphasis on the negative aspects of the process whereby shantytowns emerge. This is mainly due to a realisation of the social and economic role the inhabitants to such settlements play and the sheer number of their existence.

Regulations in the context

Political will is essential for developing and enforcing regulations. Regulations can be seen as control mechanisms for the greater good of the society. Generally, regulations may refer to a wide range of instruments and tool including legal and pseudo-legal instruments. The can include policy documents, laws/legislation, bylaws, regulations (planning, building, financial, audit, etc), procedures (procurement, design, public works, financial, audit, etc.) and standards (services and product). Generally, the regulations are enforced. It is hard to envisage any regulation that does not influence directly or indirectly livelihoods of the people.

Part 2

Setting Regulation Issues within the Sustainable Livelihood Approach

Infrastructure projects aim at impacts that are intermediate to livelihood outcomes and that relate to capitals, policies, processes and structures in the sustainable livelihood frameworks. The case study experiences also suggest that many NGOs and CBOs focus their support on services related to environmental health, physical infrastructure and also on housing and less so on direct support for livelihoods. NGOs can also be seen to support grassroots groups to improve water supply and sanitation systems in their settlements. There are obvious reasons for this; the main health risks relate to vector transmitted and water related diseases.

Infrastructure development results from the interaction between various stakeholders in the development arena, including groups of deprived people, development agencies, government departments and many other social actors. These agencies are also concerned with peoples capacities, social capital and people's rights. This indirect support to livelihoods (i.e. not with physical inputs into production processes) includes technological support, training, capacity building, organisational development and lobby works. NGOs/ CBOs in the studies aimed to persuade others to adopt policies and practice that served the goals of social equity.

Improving housing and basic social services is one of the means to reduce urban poverty. Prominent is the need to secure housing tenure (which may be different from freehold lease) before financing for housing improvements can happen. Secure housing means that strong action can then take place to claim improved infrastructure and services. Only with secure housing can urban infrastructure in poor settlements can be expected to improve. In making generalisations about the poor and their relation to environmental change it needs to be stressed that all levels of people are different and have differing capabilities and access to resources. This is important when considering how poor people are able to access regulatory activities.

Residents have made progress in terms of developing or taking on board, grassroots initiatives and getting recognition of their role and support from government services in land regularisation, sewerage systems and water supply. However, the power and agency of target groups is generally limited; they are not usually social actors. Poor and excluded groups need representatives and support from agencies and organisations interested in helping them improve their situation. Yet, the poor people themselves are the main resource and the main force for the improvement of their livelihood.

The concept of sustainable development has become strongly associated with the performance of infrastructure. The terms sustainable and development, as well as the term 'sustainable development', are problematic and there are differing views on it's practical translation.

Rabinovitch (1998) acknowledges that, on the whole, urban settlements are deeply unsustainable because of their energy consumption, waste production, air and water pollution and overcrowding, not to mention the problem of under-employment, social disruption and poor housing and sanitation infrastructure.

Issues for urban livelihood improvement include:

- Environmental health risks for particular groups for the urban poor

- Physical infrastructure and technological capabilities are essential for poor people to access in order to ensure a safer environment
- Critical capabilities of poor and vulnerable urban people
- Social policies, institutions, organisation and networks play a critical role in enabling urban people
- Policies, institutions, organisations and networks are critical for achieving land and housing security.

In the settlements described in the case studies, environmental health (water supply, sewage systems etc.), housing rights and public services are of great concern to poor people for accessing services and improving (urban) lives and livelihoods. In urban areas housing security is more central to people's lives and livelihoods. There are higher levels of environmental and health risks that could be prevented, there is also more social diversity and change. Success in terms of sustainability, depends on the influence people have on their own environment, power relations and policy processes, on capacities to manage environments and on their ability to analyse and articulate what is most critical in a particular situation. Virtually all attempts to increase the impact of regulatory activities aim to enhance local environments and livelihoods and have the broader aims to alleviate poverty, reduce human suffering and reach better levels of social justice. The Sustainable Livelihoods Approach works towards these aims and the practical attempts to achieve them, by providing the tools to analyse poverty reduction, livelihood sustainability and environmental change.

The Sustainable Livelihood Approach has been developed by planners to better understand and disaggregate the efforts of the poor to earn or make a living and their long term strategies for survival. The concept of sustainable livelihoods has been defined as **“A livelihood depends on the capabilities, assets (including both material and social resources) and activities, which are all required for a means of living. A person or family's livelihood is sustainable when they can cope with and recover from stresses and shocks and maintain or enhance their capabilities and assets both now and in the future without undermining environmental resources”**. The framework is people centred and explains in a simplified way the relationships between people and their livelihoods, their environments, policies and all kinds of institutions.

The Sustainable Livelihoods analysis takes place within the context of development efforts designed to eliminate poverty. It aims to make development policies and projects better informed and is characterised by a holistic and systematic analysis of poverty, based on people centred approach. Tools for livelihood analysis reflect a participatory approach to monitoring and evaluating change in livelihoods, emphasis is placed on livelihood impacts rather than sectoral output. DFID 'Core Sustainable Livelihood Principles' state that poverty focussed development activity should be:

- People centred
- Responsive and Participatory
- Multilevel
- Conducted in partnership
- Sustainable
- Dynamic

Livelihood is the command an individual, family or another social group has over an income or resources that can be used to satisfy its needs. These resources may include information, cultural knowledge, social networks, legal rights as well as tools

and other physical resources. Sustainability has environmental, social, economic and institutional aspects.

“The concept of sustainable development does imply limits – not absolute limits but limitations imposed by the present state of technology and social organisations... Poverty is not only an evil in itself, but sustainable development requires meeting the basic needs of all and extending to all the opportunities to fulfil their aspirations for a better life” (Our Common Future, WCED, 1987).

As such it is recognised that sustainable livelihoods depend on a number of cross sectoral interventions; i.e. employment generation, health care and education facilities (at minimal expense), access to adequate services, reducing vulnerability with respect to accommodation/ land tenure etc. These components of a sustainable livelihood depend on the possession of various **livelihood assets** (human, social, natural, physical and financial capital) to achieve **livelihood strategies** which are determined by **transforming structures** (government/ private sector/ service provider/ NGOs) and **processes** (law, policies, culture, institutions). These strategies are used, depending on the stock of assets, to achieve **livelihood outcomes** (such as increased well being and reduced vulnerability) (Ashley and Carney 1999).

Natural Resource	Social	Human	Financial	Physical
Food, water and fibre	Social institutions	Health, knowledge, skills	Savings	Local infrastructure
Water regulation and supply	Reciprocity and exchanges	Access to services that provide these; schools, health services	Access to credit	Roads and bridges
Waste treatment, nutrient cycling	Common rules and norms	The way individuals interact with productive technologies	Pensions	Energy supplies
Wildlife habitats	Trust		Remittances	Housing
Storm protection	Co-operation			Land
Recreation and leisure				Transport

These five assets are linked together within the framework and thus it encourages holistic thinking. These assets are dynamic over time and different for different households and communities. Access to these assets is a vital part of sustainability and resilience. Policies, processes and institutions can transform these five assets. Sustainable communities tend to be those who can accumulate stocks of these assets, whereas unsustainable communities tend to deplete these stocks. In particular, social capital is the fundamental basis for sustainable development, however as a public good it rarely has a market value. This means that:

- it tends to be undervalued and under supplied by private individuals
- when it declines it is difficult to say whose fault it is and
- it can be rapidly diminished by the ‘wrong’ kind of approach for social and economic development.

But it can increase with use: under some circumstances the more social capital is used the more it can regenerate.

The process of attaining livelihood outcomes is situated in the context of vulnerability. When immediate survival is more important than future prospects, sustainability may be dismissed. Vulnerable people are more exposed to risks, shocks and stresses and with the loss of physical assets and fewer and weaker social supports, they have fewer and weaker social supports, and they have fewer means to cope without damaging loss. Vulnerability refers to being prone to or susceptible to damage or injury, and is a characteristic of a person/ group in terms of their capacity to anticipate, cope with, resist and recover from change. Some groups in society are more prone to damage, loss and suffering than others. Vulnerability is thus closely correlated to socio-economic position. Race, gender, age, physical disability, religion or caste, status and access to economic opportunities play an additional role to socio-economic status when analysing vulnerability. The flip side of vulnerability is capability or security - the ability to protect one's community, home, family and livelihood. The term's vulnerability and security, are invoked when sustainability does not seem to express the relative precariousness of livelihoods and the infrastructure on which poor people depend.

The UNDP Human Development Report 1994 states that security "means, first, safety from such chronic threats as hunger disease and repression. It also means protection from sudden and hurtful disruptions in the patterns of daily life- whether in homes, in jobs or in communities" If infrastructure i.e. water supplies, sanitation, drainage etc., is important to livelihoods and human security and sustainable development:

- What needs to be sustained (health, social capital, utility etc.?)
- When does it need to be maintained until?

Sustainable Livelihoods Framework helps one to ask questions about what changes or is expected to change with development interventions and why those changes would happen. It also depicts the relationship between people and various resources or capitals. The sustainable livelihood framework presents a number of desired outcomes of people's livelihood strategies. These are generalised improvements such as:

- More income
- Increased well-being
- Improved food security
- Improved social equity
- Reduced vulnerability
- Improved sustainability of environmental resources

Participation and its associated term, empowerment, are words that express the idea that it is possible for the poor to achieve more influence over their lives. Accordingly, participation is seen as a critical component of project 'success'. But only some forms of participation lead to sustainability. Most of the forms of participation are top-down or externally initiated. Where local people take control of their resources they set the agenda and often charismatic individuals/ small groups dominate social movements. The question of who participates is key.

Typology of Participation

Source: Adnan et al, 1992

Information Processes

- Unilateral announcements
- Listening
- Consultation
- Data Collection

Project Related Activities

- Instrumental Involvement
- Functional Involvement
- Negotiation
- Externally initiated organisation
- Conflict resolution

People's initiative

- Self mobilisation
 - Empowerment
-

The mainstreaming of sustainable livelihoods thinking in urban areas and the regulatory sector has not been adequately realised; nor has the role of regulation as a livelihood asset.

Part 3

Context of urban upgrading

Urban upgrading is one of the housing solutions available for the urban poor. Low cost housing and sites and services were also part of the improvement of the housing and services conditions.

Some main feature from Sri-Lanka

Special project approach was taken and waivers were organised to allow for deviations from the main regulatory regimes. Land tenure issue was "fixed" by providing permission to use. The people invested in their houses over period to time. The urban poor are now facing with the "polite eviction" from the centre of city. Following are some of the key feature of the regulatory context. Details are covered in the national presentation.

- The main activities of the upgrading process are
 1. Regularisation of land plots
 2. Granting security of tenure
 3. Provision of infrastructure and services
 4. Housing assistance
- The purpose of building guidelines
 1. Housebuilders to take decisions on
 2. House design
 3. Building materials
 4. Relationships to services and neighbours
 5. Relationships to services and neighbours

- The urban poor can not afford the conventional building standards
- Community building guidelines are flexible and less bureaucratic building standards
- UDA law allows declaring the special project areas and applying the reduced standards
- Conventional top down, bureaucratic approach versus a participatory methodology to establish building guidelines
- Issues specific community workshops for the preparation of community guidelines and rules

Upgrading an example in the context of Pakistan

A more programmatic approach was taken with clear political will behind the urban upgrading process. The process was predominantly non- donor driven and represents indigenous thinking.

SKKA

Regularisation and upgradation of katchi abadis is one of the most important points of Peoples Party Programme. Shaheed Zulfikar Ali Bhutto, the first elected Prime Minister of Pakistan accepted katchi abadis as a reality and announced that the leasehold rights should and would be given to katchi abadi dwellers.

From 1972 onwards work for regularisation started and initially it was given to local government departments, surveys were carried out and basic data about katchi abadis were collected.

Prior to this katchi abadis were administered, controlled and developed by the Directorates/ Bureau's of katchi abadis of municipal corporations, under the administrative control of Local governments. The general approach before the 1970s was to shift occupants of such abadis to outside the city boundaries. Government failed to provide shelter to all those groups who could not gain access to government accommodation or resources. For example, the settlement around the Mazar of Qaid-e-Azam was shifted to the planned area of Korangi, the allottees were to repay the cost in instalments but no recoveries were made and it could not be developed in the manner envisaged. The majority of the occupants of Orangi have gone through the process of land grabbing and have acquired services and facilities with their own efforts and money, on an incremental basis. People did pay for land but the money went to land grabbers rather than the government exchequer.

SKKA was established in 1987 under the Sindh Katchi Abadis Act 1987. The Act provided the lease framework but to make the working more transparent and simple, regularisation has lately been reformulated so that poor people might take leases without any difficulties. These regulations are entitled the "Sindh Katchi Abadis Authority (Regularisation, Improvement and Development Regulations) 1993. This document has 8 chapters covering differing aspects of the procedures for declaring, regularising, improving and developing the katchi abadis in Sindh. The document also has provision for redressing the grievances of the affected parties and administrative measures to accelerate the disposal system of cases. SKKA opened a number of lease camps all over Sindh and people have paid RS. 34 million as lease money and for the first time it has become a self-financing institution.

Katchi abadis notified prior to the 1987 act should be regularised in accordance with the previous laws, however katchi abadis which have been notified under the Act 1987, are regularised in accordance with the regulations, even if those katchi abadis are within the territorial limits of municipal agencies. There is a need for clarification with regard to the application of previous laws, MLOs or adoption of the Act 1987.

A large number of katchi abadis are located on land belonging to federal government department such as railways, Evacuee Trust Property, Pak PWD and the Port Trust. Another category of land on which katchi abadis are found is that of private/ local agencies and individuals. Katchi abadis on private land are neither notified nor regularised. However, on federal government land notification is necessary prior to regularisation. In the case of private ownership the price of land is usually very high and usually beyond the means of occupants of such land. The difference in costs is Rs. 500, 000/ per acre for private land and Rs 20, 000/ per acre for provincial land.

SKKA has already launched the regularisation and development of katchi abadis in Karachi, Sukkur, Larkana and other cities and towns in Sindh. The basis of the work programme of katchi abadis is

- Development work is financed by the funds generated through lease work and
- Work is divided into two parts – internal and external

The community undertakes the internal work while SKKA and other government agencies execute the external work. The approach is cost effective and adds sustainability to development work. Both government and communities work as partners.

Regulations are likely to create better understanding, co-operation and co-ordination between agencies. They can iron out differences, reduce conflicting issues and clearly emphasise the better interaction and communication with the community through NGOs. SKKA's experience with the regulations has been positive, In Karachi SKKA has implemented the regulations in three katchi abadis with very good results and made substantial recoveries during a 3 month period.

- 902 katchi abadis have been notified out of 1122 regularisable katchi abadis, after notification dwellers of these abadis can have basic civic necessities after paying the requisite charges even if the individuals do not possess lease documents. The government of Sindh prior to enactment of SKKA Act 1987 notified 303 katchi abadis compared to the 667 katchi abadis have been notified by SKKA
- 211 regularisable katchi abadis still remain to be notified, they are on federal/ provincial government lands. Efforts are being made to obtain NOC from respective ministries before notifications are issued.
- SKAA opened lease camps in katchi abadis, where leases are issued in a very simplified manner taking the minimum time possible
- SKAA also carries out development work in addition to lease work. These development schemes are in addition to the development works undertaken by the local councils.

SKKA approach

- Lists were prepared of those katchi abadis with forty or more dwelling units, which were not located in hazardous sites. Records were also prepared of

- Development work is financed with the funds generated through the lease work
- Sewage work is divided into two parts (internal and external)
- There is an assumption that revenue from katchi abadis can be generated and that inhabitants are willing to pay for services.
- There is provision for penalty on defaulters and deferment of payment of lease charges, notice is served on those who fail to pay the lease charge and the plot can be taken back by the lessor.
- The Director, Divisional Office in SKKA is authorised to issue notices for removal of encroachments, in case of a municipal set up, the officer in charge is responsible for the issue of notices for removal of encroachments, subject to adoption of the regulations.
- The rates of lease are higher in smaller cities than in larger cities

Salient features of Sindh Katchi Abadi Act 1987

- Act enforced 07-04-1986
- It extends to the whole province of Sindh
- Establishment of SKKA and constitution of the Governing Body covered under the Act
- Powers and functions of the Authority and its functionaries outlined in the Section 1 of the Act
- Under the Act provision exists for a Co-ordination Committee in each division headed by the Commissioner. Similarly other committees can be formed
- Section 19 sub-section 1 to 8 spells out criteria for declaration and notification of a katchi abadi on Federal Government and private land as well as land acquisition issue with cut-off date as of 23-05-85
- Section 20 and 21 contain modalities of schemes/ lease money/ development charges and procedures for approval from Authority/ Government of Sindh
- Section 20 to 28 deal with the financial management and financial discipline in the Authority including budgeting
- Section 32 empowers authority to transfer management and control of katchi abadis to local councils
- Rules and regulations can be prepared for carrying out the purpose of this act
- Offences and their cognisance are described in section 29 and section 30

Criteria for regularisation of katchi abadis

- Settlement should be in existence before or on 23-05-85
- Settlement must have at least 40 dwelling units
- Land belonging to provincial agencies shall exclude the area reserved for amenities such as roads, water supply, sewerage, dispensary etc., and also the area under flood protection and dangerous zones
- Land owned by federal government agencies shall be subject to the issuance of NOC from them
- Land owned by private persons or societies shall be subject to drawing a mutual agreement between the party and the authority

Regularisation

Prerequisites for regularisation schemes include the preparation of physical surveys and amelioration plans. The scheme provides a detailed break-up of numbers of

plots, land use, type and level of services. It stresses minimum dislocation of the occupants, the role of committee to examine the draft plan and objections and procedures for approval of the scheme by the government, checks are also provided on the encroachment of new entrants in katchi abadis. Residents are also issued with occupancy slips or card (which is not a provisional entitlement certificate)

- Fixation of cost of land at 20, 000/ per acre for katchi abadis payable to the land owning department
- No exemption from payment of development charges to be allowed to any katchi abadis dweller
- No concession to be given in the lease rates
- Residents not taking leases within the stipulated time to be treated as unauthorised occupants and thus liable for ejection. Penalty will also be imposed on persons not paying the challan within the prescribed time.
- Katchi Abadis will be regularised on a priority basis and civic facilities will be provided to Katchi Abadi dwellers
- If people co-operate they get property rights in a month
- If people are unable to pay the full amount they pay 4 equal instalments within a year

Steps involved in the notification of katchi abadis

- Reconnaissance survey after identification of an unauthorised settlement for documenting the number of dwellings and the period of occupancy
- Initial enquiry about the area and scrutiny for eligibility
- Council resolution for declaration under the Katchi Abadis Act 1987 (in case katchi abadis are located on municipal areas)
- Reference to concerned land owning agency for no objection for transfer/ release of land
- Joint demarcation with land owning agency to fix the boundaries of katchi abadis at site and on map. Approved boundaries are made known to the residents. Demarcation of Board of Revenue boundaries
- Gazette notification for declaration of settlement as katchi abadis with location and revenue details
- Entry for transfer of land ownership/ control to the concerned Council/ SKKA in the revenue records by the Deputy Commissioners to enable grant of occupancy rights/ lease.
- Katchi abadi is a community of 40 or more dwellings which fulfils the requirements laid down under the Act

Survey and demarcation

- Fresh Surveys: SKAA is carrying out the survey work of katchi abadis through consulting firms, pre-qualified by the Authority.
- The divisional co-ordination committee of Karachi, decided to carry out survey and demarcation work jointly between SKAA and land owning agencies to ascertain the exact number of katchi abadis and indicate their boundary marks in Karachi. The strategy adopted to carry out the joint survey/ demarcation is that different townships/ schemes of KDA are taken up one by one. After completing the survey work of one township report is prepared and presented in the joint meetings between DP &UD, KDA and SKAA. The report is then forwarded to Divisional Co-ordination Committee otherwise to governing body of KDA for approval.

Steps involved in regularisation

Process for regularisation is being constantly reviewed and streamlined. Consequently, work was stopped in several katchi abadis where it was found that requisite formalities regarding survey, demarcation etc. were not completed before starting the lease work or NOC from land-owning agencies was not obtained. Work in such katchi abadis will be restarted as soon as these formalities are complete.

Regularisation Scheme for katchi abadis as required under Section 21 of the Act.

1. Physical survey showing plots, street patterns, open spaces, other land use, existing services, community facilities and contour levels. Total number of plots with numbering and their sizes and types and level of service
2. Socio-economic survey, this includes occupancy status of plot and documentary evidence, socio-economic data of the household, land use, size and dimension of plots, type of construction, services available to each housing unit, site plan and identification of community groups
3. Verification of physical survey
4. Amelioration/ Improvement plans showing the plot and street layout, cutting lines (proposed) and area which could be acquired by occupants. Plans to improve the existing services like water supply, sewerage, electricity, gas, telephone, health, education, roads etc.
5. Inviting public objections. After one month if there are no objections or suggestions from government the Director General will be assumed to have approved the scheme.
6. When any building is required to be demolished according to the approved development scheme, the authority shall compensate the owner in terms of allocating a minimum size open plot.
7. Preparation of regularisation scheme and its approval by government
8. Lease camps are opened to grant occupancy/ proprietary rights to individual occupants recovering lease money which consists of a) cost of land, b) development charges and c) miscellaneous charges

If an occupant is in possession of more than one housing or dwelling unit, only one housing unit or dwelling unit shall be regularised and the rest shall be disposed of as per the procedures. Preference will be given to hospitals and schools etc. rather than philanthropic societies. No industries, which produce hazards to life and environment in the katchi abadi, will be allowed to be established.

Special exemption will be given to orphans, widows, handicapped and infirm people who have no source of income, depending on approval of the divisional office of the authority and certification of 2 community members.

Procedure for lease registration

- Lease camps are opened in katchi abadis selected for regularisation to facilitate the residents in getting leases through one-window operation. The lease camps have a number of functions including:
 1. Make staff more accessible to occupants
 2. Cut down the number of visits occupants have to make
 3. Cases are dealt with within the stipulated time
 4. Average costs are reduced.

5. The additional costs incurred by occupants for engaging brokers is eliminated
6. Simplified the 24 procedural steps for awarding leases.
 - Prescribed application form is provided free of cost
 - Application form is submitted in lease camps/ office, along with attested copies of documentary evidence such as NIC, ration card, voters list extracts, utility bills, post office stamped envelope and certificate from school, showing residential address etc. confirming occupancy prior to 23-04-1985
 - Site plan prepared
 - On the basis of the site plan a bank challan indicating cost of land, development charges, ground rent and documentation charges is issued for payment
 - After one week from the date of payment, lease Performa is issued for payment of required government stamp duty
 - When the required government stamp duty is paid, the lease can be registered on the day fixed for registration (presently Saturdays and Tuesdays)

Steps involved in Upgrading/ development work

- Upgradation/ development means provision of community facilities which may include water supply, sewerage disposal, electricity, roads, gas and other public utilities
- Identification of upgradation/ development works in consultation with the community
- Selection of only those items which are non-existent and badly needed
- Preparation of development plans in consultation with OPP giving different options to reduce costs
- Notice for inviting tender and award of work
- Supervision of work by community representatives and weekly review meetings with OPP

Staff Training: training workshops on lease regulations for SKAA staff to familiarise the participants about the SKAA Improvement and Development, Regulations 1993

Upgrading: SKAA initiate projects and involve the municipal bodies to take up the work. Within the municipal boundaries, directorate or bureau's of municipal agencies undertake the work, while upgrading of katchi abadis beyond the city boundaries are looked after by SKAA. The leasing process and development programme has to be linked.

In consultation with OPP_RTI team, the development process has been made more community orientated. Development is taken for whole of the area and its cost estimated for different sectors of development. Allocations are made sector wide. SKAA consultants study the area and identify the most felt need of people, which is beyond their means and can only be provided by government

The process involves motivating communities, convince the communities of intentions to upgrade the area, prepare them to undertake the internal developments with their own money. Where occupants often face the threats of eviction, when a regularisation process is announced, they rush to deposit the demanded sum of money to formalise their possession of land i.e. katchi abadi dwellers on defence land. It should be noted that the money spent by them on internal development was over and above the payments made by them for leasing charges, which is a composite rate including cost of land, costs of external developments and overheads. An approach is needed to convince people to undertake internal development of the

area while external development can be linked with lease work, rather than dependent on government, SKKA works with people to solve their own problems and

Other programmes undertaken by SKAA:

Urban Basic Services Programme, ten cities selected from the country for implementation of the programme by Government and UNICEF. The criteria related to high urban growth rate, high infant mortality rate due to lack of sanitation, water supply and health facilities. The project involved communities as partners in development in addressing the basic problems of sanitation. The programme was based on the concepts of internal and external development, in addition to lease camps.

Collaborative Katchi Abadis Improvement Programme (CKAIP)

CKAIP is one of the pilot projects under the Shelter Programme for low-income communities. The programme is to improve living conditions of low-income urban households living in katchi abadis. The programme is based on the OPP-RTI model i.e. government will design and construct, operate and maintain external infrastructure while the internal infrastructure would be managed by the community.

The total costs of the scheme including costs of land, cost of development (both internal and external) and the costs that shall be recovered from the occupants of the katchi abadis in any shape of lease charges. Wherever necessary the external water supply and sewerage disposal shall be financed by the Authority. On request from the community, authorities should assist them in the designing and supervising the work of internal development. The authority may constitute a committee consisting of officers, community leaders and representative of NGOs of the area to assist the authority in the preparation of the development scheme. Community contributions to development are one third of the total money recovered by the authority. However, those who exchange land through sale and purchase tend to be the ones most interested in leases.

Procurement procedures of involvement of community -removing the procedural constraints. Experiences from South Asia.

Community partnered procurement was used in different parts of the world to involve the community in the procurement of the urban services. A brief description is provided below.

Community partnered procurement (CPP) of infrastructure is a mechanism, both conventional and unconventional, government and non-government which has been adopted in efforts to deliver improved services in partnership with community. There is a noticeable lack of published material and guidance on the many different approaches that have been adopted in infrastructure procurement. We introduce the mechanisms and processes of agreements, procedures and contracts that are the basis for implementation of infrastructure improvements for urban low-income communities. The specific focus is on situations where communities have taken a part in the planning, implementation and operation and maintenance of their neighborhood infrastructure; this we term *community partnered procurement*.

The stimulation for this approach has been the increasing international interest in promoting the participation of community groups in improving access to basic services at the household and neighborhood levels. There is a substantial body of work addressing the issues of community participation and empowerment, which

identifies barriers to increased community participation and suggests ideas and techniques for tackling the problems. These include the many currently popular tools related to participatory appraisal. Broadly speaking, this approaches matters internally; that is, the focus is on the community, although appropriate institutional responses to increase the levels of participation are also considered.

However, with regard to community partnered procurement an additional set of barriers exists, namely the rules and procedures which urban government adopts in relation to procurement. These provide the framework within which urban government operates and the key question is whether existing rules and procedures offer any scope for the increased community participation that is being advocated.

There are cases where community partnered procurement operates outside the purview of urban government. However, our main focus is how such local initiatives can be successfully integrated with urban government, as we believe that in this way it may be possible to see more responsive urban government and to increase the access which the urban poor have to resources for improved services. CPP is a tool that could easily be utilized.

Infrastructure procurement

Procurement is the process of buying the goods, works or services, which in our case comprise the infrastructure and services described previously. In engineering terms, the works themselves are minor and usually of low cost, but are nevertheless complex to implement given the physical and social fabric of low-income urban areas. We adopt the term *micro-contract* to refer to the countless number of small contracts for works, which are the mainstay of urban improvement in South Asia. The contract value is typically less than £10, 000 and the duration less than one year.

The findings are based on work carried out in India, Pakistan and Sri Lanka where the legal framework was developed during the colonial period and is based on English law. At this stage, it is useful to consider briefly some of the basic concepts that will be central to the analysis of our findings. The *procedures* refer to the organized system within which projects are conceived, planned, and brought into being by urban government. The *contract* is a legally binding agreement between parties based on an offer by one party to do something (in our case to construct the infrastructure) in return for a consideration (that is, payment).

In urban government in South Asia, the most commonly used procedures for the procurement of infrastructure are those which lead to the award of contracts through competitive tender. Their underlying objectives are concerned with ensuring *competition*, which is viewed as a key factor in achieving the twin objectives of:

- *Accountability* in the spending of public money.
- *Transparency* in the steps of the decision-making processes.

In relation to the actual contracts, we need to focus on who is involved in a contract and what their various obligations are. The most commonly used engineering contracts recognize a 'triangle of actors': *Promoter*; *Engineer*; and *Contractor* (Atkinson 1992). A typical case in South Asia (and elsewhere) involves urban government letting a contract to a private sector contractor for the construction of infrastructure improvements. Urban government is the *promoter*; they have planned and designed the work, and are paying for it to be implemented. Urban government appoints an *Engineer*, who is usually in the full time employment of the relevant government department. In accordance with the procedures laid down a *contractor* is appointed to do the actual construction work.

The Engineer has the important role of ensuring that the interests of the promoter are met, and that the contractor is duly paid for his efforts. The promoter wants the best value for money and the contractor wants a good profit; whilst this can involve an enormous range of complex and contentious issues, satisfying the various interests often comes down to ensuring that a 'triangle of objectives' are met:

- *Cost*: has the work been completed within the costs agreed in the contract?
- *Quality*: has the work been done in accordance with what was specified?
- *Time*: has the work been satisfactorily completed within the time specified?

The traditionally accepted objectives of procurement procedures and contract documents are to ensure that works are executed at the minimum cost that is consistent with the need to achieve a product of acceptable quality within an acceptable time frame. They do this by reducing uncertainty, which in turn is done by:

- Clearly defining whom is liable to take any risk that cannot be eliminated from the project
- Providing information on the work to be carried out so that all concerned are clear about what has to be done and what their role is in doing it.

Why community partnering?

Community groups and individual householders do not figure anywhere in the procedures, contracts and documentation used in these circumstances. It is assumed that they are passive consumers who are deemed to be satisfied if works are undertaken to the satisfaction of the promoter i.e. the concerned agency of urban government. Is this assumption justified, and if not what are the implications?

Normal government practice is based on the twin assumptions that a competitive market for infrastructure provision exists and that the best way to operate in this market is through competitive tendering procedures. The competitive market only works in practice if contractors act independently; this does not always happen in practice. Certain situations exist where contractors are concerned with stability rather than expanding their market share and maximizing their profitability; the outcome is that they share out the available work between them. One consequence of this 'pooling' of work is that the assumption that conventional tendering procedures will produce the lowest cost work is not justified in practice.

The role of the Engineers in urban government is to ensure that objectives relating to cost, quality and time are achieved. We have found that the objective that is most difficult to assess, and causes most concern, is the quality of the finished work. The fact is that neither they as supervisors nor the government as promoters are primary stakeholders with a strong motivation for ensuring those adequate work practices and standards are maintained.

It is questionable whether *value for money* is achieved; thus several reasons for promoting community partnering arise:

- Community members are directly affected by the way in which work is carried out and have a strong incentive to see that it is carried out properly.
- Resources can be channeled into the community rather than being siphoned off by outside contractors. Whereas conventional procurement of infrastructure has a single benefit, the provision of the infrastructure itself, community-partnering can double the benefits obtained from investment. Infrastructure is provided and employment opportunities and enterprises are created in the community.
- People are empowered to take more control of their own lives.

- Increased access to local knowledge is gained on such issues as the location of existing services and a reduction in the potential for disputes with community members in the course of work on site.

These arguments can be opposed on a number of grounds. Many government engineers are skeptical about the ability of community partnering to provide services to the required standard. Others fear that community partnering is likely to prove too complex to be much use in practice. Nevertheless, we have found that the involvement of community members and groups in the procurement of their local infrastructure is quite widespread but not, at present, great in scale. Consequently there are a number of questions to be addressed:

- If the procedures, contracts and documentation do not foresee a role for community members and groups, then how have existing community-based initiatives worked?
- To what extent do existing procedures create barriers to greater involvement of community groups as primary stakeholders?
- How can these barriers be overcome in a way which is acceptable to urban government?
- Is there potential for increasing the scale of community partnering to a level at which it impacts on conditions in low income informal areas at a national scale?

We propose to use the term *Community Partnering* as a concept to embrace this variety of roles and responsibilities. In its broadest sense, it reflects the continued involvement of people with the planning, implementation and sustenance of local infrastructure and service improvements, and with income generation, enterprise development and skills training.

The underlying implications are:

- Full acceptance of the urban poor as primary stakeholders in local infrastructure provision
- The development of longer term more open-ended relationships, encompassing joint financing, planning, design, implementation, hand over and maintenance
- Promoting co-operation both formally and informally with government agencies and NGOs
- The potential to target groups of the urban poor, rather than solely area-based dwellers in specific slums. This is relevant because local inhabitants do not necessarily carry out improvement works themselves because of lack of both time and relevant skills.

Kind of works potentially suitable for community partnered procurement.

Broadly speaking two categories of questions that need to be considered before the decision is taken to involve the community in the implementation of the work:

- What kind of work is suitable for community involvement?
- What role or combinations of roles are appropriate for community groups?

It is noteworthy that in reaching to the decision regarding the roles and the kinds of work that a community can undertake, the community should be given the chance to participate in the decision process. The participatory evaluation should be used.

Based on experience certain guidelines could be deduced regarding the kind of work where the community could be involved. The kind of work suitable for community partnering should:

- Not of high risk or hazard.
- Not be technically or managerially complex.
- Not very mechanised.
- Not capital intensive.
- Be of routine nature-Know how is available.
- Not be requiring special skills.

Some examples include but not restricted to; Excavation of water and sewerage lines, laying of pipes, jointing of pipes, cleaning of manholes, minor repairs, maintenance routine checks, operation of small infrastructure facilities, collection of domestic refuse, street cleaning, construction of small and medium size manholes, general labour based works, plastering, masonry works, small buildings, small access pavements.

Emerging themes.

- Explicitness about the political will.
- Project versus programmes
- Role of champion-person and organisation
- Iterative and organic approach/ process and not prescriptions
- Partnering and not adversarial approach.
- Process and not just the product.
- Exploiting the existing regulatory framework and reform.
- Infrastructure as a key contributor to the livelihoods assets and outcomes.

Participants, please add more !!!

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