

UNMAKING THE SLUMS: EMERGING RULES, ROLES, AND REPERTOIRES

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I. INTRODUCTION

Slums are man-made; therefore, they could be unmade. But the rules will be formed by people other than governments: the politician who urges a rent boycott; the property baron who assembles land and distributes plots for development; the industrialist ready to pollute the air and the water, but caring enough to let neighbors use his clinic and his borehole; the minor official with a flair for manipulating the administrative code for his people's benefit. The rules of life and sustenance in the slums go beyond the statute book and the manual. In fact, it is not surprising that seemingly scientific methods of observation and analysis produce perplexing results. In many instances in the past, different methods of data collection gave different answers. The conflict between survey questionnaires and participatory methods of data collection is very apparent.¹ There is also a problem with very localized case study approaches since they portray the special needs and preferences of a small community and draw no meaningful conclusions for the larger society of slum residents.² The priorities

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1. See World Bank, *Data Collection Methods*, <http://www1.worldbank.org/prem/poverty/impact/methods/datacoll.htm> (last updated Sept. 12, 2002) (comparing and contrasting different data-collection methods).

2. See *id.* (noting that normally, "findings are not generalizable to any specific population[;] rather each case study produces a single piece of evidence that can be used to seek

indicated by the household survey (tenure, security, water supply and sanitation, and jobs) in a recent Kenyan study were rather different from those learned from group discussions (plot sizes, water, environment, and information/communications).³ Perceptions of need also varied according to gender, with women being more concerned about poor surroundings (smell, noise levels, insecurity, lack of water, and exposure to flooding) while men were more bothered by the physical hardware (poor housing and bad roads).⁴ Thus, family well-being, especially children's welfare, comfort, and health, would seem to be uppermost in women's minds.

This tension between the collective experiences and expectations of slum residents on the one hand, and the structure of slums on the other, has dominated recent discourse on urban living in the developing world. The slum has emerged as a distinct category in the minds and models of analysts, planners, and policy makers.⁵ The conventional city is destined to become "the other" or alternative city, the exception to normality, the fringe rather than the core. These trends are under close scrutiny by the United Nations in its Global Urban Observatory (GUO) initiative,⁶ a term with astrophysical connotations and capable of drastically raising our expectations regarding the geographic coverage, precision, and clarity of the information collected. The first *Slums of the World* report⁷ has ably risen to the challenge, considering that it is a trailblazer. For example, the report seeks to define what a slum is, which forms the basis for identifying types

general patterns among different studies of the same issue").

3. Dept. for Intl. Dev. & Intermediate Tech. Dev. Group, *Regulatory Guidelines for Urban Upgrading Project: A Case Study of Mavoko-Kenya* 5 (ITDG Publ. Sept. 2003) (available at http://practicalactionconsulting.org/docs/shelter/rguu_mavoko_case_study.pdf) [hereinafter *Regulatory Guidelines*].

4. These observations are based on the Author's field work in the slums of Nairobi, Mombasa, Kitale, and other Kenyan towns.

5. See *infra* n. 7 and accompanying text (discussing UN-HABITAT's attempt to classify slums).

6. "The GUO was established by UN-HABITAT in response to a decision of the United Nations Commission on Human Settlements, which called for a mechanism to . . . monitor and evaluate global urban conditions and trends." UN-HABITAT, *Global Urban Observatory*, <http://ww2.unhabitat.org/programmes/guo/> (accessed Aug. 31, 2006).

7. UN-HABITAT, *Slums of the World: The Face of Urban Poverty in the New Millennium?* (UN-HABITAT 2003) (available at <http://sustainable-design.ie/sustain/documents.htm>; select *Slums of the World*: click here to download PDF) [hereinafter *Slums of the World*].

of slums and estimating the number of people in different countries living in destitution and life-threatening conditions.⁸ Anna Tibaijuka, Executive Director of the United Nations Human Settlement Programme (UN-HABITAT), writes in the foreword to the document that “for the first time a baseline information on slums was produced, surveying over 1 million household records and compiling data from over 316 different sub-national, national and international sources. . . . The study represents a milestone. . . .”⁹ The destination? Millennium Development Goal (MDG) Seven, Target Eleven—which seeks a significant improvement in the lives of at least 100 million slum dwellers by 2020.¹⁰

Slums of the World was preceded by a meeting of experts¹¹ drawn from around the world, called by UN-HABITAT in Nairobi in October 2002,¹² to identify the critical criteria for recognizing and delineating slums. The definition resulting from this meeting was that a slum household is one lacking one or more of the following characteristics:

- Access to improved water,
- Access to improved sanitation facilities,
- Sufficient living area, not overcrowded,
- Structural quality and durability of dwellings, and
- Security of tenure.¹³

The validity, or otherwise, of this approach is beyond the scope of this paper. More revealing is the extent of deprived populations in cities of the world, even after acknowledging methodological and data limitations: half a billion people living in urban informal settlements in Asia (excluding China);¹⁴ thirty-five mil-

8. *Id.* at 6–7, 24–42. Apart from providing statistics, the report also contains snapshots of different slum types in selected cities. *Id.* at 60–75.

9. *Id.* at 1.

10. See generally Arif Hasan, Sheela Patel & David Satterthwaite, *How to Meet the Millennium Development Goals (MDGs) in Urban Areas*, 17 *Env. & Urbanization* 3 (Apr. 2005) (discussing the relevance of MDGs to cities).

11. I was privileged to participate, though a non-expert.

12. *Slums of the World*, *supra* n. 7, at 8 n. 6.

13. *Id.* at 18.

14. *Id.* at 31.

lion Europeans living in decayed environments;¹⁵ six percent of urban North Americans without improved water supply or sanitation.¹⁶ African statistics are the most depressing, with rates of slum incidence in various countries ranging from two to ninety-nine percent.¹⁷ Such a wide variation clearly raises questions about the underlying definition and associated criteria. This paper will focus on the African situation, although it will also allude to lessons learned from experience on other continents.

II. SLUMS AT CENTER STAGE

These as well as similar efforts by UN-HABITAT, research institutions, and think-tanks (London's International Institute for Environment and Development¹⁸ being the most prolific) are aimed at shifting the focus from slums as buildings to their status as places where people live, work, and die;¹⁹ from the residence to its occupants and surroundings; and from the household as an entity to its components (unemployed men, toiling women, sick children, old people, pets, relatives, permanent visitors from the village). This realignment of attitudes is manifesting itself in a number of ways. First, the strenuous efforts made in the 1980s and 1990s to understand urban poverty have led to the search not only for the underlying causes, but also for the development of new goals in the form of equality, justice, and the basic rights of every city dweller.²⁰ But the rights approach, although dominant in academic and civil society literature, is receiving scant policy attention. Many governments have not ratified the various United Nations conventions dealing with the rights of women,

15. *Id.* at 76.

16. *Id.* at 87.

17. *Id.* at 78.

18. See Intl. Inst. for Env. & Dev., *About IIED*, <http://www.iied.org/aboutiied/index.html> (accessed Aug. 31, 2006) (noting that IIED is "an international policy research institute and non governmental body working for more sustainable and equitable global development IIED acts as a catalyst, broker and facilitator and helps vulnerable groups find their voice and ensure their interests are heard in decision-making").

19. See *Slums of the World*, *supra* n. 7, at 6 (noting that UN-HABITAT seeks to focus attention on slums as a "new paradigm of human settlements").

20. UNESCO, *Third Meeting of UNESCO/UN HABITAT Working Group on "Urban Policies and the Right to the City,"* <http://www.unesco.org>; *select* Social & Human Sciences, *path* Social Transformations, *select* Urban Development, *select* News: Third Meeting of UNESCO/UN HABITAT (Jan. 24, 2007).

children, slum dwellers, and other vulnerable groups.²¹ Even where the conventions have been nationalized, application is dictated by local politics and power relationships rather than respect for international law.²² For example, poor people are still being forcefully evicted from slums, with the help of state police and armies, and in spite of the Global Campaign for Secure Tenure orchestrated by UN-HABITAT.²³ But that is not to detract from the good work being done by the human rights lobby in many countries and internationally. It will be interesting to see how the MDG story develops.

Second, we are seeing a renewed urgency in finding innovative approaches, be it in water supply and sanitation, sustainable construction, regulation, or creating new jobs. Large quantities of research papers dealing with slum problems in particular, and urban issues in general, have been produced in the last decade, quite apart from the proceedings of the big international conferences such as the World Urban Forum held every two years.²⁴ However, research funding comes largely from the North,²⁵ as does the formulation of the research agenda. Not only does this inhibit the growth of research capacity in countries of the South, but it also directs attention to issues, though important, that will not challenge the status quo or seek fundamental readjustments. This has been evident, for instance, in ongoing international de-

21. See UN High Commr. for Human Rights, *Status of Ratifications of the Principal International Human Rights Treaties* (UN High Commr. for Human Rights 2004) (available at <http://www.unhchr.ch/pdf/report.pdf>) (listing all the countries that have failed to ratify various international human rights treaties, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women).

22. See e.g. Leticia Marques Osorio & Leandro Gorsdorf, *Stopping Forced Evictions—A Tale from Curitiba, Brazil*, 11 *Habitat Debate* 12, 12 (June 2005) (describing the process of forced eviction in Brazil); Cesare Ottolini, *Stopping Forced Evictions in Rome*, 11 *Habitat Debate* 14, 14 (June 2005) (detailing efforts to stop forced evictions in Rome); see also COHRE & Scott Leckie, *Forced Evictions and Human Rights: A Manual for Action 7* (2d ed., COHRE 1999) (noting that the term “forced evictions” correctly conveys the arbitrariness and illegality of relocation).

23. *Best Practices*, 11 *Habitat Debate* 20, 20 (Apr. 2005).

24. The first World Urban Forum was held in Nairobi (2004), the next in Barcelona (2005), and the third in Vancouver (2006). These are major events bringing together researchers, policymakers, practitioners, and activists from all over the world. Can. Inst. of Planners, *2006 World Urban Forum: The Pursuit of Sustainability Comes to Vancouver*, http://www.cip-icu.ca/english/outreach/wuf_2006.htm (accessed Jan. 1, 2007).

25. See Anna Kajumulo Tibaijuka, *A Message from the Executive Director*, 11 *Habitat Debate* 2, 2 (June 2005) (explaining the growing gap between the North and the South).

bates on trade relations, debt, intellectual property rights, and drug patenting. Such matters may seem remote from shanty town residents in Lagos, Nairobi, and Cape Town. But they are not, since it is those people whose labor is exploited in export processing zones, who cannot feed their children or buy anti-retrovirals. Aid for research is only a small proportion of the total urban development assistance which, in any case, is strongly influenced by both developmental and foreign policy strategic goals.²⁶

The third shift is in the intellectual arena where we find heavy borrowing from the social sciences and the law, and the attendant analytical tools. Unfortunately, technology is taking a back seat since the general impression—erroneous of course—is that we have enough technical solutions, but not the political will and organizational capacity to implement them. The reality is that no major breakthroughs have been witnessed for several decades in such key areas as transportation, building materials, energy production and use, and land servicing. Culture and the creative arts have also suffered. In Africa, for instance, the rich cultural heritage found in various countries is poorly reflected in the settlements of the poor.

The fourth transformation is the renewed optimism or faith in the power of collective action and organization. Thus, concepts such as social capital, institutions, partnerships, and participation have become common currency and generated a whole new set of tools for dealing with slum problems.²⁷ In fact, participation has become omnipresent and so intensive that it threatens to delay rather than expedite. Economist Shyam S. Dutta writes that in a slum improvement project in Ahmedabad, India, thirteen percent of the cost was devoted to community development.²⁸ While slum dwellers wish to make their own decisions, they also want to see tangible investment in infrastructure, shelter, and

26. See Nadia Taher, *In the Shadow of Politics: US AID-Government of Egypt Relations and Urban Housing Intervention*, 13 *Env. & Urbanization* 61, 63 (Apr. 2001) (recognizing that decisions regarding foreign aid are heavily influenced by the often-conflicting interests of both donors and recipients).

27. See *Slums of the World*, *supra* n. 7, at 50 (discussing UN-HABITAT and other institutional partners and the importance of social capital differentials); see generally Shyam S. Dutta, *Partnerships in Urban Development: A Review of Ahmedabad's Experience*, 12 *Env. & Urbanization* 13 (Apr. 2000) (discussing the successes and difficulties of a partnership program).

28. Dutta, *supra* n. 27, at 22.

work opportunities. Local governance will not achieve much without central government support in terms of policy guidance, regulation, and investment in infrastructure. So, how can the world strike a balance? In Africa, it is those countries where there is strong central government commitment, guidance, and support that have seen noticeable improvement in slum conditions, such as the North African countries (Morocco, Tunisia, Egypt), South Africa, and Tanzania.²⁹ The updated version of *Slums of the World*, due to be released soon, will hopefully give us reasonably reliable information on which countries deserve commendation.³⁰

III. THE LIMITS OF TEXT AND THE LANGUAGE OF SLUMS

Data collected on information needs in Kenyan slums indicate that the spoken word (conversation with neighbors and work colleagues, rumor, official village meetings, radio, and so on) is more important than messages in black and white.³¹ This is not surprising when primary school enrollment and literacy levels are static or, in many countries, even falling.³² Also, graphics are preferable to text.³³ There is a challenge here for the makers of manuals. There is probably still a role for the schoolteacher, priest, story-teller, praise singer, and the audio cassette. The British Broadcasting Corporation (BBC), true to its reputation and anxious to promote the British cause, has in the last five years or so opened FM stations in many African capitals to broadcast in English as well as national languages.³⁴

29. Lucille Davie, *South African Cities Network, SACN Launches 'Hard Look' at SA Cities*, http://www.sacities.net/2004/may30_nation.stm (May 27, 2004).

30. The methodology for preparing the updated version was improved after receiving criticism on the first edition. Clusters of indicators are to replace the single-criterion approach, while data on 250 cities has been collected for analysis. Interview with Eduardo Moreno, Chief, Global Urban Observatory, UN-HABITAT (Feb. 17, 2006).

31. See e.g. Rasna Warah, *Divided City: Information Poverty in Nairobi's Suburbs* 30–32 (unpublished Master's study, Malmö U. 2004) (available at http://webzone.k3.mah.se/projects/Comdev03/frame/sem5/Divided_city.pdf) (explaining that social networks are primary sources of information among urban poor, and that radio is a primary source of information for current events).

32. See *id.* at 15 (noting high illiteracy levels among rural Kenyans).

33. *Id.*

34. See e.g. BBC, *FM Stations in Kenya*, http://www.bbc.co.uk/worldservice/faq/news/story/2006/03.060271_kenyafm.shtml (last updated Mar. 2, 2006) (detailing the expansion of FM stations in Kenya); BBC, *Africa: East and Southern*, http://www.bbc.co.uk/worldservice/faq/news/story/2005/08/050810_eastsouthernafrica.shtml (last updated Aug.

Access to official records is generally very restricted. Public records, such as municipal council minutes, circulars, registers (of plot owners, for instance), and books of accounts, are made so difficult to access that most people do not even try. Where neighborhood resource centers are established, they need to be sufficiently resourced to identify, harvest, package, and disseminate relevant information. It will require more than a project to make such a venture durable. But withholding information is not an exclusively official sin. People are often unwilling to divulge how they acquired their plot or money to build. At the same time petty traders experience delays, corruption, and unwarranted expense in obtaining business licenses, but they find it irrelevant that council officials want to relate the license to a specific plot identification number. Thus, the right to information is a reciprocal entitlement. This exchange could be facilitated by a better appreciation of the communication needs of the poor and the linguistic nuances used in various slums. Over time, cities develop the capacity to create their own local accents, dialects, and modes of expression. It is easy to distinguish between the rich and the poor, the enlightened versus the ignorant, young as opposed to old, from the way they talk. The Swahili spoken in Old Town Mombasa or Zanzibar Stone Town is quite distinct from that heard in the suburbs. In West African cities, immigrant communities from the Sahel region are strongly represented in informal settlements, creating a rich linguistic amalgam. The youth, for their part, create bastard tongues like “Sheng” (Swahili–English), which form fertile ground for commercial exploitation in advertisements and popular music. Pidgin is the *lingua franca* of English-speaking West African cities. Slum neighborhoods themselves sometimes adopt informal names portraying rebellion, blatant defiance, or a break with authority.³⁵ A variation of this is the use of names depicting despair, despondence, and destruction

10, 2005) (describing BBC availability in east and southern Africa); BBC, *Africa: North Africa, the Canary Islands and Madeira*, http://www.bbc.co.uk/worldservice/faq/news/story/2005/08/050810_northafrica.shtml (last updated Aug. 10, 2005) (describing BBC availability in North Africa, the Canary Islands, and Madeira); BBC, *Africa: West and Central*, http://www.bbc.co.uk/worldservice/faq/news/story/2005/08/050810_westcentralafrica.shtml (last updated Aug. 10, 2005) (describing BBC availability in western and central Africa).

35. Local terms for slums frequently incorporate realities of slum living, such as “bidonvilles” derived from the French word for tin, to describe dwellings made of iron sheets and tin. *Slums of the World*, *supra* n. 7, at 30.

more out of spite than anything else.³⁶ It is unfortunate that few students and observers of language and speech have researched this aspect of intra-urban communication. Development practitioners, however, are seeking ways of exploiting the benefits of the information explosion while not forgetting age-old values such as friendship and wisdom:

It is intrinsic practical wisdom, for example, that leads us to understand that for many societies, *friendship* not *stakeholder* participation is the basis of good partnerships and getting things done. Optimal rather than absolute efficiency is key—routines that are “efficient enough” to do the job and appropriate to the circumstances, not according to a prescribed model, but according to the wisdom and judgement [*sic*] of those doing and thinking on the ground.³⁷

The preference for utility rather than efficiency is another indicator of the readiness of professionals to accommodate culture, traditional values, and local perceptions of what a satisfactory living environment should look and feel like. The approach and attendant vocabulary is well articulated by authors Romi Khosla and Jane Samuels in their book on the work of the Indian economist Amartya Sen.³⁸ These ideas are becoming increasingly current in many African slums themselves, thanks to civil society activists and human rights workers agitating in those settlements. Senegal, Kenya, Egypt, and South Africa are examples of countries where not-for-profit organizations are given almost free reign to operate, and local people are highly aware of their rights and potential.³⁹ But that cannot be said of every country on the continent, since there are still many repressive governments

36. Some of these names could be translated into “hole,” “dump,” “necropolis,” etc. In Accra, “Sodom and Gomorrah” is the nickname of a well-known slum.

37. Nabeel Hamdi, *Cultural Differences and Legibility*, in *Communicating for Development* 78, 79 (Catalina Gandelonas ed., ITDG Publ. 2002) (emphasis in original).

38. Romi Khosla & Jane Samuels, *Removing Unfreedoms: Citizens as Agents of Change in Urban Development* (ITDG Publ. 2005).

39. Nicholas Hall, *The Urban Opportunity: The Work of NGO's in Cities of the South* (Prac. Action 1996); UN-HABITAT & Huairou Commn., *Local to Local Dialogue: A Grass-roots Women's Perspective on Good Governance* (UN-HABITAT Mar. 2004); World Resources Inst., *World Resources 2002–2004: Decisions for the Earth: Balance, Voice, and Power* (World Resources Inst. 2003).

which feel threatened by any direct developmental activities by the people, especially the urban youth and workers.

IV. SIX PROPOSITIONS

Further research questions and useful ideas could be generated by the following propositions emanating from work done so far. Arranged randomly, they are meant to help us challenge cherished notions about the role and efficacy of structured interventions based on four decades of slum-upgrading experience.

A. Regulatory Frameworks Are a Mirage

There cannot be a regulatory framework or, in any case, it would be extremely difficult to establish one. The notion of a “framework” would be erroneous since there is no body or collection of regulations or practice code which could be adapted to suit slum-upgrading objectives. It would have to be not only fluid but also mercurial. All one can observe is a series of trends, since the rules are dynamic, being changed all the time by the rule-makers. Any definitive set of guidelines would be temporary and local. Maybe one could hope for a repertoire of facilitative and coercive measures which get better and more effective over time. Changing rules are improved by internal as well as extramural hazards, such as changes in local leadership, rapid turnover of staff in key municipal and government departments, and competition for resources by civil society organizations working in the field. Does this mean that we should condone chaos and unfettered expansion of squatter areas? On the contrary, rather than defining rigid citywide oversight parameters, it will be more useful to identify internal change-makers and their motivations, and to help them establish the modalities for living and working together. Jo Beall’s observations on Johannesburg indicate that

[a]reas of extreme infrastructure stress or neglect are often geographically congruent with neighbourhoods that house the population that is most adversely affected by the changing occupational and employment opportunities in the city.

As in many cities, there are concentrations of poverty in Johannesburg that merit special attention.⁴⁰

In a large city then, one would expect to find several areas needing special attention which could overwhelm a local government already burdened with an overstretched capacity, unending restructuring exercises, and the need to break even financially. To make matters worse, there are already too many laws and regulations governing infrastructure and housing delivery.⁴¹ The general tendency internationally is to argue for less regulation, but few insights have been forthcoming on how that could be done without compromising basic social indicators. It is difficult for developers and those managing existing neighborhoods to resist pressures to submit to stronger and more intrusive rules drawn up by the health authorities, building control departments, town planners, and other professionals.

B. Slum Dwellers Are Generally More Robust Than the Rest of the Urban Population

The able-bodied in a Kenyan Town called Mavoko, less than an hour's drive outside Nairobi and with relatively few children and old people (eighty-two percent in the fifteen-to-forty-five age bracket),⁴² can withstand admirably the nature of available work (mining, quarrying, and other physically strenuous activities)⁴³ and the tough living conditions. This situation helps industry in its quest for labor. In fact, the people's attitude toward industry is somewhat ambivalent: they detest the pollution, the low wages, and the suspicious attitude of employers, but appreciate the jobs when available and the possibility of benefiting from the services offered by industry to its workers, such as clinics and clean water.⁴⁴ That symbiotic relationship could be exploited to mutual advantage. It is a relationship found in many countries. Dutta explores the turbulent relationship between a major textile manufacturer in Ahmedabad on the one hand and the local Slum Net-

40. Jo Beall, Owen Crankshaw & Susan Parnell, *Local Government, Poverty Reduction, and Inequality in Johannesburg*, 12 *Env. & Urbanization* 107, 116 (Apr. 2000).

41. *Id.* at 113.

42. *Regulatory Guidelines*, *supra* n. 3, at 5.

43. *Id.*

44. *Id.*

working Project, the municipal corporation, and the textile workers' union on the other.⁴⁵ The ability to withstand deprivation and harsh living conditions, however, should not diminish the gravity of population depletion resulting from high child mortality rates, HIV/AIDS, and violence. Child mortality rates in Africa's slums are high.⁴⁶ Half of the babies born in Nairobi slums are born at home, while the proportion of new babies below 2.5 kilograms (approximately 5.5 pounds) is twice as high as for the rest of the city.⁴⁷ Street children are not only a common sight in many African cities but a blight on the conscience of governments and a bane to tourists and local residents alike. In fact, governments see them as a security threat, since they constitute a ready pool of potential rebels. They form the floating slums with no geographic or locational specificity. At the same time, those who do live in the known settlements are shadow citizens with no known address.⁴⁸ The identification and numbering of individual houses is often done as part of slum-upgrading projects, together with title regularization, imposition of taxes, and the distribution of health and educational services. The people themselves are often subjected to strict surveillance by local administrators, party officials, and police. Security considerations are increasingly dominating slum life with many governments seeking to introduce identity cards and other computerized surveillance systems. Moreover, identity cards are used as the basis for voter registration, so by denying identity cards to perceived dissidents, a repressive government can effectively exclude large sections of the urban population from the political process.⁴⁹ Displaced populations from neighboring

45. Dutta, *supra* n. 27; see e.g. Jem Bendell, *Making Business Work for Development: Rethinking Corporate Social Responsibility*, 54 *id21 Insights* 1, 2 (Apr. 2005) (outlining the importance of standards for corporate social responsibility).

46. Afr. Population & Health Research Ctr. (APHRC), *Population and Health Dynamics in Nairobi's Informal Settlements* xiii (APHRC 2002) (available at <http://www.aphrc.org>; select Publications, select Research Reports, select Population and Health Dynamics in Nairobi's Informal Settlements: View Abstract, select Download). The study also reports the perplexing finding that infant mortality is higher for mothers with primary school education than for unschooled mothers. *Id.* at 90. The explanation could lie in the neglect babies suffer when poor mothers go out to work.

47. *Id.* at 87–88.

48. Jennifer Whittal & Michael Barry, Presentation, *Fiscal Cadastral Reform and the Implementation of CAMA in Cape Town* (Jakarta, Indonesia, Oct. 3–7, 2004) (copy on file with *Stetson Law Review*).

49. AbdouMaliq Simone, *Principles and Realities of Urban Governance in Africa* (UN-

countries complicate the task, while periodic raids into poor neighborhoods by police and paramilitary forces can be driven by motives other than arresting illegal immigrants.⁵⁰

Robustness and hardiness of body needs to be tempered by scheming minds. Hence, the great interest among activists, scholars, and planners lies in training, skills development, awareness building, and organizational capacity.

C. Informal Enforcement Methods Determine the Efficacy of the Regulatory Regime

Informal enforcement is based on community self-regulation and relies heavily on mutual trust and respect. Existing social and economic networks, stable local government, and an expanding property market are all important ingredients of a successful attempt to regulate the orderly growth and management of low-income neighborhoods. Providers of shelter and other services compete for space, resources, uses, and influence. While the law and official regulations are a prerequisite, enforcement also has to be influenced by community-led norms and rules of behavior; it is more difficult for the poor to benefit from economic growth if there is no balancing between efficiency and equity objectives. Paul Cook and Martin Minogue, directors at the Centre for Regulation and Competition at the University of Manchester, observe:

Regulation will have a more positive impact on the poor if it commits itself also to ensuring access to basic services, or protecting access to services that prior to privatisation had benefited the poorest. Regulation does not need to forsake efficiency objectives, but if it is to regulate for development it must be deployed in such a way as to offer a “bridge” between efficiency and poverty reduction.⁵¹

Efforts to improve slum conditions are being seriously threatened by large-scale privatization of utilities and other basic ser-

HABITAT 2002).

50. See e.g. World Wide Relig. News, *Kenya: MPs Condemn March by Outlawed Sect*, <http://www.wwrn.org/article.php?id=23301&sec=2&cont=all> (Nov. 8, 2006) (explaining that Kenyan police raided the Mathare slum area in pursuit of members of an outlawed political sect).

51. Paul Cook & Martin Minogue, *Regulating for Development*, 49 *id21 Insights* 1, 1 (2003).

vices contemplated or underway in many countries. In the absence of government coercion and popular pressure, water and electricity companies are unlikely to be enthusiastic about charging affordable rates or even extending services to needy areas. Massive redundancies cause hardship and resentment among workers, most of them poor people, especially where international companies are involved. On the positive side, the new operators introduce innovations with potential long-term benefits—for example, in the areas of electricity billing, water recycling, sewage recovery, and waste recycling.

Enforcement of law and order in unplanned settlements can be enhanced by civilian militias.⁵² Governments have realized this and the concept of community policing is being encouraged for reasons partly altruistic and partly ulterior. Not only does community policing relieve municipal governments and police authorities of a burden they can no longer bear alone, but it also widens the intelligence network at very little cost. In most countries, the regulation of paramilitary, auxiliary, and militia bands is weak and so is the surveillance of small arms which inevitably find their way into slum areas. Cities in countries adjacent to conflict zones, or with a recent history of internal conflict, are especially vulnerable. Kate Cell, the Director of the United States branch of Economists Allied for Arms Reduction (ECAAR), reports, “Crime rates are significant in South Africa and the percentage of small arms and light weapons is very worrying, but no other threat could approach the scale of the HIV/AIDS epidemic.”⁵³ Regulatory controls are meager with small arms proliferation threatening human security and aspirations to achieve the MDGs.⁵⁴

52. In the large Tanzanian cities, for example, neighborhood militias have been operating with some success. See Wendy Taylor, Blase Seleki & Saad S. Yahya, *Localizing the Habitat Agenda for Urban Poverty Reduction: Tanzania Country Report* (U. of Westminster 2004).

53. Kate Cell, *Challenges to Human Security in the New South Africa*, 50 *id21 Insights* 3 (June 2004).

54. *Id.*

D. While a Holistic View Is Essential, It Can Be
Enhanced through a Fragmented Approach to Particular Issues

The slum is part of a city and the two sustain each other. Scarce facilities in the slum (public open spaces or health centers, for instance) can be compensated for in formal neighborhoods, but adequate planning capacity would be needed to make use of this possibility. The posh-poor antipathy could be exploited; however, it requires the capacity to orchestrate tradeoffs between locations and types of services. The same argument can be applied to residential space. As houses are subcommunities within communities, it is important that sufficient space be provided to cater to a wide range of activities including cultivation, livestock rearing, and work. In Kenyan slums about thirty percent of slum residents work at home.⁵⁵ The home is, therefore, for many people a workplace in its own right. It is more than a place to sleep, so allowance must be made for other activities to take place. Adequate space, access, and infrastructure can greatly enhance the livelihood of the occupants. The importance of viewing the home as a place of work, education, recreation, and personal fulfillment is also stressed by Drs. Peter Kellett and A. Graham Tipple of the University of Newcastle upon Tyne.⁵⁶ Women can effortlessly transfer time between family chores and income-generating activities, or transpose space between workshop in the day and bedroom at night. However, separation is still deeply engrained in urban laws and planning regulations.

Efforts to turn slums into decent and safe places to live are becoming more refined and sophisticated, not only in terms of sensitivity to people's needs and wishes but also from the point of view of the methods used. Also, methods are personified through names. Slum or squatter upgrading is being "rebranded" into newer terms such as community-action planning, slum-networking programs, city community challenge fund, participatory urban improvement, urban poverty initiative, and so on.⁵⁷ In

55. This is an estimate based on work done in Mavoko, a commuter town outside Nairobi, in 2002–2004.

56. Peter Kellett & A. Graham Tipple, *The Home as Workplace: A Study of Income-Generating Activities within the Domestic Setting*, 12 *Env. & Urbanization* 203, 205 (Apr. 2000).

57. Dept. for Intl. Dev., *Meeting the Challenge of Poverty in Urban Areas: Strategies for*

each case the focus is different, but the goal is the same. One reason why new names are conceived is that such projects have a fairly short life span of three to five years and, in order to maintain the interest of the public and attract funding, it is necessary to devise new projects which are, in fact, not new. The packaging of urban projects has become as important as the content. The result is that evaluations are based on the attainment of specific project goals rather than overall impact on the slum improvement ideal or poverty reduction.

A useful framework—to the extent it could be called a framework—is the Localising the Habitat Agenda approach.⁵⁸ In a study of efforts made to localize the Habitat Agenda in Kenya and Tanzania, among other countries, and the possible effects on urban poverty reduction, a wide range of case studies and extensive policy analysis was done between 2001 and 2004 as well as analysis of local good practice as defined using internationally acceptable criteria.⁵⁹ One of the problems discovered was the lack of awareness by many ordinary people, as well as professionals, about the existence, let alone the spirit and intention of, the Habitat Agenda. Yet many worthy initiatives were being undertaken anyway. The disconnect between poverty reduction policies and the urban condition was very conspicuous. Five general principles were identified as underpinning future successful interventions: first, a comprehensive policy context for urban growth as an ideal, though not always a prerequisite; second, the organized group as the basic unit for channeling effort and resources; third, the cumulative effect of small interventions, properly conceived, and how they can be leveraged to yield disproportionately large benefits; fourth, the importance of belief and commitment by the people through their hearts and minds; and finally, the importance of linking local development efforts to national macroeconomic policies.⁶⁰ There is, in fact, a revisionist sentiment among some analysts and observers that the role of local participation and gov-

Achieving the International Development Targets (Dept. for Intl. Dev. Apr. 2001).

58. See e.g. U. of Westminster, *City Poverty: Poverty Reduction in Urban Settlements*, <http://www.wmin.ac.uk/builtenv/maxlock/CityPoverty/intro.htm> (last updated May 9, 2005) [hereinafter *City Poverty*] (providing case study reports on Brazil, India, Kenya, and Spain).

59. *Id.*

60. *Id.*

ernance has been overrated and progress can only be guaranteed if there is strong direction from the center.⁶¹

At the local level, a decision has to be made on where to start since there is always a wide range of possible initiatives. Though needs assessments are useful, ultimately the overriding criteria are political, because sponsors tend to go for “impact.”⁶² But water supply, sanitation, and shelter improvement are always on top of the list. Felisa U. Etemadi, Professor at the University of the Philippines, lists sixty-two different components of the Urban Basic Services Programme in Cebu City, the Philippines, which began in 1998 under the following categories:⁶³

- health,
- nutrition,
- water/sanitation environment,
- education,
- women,
- street children,
- land tenure,
- livelihood,
- research,
- community building, and
- project support.⁶⁴

From the vast experience gained over the last four decades, it is possible to develop rule-of-thumb indicators of how resources should be distributed between different elements. At the city level, there is a wider and more normative range of entry points.

61. Interview with Eduardo Moreno, *supra* n. 30.

62. See David Satterthwaite, *Reducing Urban Poverty: Constraints on the Effectiveness of Aid Agencies and Development Banks and Some Suggestions for Change*, 13 *Env. & Urbanization* 137, 137 (Apr. 2001) (analyzing the roles of international aid agencies, including their patronizing and ambivalent attitudes).

63. Felisa U. Etemadi, *Civil Society Participation in City Governance in Cebu City*, 12 *Env. & Urbanization* 57, 58 (2000).

64. *Id.* at 66.

Beginning with a specific and focused initiative, it is possible to expand into other related areas in a snowball effect once the momentum is created. In a recent study of the growth of Kampala and its effects on the city's boundaries and governance, the government was initially motivated by the need to resolve the territorial misunderstandings between a traditional kingdom and a modern metropolitan government.⁶⁵ But then, this was found to be a good opportunity to address related issues of urban poverty, economic development, city governance, conservation of marine and waterfront resources on Lake Victoria's shore, and so on.⁶⁶ Global protocols and understandings, such as the international green agenda,⁶⁷ Agenda 21,⁶⁸ the Habitat Agenda,⁶⁹ MDGs,⁷⁰ and related campaigns also offer different avenues towards relieving the plight of slum dwellers. However, there are many pitfalls. Although a lot of attention has been directed towards planning methodology, project management, good governance, and similar rational approaches towards development, in real life action often precedes thought and outcomes appear before the blueprint.⁷¹ This urges us to respect spontaneity and improvisation as valid responses to an urban world which is far from orderly or methodical.

65. Ministry of Loc. Govt., Kampala, *Study to Redefine the Boundaries of Kampala City: Draft Report* (Uganda 2006).

66. *Id.*

67. See e.g. Ivan G. Osorio, *The International Green Agenda: U.S. Foundations Support Environmental Activists on the World Stage*, *Foundation Watch* 1, 1–8 (Nov. 2003) (available at <http://www.capitalresearch.org/pubs/pdf/x3794140639.pdf>) (discussing how financial contributions from major United States nongovernmental organizations impact international environmental policy).

68. *Id.* at 3–5.

69. UN-HABITAT, *The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action*, http://ww2.unhabitat.org/declarations/documents/The_Habitat_Agenda.pdf. (Nov. 13, 2003)

70. See generally Hasan et al., *supra* n. 10.

71. Hassan Ngwilizi, *Decentralisation in Tanzania*, http://www.uncdf.org/english/countries/tanzania/local_governance/other_project_related_reports/ngwilizi_decentralization.php (accessed Dec. 28, 2006); see Saad Yahya, *Urban Land Policy in Kenya* (Royal Inst. of Tech. 1980) (discussing the concept of precipitate decision-making as an approach to policy-making).

E. The Market Is a Major Determinant of Where and What People Build

Several studies have been done on unregulated housing submarkets in African towns.⁷² There is a set pattern in which these markets start, grow, and mature. It does not take long for secondary markets and credit operations to commence. Whether or not a household can pay for a room, water, or other services is to some extent determined through the rules of supply and demand. Supply-side interventions need the cooperation of landlords, suppliers, and other entrepreneurs. Public interventions have recently matured from direct coercion and unduly intrusive regulation to “public-private partnerships” (PPPs)—a somewhat vague term since it could mean anything from the processing of building permits to direct land grants or financial commitment.⁷³ A range of techniques is developing, nonetheless, amid great optimism that significant positive change will result. Most of these approaches revolve around the sharing of property rights and benefits through leasing arrangements in various forms.⁷⁴ It is, therefore, easier to introduce these reforms in those countries where a sophisticated set of property laws already exist.

Fortunately, starting from the early 1990s, there has been a rash of new land policies being adopted in African countries where the major challenge has been, first, to confront demographic and urbanization pressures; second, to revert to the market after several decades of viewing land as an exclusively public asset (Tanzania, Mozambique, Ethiopia, and so on); and third, to reconcile the dictates of traditional tenure with the requirements of modern business.⁷⁵ In her study of the PPP policy of Harare

72. Jørgen Andreasen, *Rented Rooms and Rural Relations: Housing in Thika, 1969–1985* (Royal Acad. of Fine Arts 1987); Adarkwah Antwi, *Our Common Estate: A Study of Informal Urban Land Transactions in Accra, Ghana* (RICS Found. 2002); Saad Yahya & Nicky Nzioki, *Taming Delinquent Markets: An Analysis of Unregulated Housing Submarkets in Kenya* (U. of Nairobi 1994).

73. World Bank, *Sustainable Development in a Dynamic World: Transforming Institutions, Growth, and Quality of Life* (World Bank & Oxford U. Press 2002).

74. See e.g. Geoffrey Payne, Seminar Presentation, *Secure Tenure for the Urban Poor* (Washington, D.C., May 23, 2002) (available at <http://www.citiesalliance.org/doc/events/2002/payne.pdf>) (noting that community land trusts allow a group of people to own land and permit members of that group to hold long-term leases, thereby allowing the group to better control land transfers and speculation).

75. World Bank Docs. & Rpts., *Prometropole Program Resettlement Policy Executive*

City Council in Zimbabwe, Alice Kinyungu describes how the pace and volume of private sector investment in low-income housing has significantly increased since the policy was introduced in 1987.⁷⁶ Although many difficulties had to be overcome, a system of incentives has been established to promote private investment in land servicing and delivery, including:

- Providing land at the least possible cost;
- Charging for infrastructure at reduced cost;
- Deferring payments due to the Council until completion of servicing;
- Allowing free permits and assistance with engineering design;
- Providing assistance with getting prior approval from central government;
- Granting waivers on a case-by-case basis, allowing developers to use minimum servicing standards;
- Allowing houses to be built even before services installation is complete, subject to an undertaking to complete being made by the developer;
- Providing a guarantee to the bank if a developer wishes to borrow money with the land provided by the council as collateral; and
- Establishing joint ventures with building societies (mortgage banks) to help low-income borrowers access loans for house building.⁷⁷

The first question that comes to mind is, "How can the City Council expose itself to such financial and even political hazards?" The answer must lie in central government support since it could not be done otherwise.

Summary, <http://www-wds.worldbank.org>; *search* prometropole program, *select* Brazil-Recife Urban Project, *select* Official Documents: PDF (Nov. 2001).

76. Alice N. Kinyungu, *Public-Private Sector Partnerships in the Servicing of Land and Provision of Housing for Low-Income Groups in Harare: Experiences and Lessons Learnt 1990-1996*, at 1 (RICS Found. 2004).

77. *Id.* at 7.

F. Security Is More Than Tenure Security

Although evictions can be brutal and traumatic, if one compares the number of evictions with the total number of slum residents in African cities, then the proportion is miniscule.⁷⁸ Given the law, the sanctity of private property, and the nature of urban planning, it is surprising that so few evictions are taking place. While slum residents are always fearful of being removed from their homes, another big worry is personal security and unstable social relations.⁷⁹ Harassment by the security forces and municipal inspectors is also a major concern.⁸⁰ The prospect of humiliation, loss of friends, removal from familiar faces and surroundings, and loss of personal belongings is what scares people most.⁸¹

Land issues, therefore, seem to have permeated all discussions of slum problems. A new dimension, the human rights angle, has recently entered the debate.⁸² This portrays access to land as a matter of right, rather than privilege, which goes contrary to existing national laws and policies. It is a concept to which most governments only pay lip service, and the United Nations' Global

78. While there are approximately 188 million slum dwellers in Africa, forced-eviction campaigns routinely displace only hundreds of thousands of people at a time. Afr. Ministers' Conf. on Hous. & Urb. Dev., *Slum Challenge and Shelter Delivery: Meeting the Millennium Development Goals* 6, http://www.unhabitat.org/downloads/docs/2553_7848_mdg.doc (accessed Dec. 31, 2006); see Scott Leckie, *Amnesty International, Africa: Forced Evictions Are a Human Rights Scandal*, <http://web.amnesty.org/library/Index/ENGAFR010032005> (Oct. 3, 2005) (noting eviction statistics in several African countries).

79. See e.g. Leilani Farha, *Violence against Women and Forced Evictions*, in *Forced Evictions and Human Rights: A Manual for Action*, *supra* n. 22, at 97–98 (noting that women living under the constant threat of forced eviction suffer from anxiety and stress that affects their ability to find and retain jobs and strains familial relations).

80. See e.g. *id.* at 98 (noting that many women are harassed and brutalized during the eviction process).

81. See e.g. *id.* at 98–100 (observing that women who have been evicted are often forced to leave their second homes or face humiliation and “community wrath,” and that they often suffer through a forced separation between themselves and their family members); Sheridan Bartlett, *Children's Experience of the Physical Environment in Poor Urban Settings and the Implications for Policy, Planning and Practice*, 11 *Env. & Urbanization* 63, 70 (Oct. 1999) (describing how evicted children in Manila mourn the loss of their friends, playmates, and familiar surroundings).

82. See Farouk Tebbal, *Fighting Urban Iniquities*, 11 *Habitat Debate* 4, 5 (June 2005) (emphasizing that “[e]victions conducted arbitrarily and without due legal process are considered a gross violation of human rights”); *Slums of the World*, *supra* n. 7, at 50–51 (noting that “secure tenure should not be understood narrowly as a question of access to land and one roof. Rather, it should be seen as a platform for development, with long-term implications in terms of security, housing investments, possibility of planning and other social and economic effects”).

Campaign on Secure Tenure seems to have little effect.⁸³ It will probably be left to civic society (nongovernmental organizations, clever human rights lawyers, and activists) to push for a change in attitudes. Fortunately, there are a few local authorities who are prepared to challenge the government and allocate land to poor people in spite of what statutes say.⁸⁴ But, even such municipalities do not help the cause by failing to have planning staff or keep records of how much land is available within their boundaries. An influential and committed mayor is definitely an asset, but adequate capacity and courageous champions are hard to come by.

Yet, as we fight for secure tenure, we must ask "Tenure for whom?" Over half the residents in slums are tenants.⁸⁵ The landlords (many of whom are non-residents) determine who stays and who goes; how much the tenants should pay (in a Kenyan survey only one percent reported intervention by the Rent Tribunal);⁸⁶ and what improvements should be made to the property.

The obsession with plot sizes is well-placed. It indicates a case for larger parcels although, in the interest of cost-cutting, there is a tendency among designers to make plots smaller and smaller.⁸⁷ Extensive investigations done in the 1970s and 1980s arrived at sizes varying from 100 square meters (approximately 1,076 square feet) (Kenya) through 300 square meters (approximately 3,229 square feet) (Tanzania) to 450 square meters (approximately 4,844 square feet) (Botswana) in new schemes on virgin land.⁸⁸ Is there a minimum size below which health will be

83. Saad S. Yahya, *Who Owns the Kenya Coast? The Climaxing of Land Conflicts on the Indian Ocean Seaboard* 24, <http://payson.tulane.edu/conflict/Cs%20St/SAADFIN5.doc> (accessed June 26, 2006) [hereinafter *Kenya Coast*]; see UN High Commr. for Human Rights, *Fact Sheet No. 25, Forced Evictions and Human Rights, Why Do Forced Evictions Occur?* ¶ 11 (accessed June 28, 2006) (asserting that although governments have enacted appropriate laws to enforce international law, too often local governments ignore and violate those laws).

84. *Kenya Coast*, *supra* n. 83, at 24.

85. Rasna Warah, *Slum Upgrading: Lessons Learned in Nairobi*, 7 *Habitat Debate* 12, 12 (Sept. 2001).

86. *City Poverty*, *supra* n. 58.

87. Kinyungu, *supra* n. 76, at 3.

88. The World Bank was very active in promoting the plot-size debate in the 1970s and 1980s in its urban development program. The argument was that smaller plots were more affordable than large ones, which only focused on one aspect of a complex issue. See e.g. Diana Lee-Smith, *City Farmers of Kenya*, <http://www.peopleandplanet.net/doc.php?id>

affected? Privacy is already severely compromised. Although 60 square meters (approximately 646 square feet) is already the standard in use in Kenya, it may well be unsustainable in the long term. In fact, the average is much bigger. In addition to size, existing rules restricting plot shapes to squares and rectangles are also rather strange. Why are irregular shapes and triangles not allowed by the planners? The traditional compound houses found in West African cities could be described as “horizontal condominiums.”⁸⁹

Since most households in Africa’s slums use pit latrines, the question of plot sizes and density becomes even more important.⁹⁰ World Health Organization water quality standards are at best academic.⁹¹ Nearly all the standards relating to chemical content, pathogens, aesthetics, and taste are not met in the main towns where the major watercourses, as well as groundwater, are heavily polluted by industry.⁹² However, no definitive link has been established between this condition and epidemiological statistics.⁹³ There is room here for further research. The very existence of polluted water means that there is a risk of people using it even if inexpensive clean water were available. Another link which needs to be incontrovertibly established is the influence of secure tenure on credit availability and use.⁹⁴ The assumption of most

=443 ¶¶ 7–8 (accessed June 28, 2006) (referencing a 1987 study indicating that the average plot of land for urban farmers in Nairobi was around 100 square meters).

89. The term “horizontal condominium” means a gated and guarded community. Institut Français de Afrique de Sud, *Security, Urban Dynamics and Privatisation of Space in Sub-Saharan African Cities* 13, 16, <http://ww2.unhabitat.org/programmes/safercities/documents/wuf/sangodeyi.pdf> (accessed June 28, 2006); Cristina Patriota de Moura, *Gates and Open Spaces: New Arrangements in Brazil* 2, <http://www.bristol.ac.uk/sps/cnrpapersword/gated/moura.doc> (accessed June 28, 2006).

90. APHRC, *supra* n. 46, at 16.

91. World Health Org., *Water, Sanitation and Hygiene Links to Health*, http://www.who.int/water_sanitation_health/factsfigures2005.pdf (accessed June 30, 2006).

92. See e.g. World Health Org., *Guidelines for Drinking-Water Quality* vol. 1, 317–319 (1st addendum to 3d ed., WHO 2006) (noting incidence of cadmium in drinking water supplies due to industry).

93. See generally Carlos F. Corvalán, Tord Kjellström & Kirk R. Smith, *Health, Environment and Sustainable Development: Identifying Links and Indicators to Promote Action*, 10 *Epidemiology* 656 (Sept. 1999) (attempting to establish a link between water pollution and epidemiological statistics).

94. See UN-HABITAT, *The Global Campaign for Secure Tenure, Implementing the Habitat Agenda, Adequate Shelter for All, Housing Finance and Micro-Credit*, <http://www.unhcs.org/campaigns/tenure/tenure.asp> (accessed June 30, 2006) [hereinafter *The Global*

squatter-regularization projects is that owners with documented evidence of title will find it easy to access credit and develop their property.⁹⁵ But secure title is only one element among the many. Other relevant factors are often ignored such as the cultural resistance, sheer availability of money to borrow, and the regulatory environment.⁹⁶ It seems that it is the type of tenure which is important, as well as the supporting environment, especially planning and infrastructure services.⁹⁷ The expansion of the micro-credit and credit union movements, however, has widened considerably the range of opportunities available to slum residents. This trend is accompanied by the development of various types of revolving funds (also known as community funds), endowments, and mutual fund arrangements.⁹⁸ Aid agencies and corporate benefactors like such arrangements because of their “business-like” approach.

V. IN A NUTSHELL

The search for improved living conditions in unplanned settlements will need guidance from a complex set of rules determined by slum residents (including the non-poor) and benefactors as moderated by government. Since the game keeps changing, so must the plan. Only so much can be learned from empirical evidence of local housing conditions, tenure exposures, and service levels. It is in fact dangerous to rely purely on case-study material if one’s aim is to develop a code or paradigm for nationwide application. Guidelines for action must be fluid and dynamic enough to accommodate changing power relationships.

Campaign] (claiming that “[a]ccess to secure tenure can make a positive contribution in improving access to credit”).

95. Clarissa Augustinus & Klaus Deininger, *Innovations in Land Tenure, Reform and Administration in Africa*, in *Land Rights for African Development: From Knowledge to Action* (Esther Mwangi ed., CAPRI 2005).

96. APHRC, *supra* n. 46, at xiv; Cook & Minogue, *supra* n. 51, at ¶ 5. Additionally, there is perhaps some confusion among settlers about the land-tenure system because of cultural considerations. In Kenya, for example, land tenure is a hybrid, being a combination of English formal law and African customary, informal law. Henry Neondo, *Urban Agricultural Notes, Kenya—Experts Call for Urban Farming Policy* ¶ 17, <http://www.cityfarmer.org/KenyaPolicy.html> (accessed June 30, 2006).

97. Kinyungu, *supra* n. 76, at 12.

98. *The Global Campaign*, *supra* n. 94.

International discourse on urban development in the South is dominated by slums and how fast they are growing.⁹⁹ There is in fact a realization, and even fear, that the city as we have always known it may soon become the exception rather than the rule, the fringe and not the mainstream. Correcting that situation will call for a lot of courage and imagination, but it can happen. Already our understanding of this problem is deepening. A lot of experimentation is going on and there are nations which can demonstrate a measure of success.¹⁰⁰ But, not enough is being done. A new corps of changemakers has emerged, mostly from the slums themselves, supported by activists, professionals, and well-wishers.¹⁰¹ The latter include government and business, although the slums are markets in every sense of the word and protection of the people from unfair market practices has become a major objective of regulation.¹⁰²

The commitment shown in the United Nations system through various initiatives such as the Habitat Agenda, the MDGs, the various global protocols and conventions, and the *Slums of the World* series, is energizing governments as well as those working in the field.¹⁰³ That commitment, coupled with a renewed urgency to innovate and learn through trial and error; the shift of methodological focus from hardware to people and power and the cultural underpinnings; and the realization that for individuals to attain economic advancement and environmental security they must act collectively, has all changed the way reformers think and work.¹⁰⁴ Reformers are supported by a new vocabulary in the areas of human rights, governance, train-

99. UN Millennium Project, *Task Force on Improving the Lives of Slum Dwellers: A Home in the City* 143, n. 17 (Earthscan 2005).

100. Perhaps one commentator's affirmative declaration that "[s]lums' are not an aberration, but a normal part of existing city structures" is an affirmation that, in fact, slums are the rule, and not the exception. Somsook Boonyabancha, Conference Paper, *Scaling-up Slums and Squatter Settlements: Upgrading in Thailand Leading to Community-Driven Integrated Social Development at City-Wide Level* 21 (Arusha, Tanzania, Dec. 12–15, 2005) (available at <http://siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/Resources/Boonyabanchapaper.rev.1.pdf>).

101. *Best Practices*, *supra* n. 23, at 20.

102. See e.g. *Slums of the World*, *supra* n. 7, at 14 (noting UN-HABITAT's collaboration with diverse parties in defining slums).

103. Peter Utting, *Keeping Tabs on TNCs*, 54 *id21 Insights* 5, 5 (Apr. 2005).

104. *Best Practices*, *supra* n. 23, at 20 (summarizing government efforts to implement international law and other global efforts).

ing, and project management.¹⁰⁵ The language of experts and researchers has been adapted by slum residents themselves and is further enriched by local modes of communication. This is a vast and fascinating area that needs further exploration, especially in view of the manner in which the cell phone, Internet, GPS, television, and other communication tools are finding novel and unexpected uses among the poor.¹⁰⁶ The youth are finding new ways of celebrating the daily struggles of living in the city through drama, song, sculpture, and other media.¹⁰⁷ All this is built on the robustness and the resilience of those fortunate enough to survive the ravages of early slum life.

A number of propositions have been presented as a backdrop to reflection on how the question of dismantling slums can be approached. Let us summarize the main ideas coming out of the discussion. International experience seems to point towards four levels of thinking and action, with the latter two taking place more or less in parallel. The first level is the intellectual and ideological level, which involves the rejection of poverty, exclusion, and deprivation inspired by leaders, official policy, or external jolts such as disaster. (The inspiration could come from strange quarters.)

The second level is the process of horse trading and bargaining for support, forming the “we” of members, shareholders, kinsmen, or similar gatherings of people harboring a collective ambition.¹⁰⁸ Outsiders have to be influenced, even enticed. Communication, which requires command of relevant knowledge and information, is most important at this juncture. Where will the means (people, money, material support, political backing, sympathy) come from? Can national and international networks help? What really is the need and who is affected most?

The third tier rests on the relationship with “the authorities,” however defined.¹⁰⁹ As much as government departments, municipalities, and security forces would like to reduce visibility,

105. Hasan et al., *supra* n. 10, at 5.

106. *Kenya Coast*, *supra* n. 83, at 24.

107. See generally Jonathan Donner, *Microentrepreneurs and Mobiles: An Exploration of the Uses of Mobile Phones by Small Business Owners in Rwanda*, 2 *Info. Tech. & Intl. Dev.* 1 (Fall 2004) (detailing many diverse and unexpected ways citizens of Rwanda use mobile technology).

108. *Best Practices*, *supra* n. 23, at 20.

109. *Id.*

their power and resources are such that no improvement effort can ignore them.¹¹⁰ Therefore, their support is crucial. When it is not forthcoming, strategies for political or legal action require development.

Finally, there is the operational level, where products, service networks, and other items are designed and built, activities are synchronized, businesses established, homes erected, and whole local environments recreated.¹¹¹

These four levels are intermeshed and there is often little or no time separation, so everything has to take place at once. At the same time, the context has its own dynamics. Unless there is a commitment to policies promoting economic growth, equity, and redistribution of opportunities for social advancement, there is little hope of improving the plight of the slum dweller. Much as government and big business are denigrated and vilified, they hold the duplicate key to the flowering of the city as a place where people can live, work, and play in dignity. Huge investments are required and citizens' resources, though substantial, are nearly always severely limited. Slum upgrading should be seen as only the first step, the ultimate goal being renewed and prosperous cities.

110. Kinyungu, *supra* n. 76, at 12.

111. *Id.* at iv; Bruce Jenks, *Unleashing Entrepreneurship: Making Business Work for the Poor*, 54 *id21 Insights* 3, 3 (Apr. 2005); Ritu Kumar, *Home-Grown CSR Needed: Focus on South Asia*, 54 *id21 Insights* 2, 2 (Apr. 2005).