

# **COPING WITH INFORMALITY AND ILLEGALITY IN HUMAN SETTLEMENTS IN DEVELOPING CITIES**

**A ESF/N-AERUS Workshop  
Leuven and Brussels, Belgium, 23-26 May 2001**

## **Sub-themes for Work Group Sessions**

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### **Introduction**

Starting from the background paper and the 45 papers submitted, 4 main subthemes for the Work Group Sessions have been identified by the convenors.

On Thursday morning, these 4 sub-themes will be introduced by 4 keynote speakers who will present their personal view on the problems at stake. Starting on Thursday afternoon and further on Friday participants will sit together in smaller work groups to further elaborate on these sub-themes. Experiences and research from the several papers can be used as a background. Amongst others, following questions should be raised and discussed during the sessions:

1. What is the relevance of the question raised?
2. What are the policy implications?
3. What are the practical implications?
4. What are the research implications, including the organisation of the research at European level

Each work group will be structured and animated by a group of 4 to 5 chairpersons/rapporteurs. These persons have been invited by the convenors because of their various qualities (including willingness to act as chairperson/rapporteur) and expertise in the field. These same persons will be asked to formulate very briefly the key-elements of the debates of their groups during the closing session on Saturday as a starting point for a plenary discussion.

The expected output of the 2 days debates and the closing discussion is a report which will be published afterwards, along with the syntheses of the 2 previous workshops (Venice and Geneva).

Following is a brief introduction to the 4 subthemes as they have been identified and formulated by the convenors. Starting from the background paper and from the issues raised in the papers the convenors of this workshop would like to propose the following 4 subthemes as focusing points for the work groups. An attempt was made to attribute each of the 45 papers to one of these four groups (see list further on). Participants who did not propose a paper will have the opportunity to join one of the subtheme groups.

### **Sub-theme 1: Strengths and weaknesses of new urban forms generated by informality and illegality**

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“Spread city” (Weber) or “citta diffusa” (Secchi), “generic city” (Koolhaas), “irregular housing”,...terms are numerous to categorise urban forms generated by an unplanned, uncontrolled urbanisation, made by invasions or illegal occupations, clandestine transformations (Navez-Bouchanine, Jamaï), functional and planning divisions, rampant speculation,... in both North and South .

The recognition of a “morphological reality” and a legitimacy (in default of legality) of these forms, the apology of the informal (“African self-help” as a globalised model, for Koolhaas), the ephemeral, the mobile, the periphery,... against technocratic and authoritarian urban planning, is nerveless most of

the time a dismissal of public authorities for “common good” (T.Paquot), in favour of the marked beneficiary and to the detriment of the poor.

How to avoid these diversions of sense? What are the strengths and weaknesses of these new urban forms, in political terms, for management, as concrete responses urban challenges and the expectations of disadvantaged populations? What kind of legality can be built on the legitimacy of these locally initiated processes? Which implications for urban research and European researchers?

Proposed chairpersons/ rapporteurs:

- Marc Gossé (paper)
- Marcello Balbo
- Serge Allou
- Kelly Shannon (paper)
- Olusola Olufemi (paper)
- P.G. Dhar Chakrabarti (paper)
- Rein Skinner

Additional proposed papers for this group (this is a proposal based on a first lecture of the papers; authors are free to choose another work group after attending the plenary session when they consider their subject fits better with another subject):

- Paulo Rodriguez Soares
- Duncan Kasozi
- Fan Wengcheng
- Crispino Ochieng

## **Sub-theme 2: How to break the vicious circle Poverty-Informality/Illegality?**

In towns and cities in developing countries there is a high co-incidence between areas of concentration of poverty and areas where people live in the uncertainty of informal and illegal settlement. Poverty itself is much more than low income, it is the lack of access to the basic essentials of life including shelter, health, security and a means to earn a living. Lack of security may mean initial access to housing but it also limits options for improvement. Informal services such as water supply systems may cost many times as much per litre as the piped water of the middle and upper income groups. Health is often bad due to poor nutrition, again increasing living costs. Lack of security and restrictive regulations limit possibilities to raise finance and to earn a living. Security may have to be paid for to both corrupt public sector and private sector mafia.

Breaking the vicious circle between poverty and insecurity of tenure and employment is essential. To help develop more effective actions, greater clarity is needed on connections and their linkages. This raises a series of questions:

What are the impacts on the poor, positive and negative, of living and working under conditions of informality or illegality? What evidence do we have to this?

Which comes first, poverty or insecurity?

Do the poor concentrate in areas of uncertain tenure because they have no other choice? Do these areas become a trap which prevents escape?

What is the balance between avoidance of formal taxes and service payments, but the need to pay “informal taxes” of pay-offs and protection can be more expensive? Does the lack of rights and access to municipal services increase costs significantly to the poor?

What are the most effective means related to formality and legality of breaking the vicious circle and trying to develop positive synergies of development?

What are the implications for urban development policy of conclusions ?

What are the implications for practice? What research is still required to provide a better basis for improved policy and practice?

Proposed chairpersons/ rapporteurs:

- Banashree Banerjee
- Katharine Coit (paper)
- Marie Huchzermeyer (paper)
- Claus Teschner
- Sameh Wahba (paper)
- Yvonne Riaño
- (Michael Mattingly)

Additional proposed papers for this group (this is a proposal based on a first lecture of the papers; authors are free to choose another work group after attending the plenary session when they consider their subject fits better with another subject):

- Doris Tarchopoulos
- Julio Caldéron
- Paul Jenkins
- Ingrid Olortegui
- Sameh Wahba
- Ashna Mathema
- Karin Grundström

### **Sub-theme 3: The perception and definition of illegality and informality by urban actors**

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The perception and definition of illegal and informal settlements by urban actors has changed over the last twenty years. Most empirical studies emphasise the fact that public policies relating to these settlements have become more flexible, under combined pressure from the populations concerned, the civil society and international bodies.

Although in almost all parts of the world we have witnessed a rapid drop in the number of evictions and a new will to integrate illegal and informal settlements, these changes clearly concern the activities of urban actors more than the constitutional, legislative and regulatory framework of urban land management.

What is the true nature of these changes? Has their scale and durability not been overestimated? Are these improvements not simply the sole response, and a very modest one, by the public authorities to the exclusion of the poorest urban social groups, exclusion which is in fact worsened on all sides by the implementation of a liberal urban management policy.

Does the heaviest responsibility regarding illegality really rests on the poor? Is it not rather the responsibility of governments which are driving the poor to illegality, and using it as a pretext for exploiting and excluding them further?

The term "urban actors" includes: (i) international bodies (organisations within the United Nations system, international finance institutions and bilateral donors), (ii) State and local authority administrations, (iii) politicians, (iv) owners of land and housing, (v) developers, builders and promoters, (vi) the urban populations concerned, (vii) organisations representing civil society.

Proposed chairpersons/ rapporteurs:

- Thierry Paquot (paper)

- Edesio Fernandes (paper)
- Jürgen Oesterreich (paper)
- Peter Ward (paper)
- Mariken Vaa
- J.J. Tribillon

Additional proposed papers for this group (this is a proposal based on a first lecture of the papers; authors are free to choose another work group after attending the plenary session when they consider their subject fits better with another subject):

- Erhard Berner
- Valérie Clerc
- Richard Sliuzas
- Ayako Kagawa
- Babette Wehrmann
- Patrice Melé

#### **Sub-theme 4: Effective strategies towards coping with informality and illegality in human settlements**

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In the past decades several approaches to informal/illegal settlements in developing cities have been highlighted; strategies ranging from eradication, through tolerance, to glorification of spontaneous settlements have come and, at times gone, or persisted.

Lately a greater sense of realism has been underlying innovative approaches based on an acceptance of realities which, through negotiation, adaptations, incentive measures, provision of land, loans, etc., would over time result in settlements moving from a status of informality/illegality through to a status of being in a process of transformation towards legality and formality. Likewise building codes and planning regulations have often become more realistic, more attuned to local contextual practices, thereby de facto regularizing many settlements.

Which strategies are now seen as more innovative/creative, as guiding policies for future urban development (and which future development ?)? Which lessons can guide practitioners in their daily work also making a strategic long lasting improvement, particularly for the urban poor. And which insights and lessons from the field can stimulate researchers to modify their paradigms or evaluative frameworks and/or substantiate arguments towards strategies of sustainable urban development.

Proposed chairpersons/ rapporteurs:

- Abdoumalique Simone (paper)
- Carole Rakodi
- Thomas Mogale (paper)
- Liz Riley (paper)
- Geoff Payne (paper)
- Forbes Davidson

Additional proposed papers for this group (this is a proposal based on a first lecture of the papers; authors are free to choose another work group after attending the plenary session when they consider their subject fits better with another subject):

- Alan Gilbert
- Matteo Apuzzo
- Robert Home
- Isaaca Diagana
- Huang Yi

- Paolo Rodrigues Soares
- Clement Leduka
- Johan Bentinck & Shilpa Chikara