

# UN-HABITAT

THE CHALLENGE OF SLUMS



## Beyond Eviction: The Importance of Secure Tenure to Slum Upgrading

*"I came home one day to find some man, I didn't know him. He was telling my daughter we had to clear out of my room that afternoon – right then. He said he'd been sold the land my room was on by the city council. I've got six people living with me there - my daughter and the five children of my other daughter who died last year. I'm 57 years old. Where am I going to go?" – Teresia Wambui, Huruma, Nairobi.*

If you could be evicted from your home without notice – if at the whim of some politician or landlord, you and your family could find yourselves on the street tomorrow – how would that affect your willingness to invest in improving the home and community you live in? According to UN-HABITAT's **The Challenge of Slums: Global Report on Human Settlements 2003**, hundreds of millions of slum dwellers in the developing world find themselves in just that situation, with predictable results.

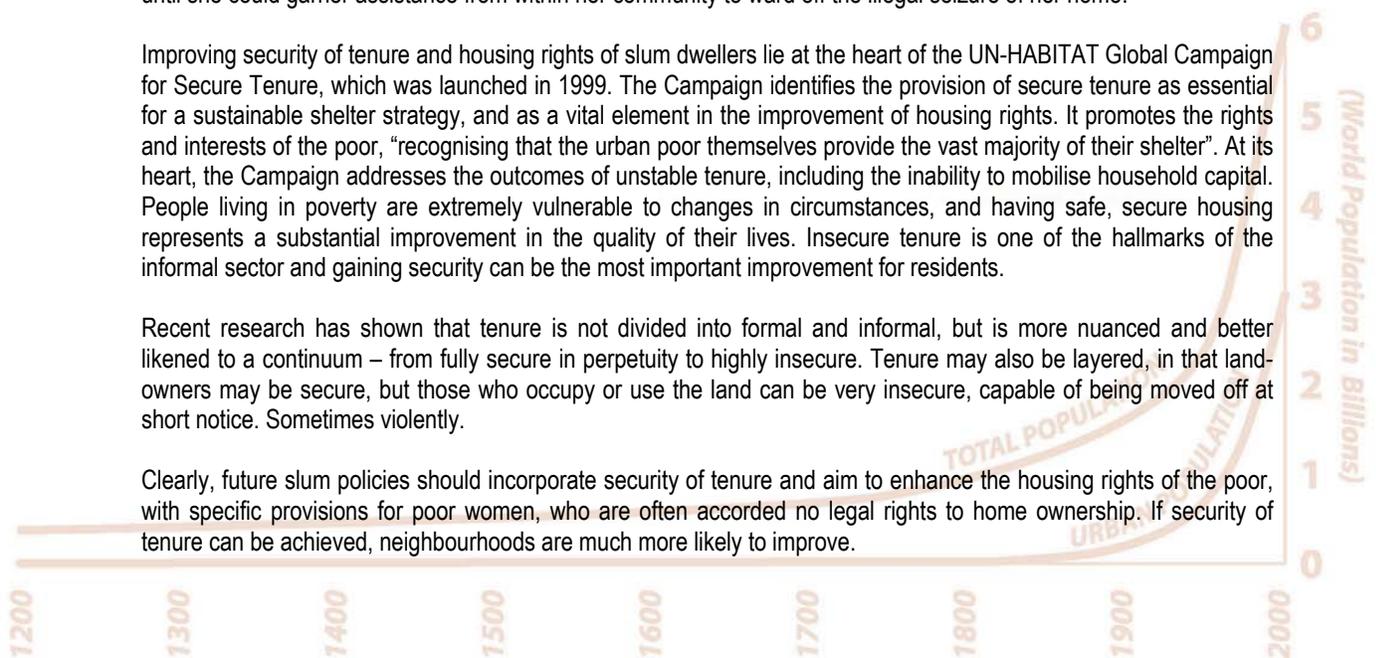
Security of tenure is more important for many urban poor than home ownership, according to the Report to be released next month. A large proportion of urban poor cannot afford property ownership, or simply have household priorities more pressing than owning their own home. For these people, rental housing is the most logical solution – a fact not always recognised by public policy makers. Experience has shown that large scale granting of individual land titles does not always work, and slum policies have begun emphasizing security of tenure (both for those who rent and those who own) and on housing rights for the urban poor, especially their protection from unlawful eviction. Moreover, recent policies are also starting to reflect a growing recognition of demographic realities in developing country cities – they are increasing their focus on the housing and property rights of women like Teresia Wambui.

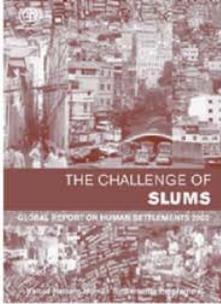
Teresia lives in Huruma, a Nairobi slum where The Pamoja Trust, an NGO working with slum-dwellers is, through donor assistance, building permanent housing for the community where the rights of occupants will be secure. Uncertain of her rights, and afraid for the safety of the children in her household, Teresia chose to leave the tiny room she had come to call home, and move in with another family, in an already overcrowded two-room dwelling nearby, until she could garner assistance from within her community to ward off the illegal seizure of her home.

Improving security of tenure and housing rights of slum dwellers lie at the heart of the UN-HABITAT Global Campaign for Secure Tenure, which was launched in 1999. The Campaign identifies the provision of secure tenure as essential for a sustainable shelter strategy, and as a vital element in the improvement of housing rights. It promotes the rights and interests of the poor, "recognising that the urban poor themselves provide the vast majority of their shelter". At its heart, the Campaign addresses the outcomes of unstable tenure, including the inability to mobilise household capital. People living in poverty are extremely vulnerable to changes in circumstances, and having safe, secure housing represents a substantial improvement in the quality of their lives. Insecure tenure is one of the hallmarks of the informal sector and gaining security can be the most important improvement for residents.

Recent research has shown that tenure is not divided into formal and informal, but is more nuanced and better likened to a continuum – from fully secure in perpetuity to highly insecure. Tenure may also be layered, in that land-owners may be secure, but those who occupy or use the land can be very insecure, capable of being moved off at short notice. Sometimes violently.

Clearly, future slum policies should incorporate security of tenure and aim to enhance the housing rights of the poor, with specific provisions for poor women, who are often accorded no legal rights to home ownership. If security of tenure can be achieved, neighbourhoods are much more likely to improve.





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## Insecure tenure in irregular or informal settlements

The lack of secure tenure is a central characteristic of slum life. In their efforts to provide themselves with appropriate and affordable housing, many people living in informal settlements are subjected to harassment by authorities. Without secure tenure, which is often a precondition for access to other opportunities, including credit, public services and livelihood opportunities, slum-dwellers have few ways to improve their lives.

One study cited in the Report identifies bureaucracy and elaborate red tape as major mechanisms excluding the poor from participating in legal enterprises and legal ownership of dwellings. The poor do not have the resources needed to cope with these bureaucratic hurdles; they simply do not bother and stay outside the legal systems – thereby limiting legality only to the privileged few. A more recent study asserts that secure tenure is the single most important catalyst in mobilising individual investment and economic development, being the foundation on which capitalism has been established. It argues that the substantial increase in capital in the West over the past two centuries is due to gradually improving property systems. But this has not happened in the developing world, where eight out of ten people hold their assets outside the formal system. According to H. De Soto, in his book *The Mystery of Capital: Why Capitalism Triumphs in the West and Nowhere Else*, the holding of funds outside the formal economy results in an estimated \$9.3 trillion of “extra-legal” real estate assets in the form of “dead capital” that is not transferable or fungible. It cannot be accessed for other purposes – such as collateral for funding of small businesses – since it is held in a defective form without title.

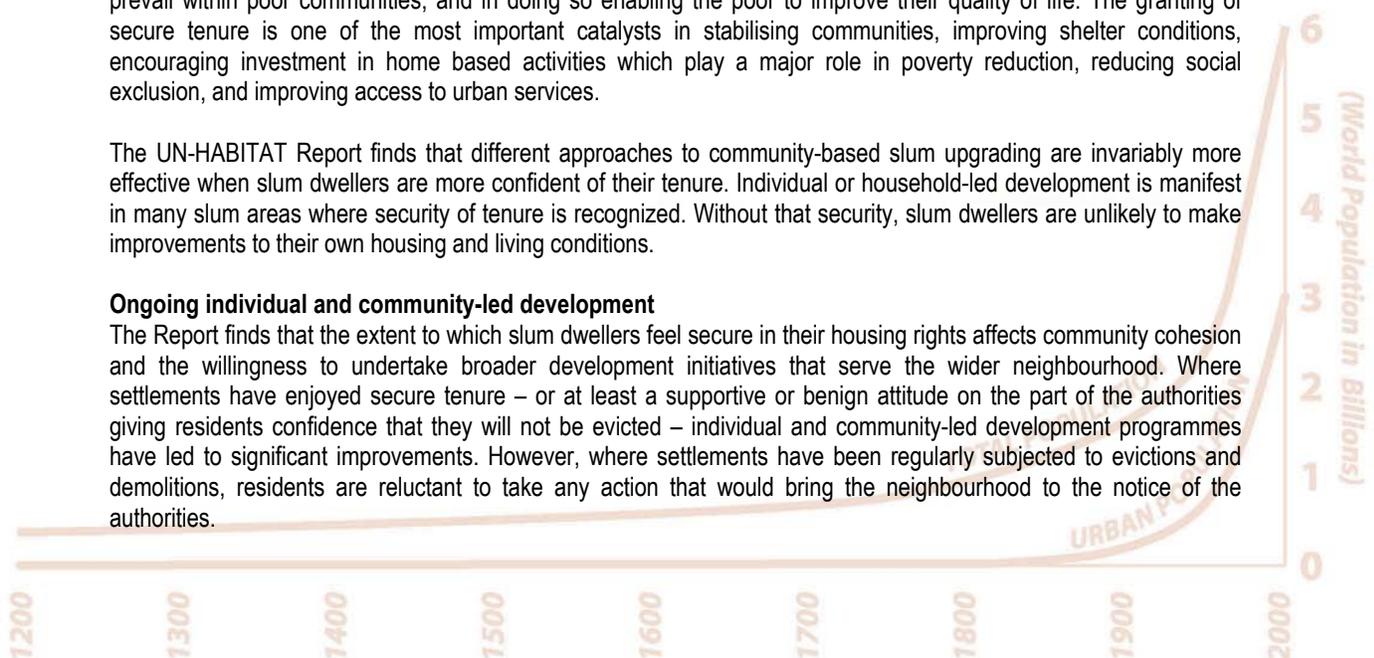
The UN-HABITAT Report notes that secure tenure comprises a bundle of different legal rights and is related to a number of other important issues. But legality in and of itself is not particularly valuable to the poor; many of the benefits of legal tenure are of course desirable, but can be achieved by the poor in different ways. There are differences between legitimacy and legality and a number of tenure arrangements stop well short of formal titling, while still providing the desired benefits. Secure *de facto* tenure is what matters to slum inhabitants first and foremost – with or without documentation. It is the security from eviction that gives a home its main source of value.

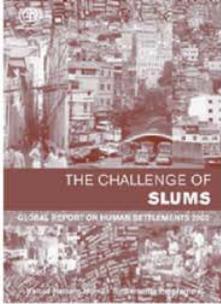
Protection against forced evictions is a prerequisite for the integration of irregular settlements into the city. For households in irregular settlements, security of tenure offers a response to the immediate problem of forced removal or eviction that Teresa Wambui encountered. It means recognising and legitimising the existing forms of tenure that prevail within poor communities, and in doing so enabling the poor to improve their quality of life. The granting of secure tenure is one of the most important catalysts in stabilising communities, improving shelter conditions, encouraging investment in home based activities which play a major role in poverty reduction, reducing social exclusion, and improving access to urban services.

The UN-HABITAT Report finds that different approaches to community-based slum upgrading are invariably more effective when slum dwellers are more confident of their tenure. Individual or household-led development is manifest in many slum areas where security of tenure is recognized. Without that security, slum dwellers are unlikely to make improvements to their own housing and living conditions.

## Ongoing individual and community-led development

The Report finds that the extent to which slum dwellers feel secure in their housing rights affects community cohesion and the willingness to undertake broader development initiatives that serve the wider neighbourhood. Where settlements have enjoyed secure tenure – or at least a supportive or benign attitude on the part of the authorities giving residents confidence that they will not be evicted – individual and community-led development programmes have led to significant improvements. However, where settlements have been regularly subjected to evictions and demolitions, residents are reluctant to take any action that would bring the neighbourhood to the notice of the authorities.





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## Intervention-led improved slums

Finally, some slums have experienced specific interventions aimed at improving one or more aspects of the settlement, but have not undergone a comprehensive upgrading. The actual impact of such partial approaches varies, depending in part on what has been improved or introduced. More importantly, perhaps, is the way in which the improvements were made or what motivated them. Often they are part of a local politician's efforts to improve his or her standing and win votes in the community. Residents often feel that such improvements are only their due and, rather than being grateful, may see them for what they are: bribes.

Ironically, where similar improvements have been the result of a struggle that has taken time and effort, they have helped to create a greater sense of community and have often had an enabling effect, empowering residents to increase their efforts to further improve their settlements.

## The Hope-filled Prospect of Tenure

Teresia Wambui watches the progress of the Pamoja Trust houses as they are erected, and admits to some cautious envy. "The people who get to live here," she says, "no one will be able to force them onto the street." She recalls that it took intervention from informal "officials" in Huruma to chase off, however temporarily, the man who laid claim to her room. She is hopeful but wary of a new agreement between the city council and the Huruma residents to secure tenure. "Me, I don't know when someone like him might come back. It happens all the time around here."

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