The urbanization of poverty: The growth of slum populations (1990–2020)

<table>
<thead>
<tr>
<th></th>
<th>Total slum population (millions)</th>
<th>Slum population as a percentage of urban population</th>
</tr>
</thead>
<tbody>
<tr>
<td>World</td>
<td>715</td>
<td>913</td>
</tr>
<tr>
<td>Developed regions</td>
<td>42</td>
<td>45</td>
</tr>
<tr>
<td>Transitional countries*</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>Developing regions</td>
<td>654</td>
<td>849</td>
</tr>
<tr>
<td>Northern Africa</td>
<td>22</td>
<td>21</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>101</td>
<td>166</td>
</tr>
<tr>
<td>Latin America and the Caribbean</td>
<td>111</td>
<td>128</td>
</tr>
<tr>
<td>East Asia</td>
<td>151</td>
<td>194</td>
</tr>
<tr>
<td>Southern Asia</td>
<td>199</td>
<td>253</td>
</tr>
<tr>
<td>Southeast Asia</td>
<td>49</td>
<td>57</td>
</tr>
<tr>
<td>West Asia</td>
<td>22</td>
<td>30</td>
</tr>
<tr>
<td>Oceania</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Commonwealth of Independent States

Source: UN-Habitat, 2006e, pp188, 190

Security of tenure: State party reporting responsibilities under the International Covenant on Economic, Social and Cultural Rights (ICESCR)

All of the 156 states which have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) are legally required to report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR), every five years, on the measures they have taken and the progress made in addressing the rights recognized in the Covenant. Among the more prominent questions which states are required to answer are the following:

Please provide detailed information about those groups within your society that are vulnerable and disadvantaged with regard to housing. Indicate, in particular:

1. the number of homeless individuals and families;
2. the number of individuals and families currently inadequately housed and without ready access to basic amenities, such as water, heating (if necessary), waste disposal, sanitation facilities, electricity, postal services, etc. (in so far as you consider these amenities relevant in your country); include the number of people living in overcrowded, damp, structurally unsafe housing or other conditions which affect health;
3. the number of persons currently classified as living in ‘illegal’ settlements or housing;
4. the number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction;
5. the number of persons whose housing expenses are above any government-set limit of affordability, based upon ability to pay or as a ratio of income;
6. the number of persons on waiting lists for obtaining accommodation, the average length of waiting time and measures taken to decrease such lists, as well as to assist those on such lists in finding temporary housing;
7. the number of persons in different types of housing tenure by social or public housing; private rental sector; owner-occupiers; ‘illegal’ sector; and others.

Please provide information on the existence of any laws affecting the realization of the right to housing, including …

3. legislation relevant to land use; land distribution; land allocation; land zoning; land ceilings; expropriations, including provisions for compensation; land planning, including procedures for community participation;
4. legislation concerning the rights of tenants to security of tenure, to protection from eviction, to housing finance and rent control (or subsidy), housing affordability, etc;
5. legislation concerning building codes, building regulations and standards and the provision of infrastructure;
6. legislation prohibiting any and all forms of discrimination in the housing sector, including groups not traditionally protected;
7. legislation prohibiting any form of eviction …
9. legislation restricting speculation on housing or property, particularly when such speculation has a negative impact on the fulfilment of housing rights for all sectors of society;
10. legislative measures conferring legal title to those living in the ‘illegal’ sector.


Enhancing Urban Safety and Security: Security of Tenure
A general typology of land tenure and property rights

<table>
<thead>
<tr>
<th>Typology</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Customary rights</strong></td>
<td>Members of the group or tribe controlling customary land may be entitled to a variety of rights, such as access, occupation, grazing and development, but not transfer; this can be undertaken only by the group as a whole or its accepted leaders. While rights can usually be inherited, land cannot be used as collateral for loans to individual group members.</td>
</tr>
<tr>
<td><strong>State land</strong></td>
<td>Allocation by chiefs of unused land near an existing settlement; common in northern Ghana. Access depends upon the chief’s approval or security.</td>
</tr>
<tr>
<td><strong>Cejal land</strong></td>
<td>Land controlled either by a group of people, as in Mexico or a co-operative.</td>
</tr>
<tr>
<td><strong>Individual</strong></td>
<td>In a few cases, in urban and suburban areas, customary rights to a family plot may acquire a status akin to individual title. They normally revert to corporate status, however, on the death of the original owner.</td>
</tr>
<tr>
<td><strong>Ground rent</strong></td>
<td>The charges made for long-term lease of undeveloped land, often by large landlords, who obtained their rights through grants made under feudal concepts. It is also used for any situation in which the rent is payable on the land as distinguished from rent payable on the building. Under the Ottoman Land Law of 1858, it enabled farmers and others to settle and develop unused land for the payment of a ground rent, or rent, as a registration of a claim. Secure where traditional titles still apply, but less so where active land markets operate.</td>
</tr>
</tbody>
</table>

**Private tenure categories**
- **Unlimited duration**
  - Provides for full ownership of unlimited duration and the right to free enjoyment and disposal of objects providing that they are not in any way contrary to laws and regulations. The only restriction is normally that of eminent domain, where the state may acquire part or all of a property provided that due process of law is observed and full compensation paid, normally for a period of 70 years. Long leases are practically indistinguishable from freehold, while shorter leases may be renewed subject to revised terms. The assignment of a lease by a lessee is normally permitted as with freeholds.
- **Finite duration**
  - Provides rights to the exclusive possession of land or property by the landlord (or lessor) to the tenant (or lessee) for a consideration or rent. Leases are normally for a specified period, which may vary from one year to 999 years. Long leases are practically indistinguishable from freehold, while shorter leases may be renewed subject to revised terms. The assignment of a lease by a lessee is normally permitted as with freeholds.

**Public tenure categories**
- **Crowd land**
  - Originally intended to acquire the Crown unused or unclaimed land in parts of British, Spanish, Portuguese, and other colonies. Such lands were often extensive (e.g., the land of Buganda), and were allocated to European settlers and companies with freehold or long leases.
- **State land**
  - This is not significantly different from Crown land; in private domain, state land may be placed on the market through the award of leases. In public domain, state land is retained by the state for use by public organizations, but is widely used for forests, military camps, roads and other natural resources; for example, it also applies in urban areas.

**Islamic tenure categories**
- **Mulk**
  - Land owned by an individual or family, which is the customary right of ownership. Most common in rural areas.
- **Minh**
  - Land owned by the state and that carries tax or赋税, which can be enjoyed; e.g., it mortgaged or given away. Rights may also be transmitted to heirs (male or female), although the land cannot be divided among them. The state retains ultimate ownership, and if there are no heirs, such land reverts to the state. Also, the state retains the power of supervising all transactions pertaining to the transfer of ownership rights and their registrations.
- **Mutha**
  - Land owned collectively, it originates from the tribal practice of dividing up usable land on which the tribe sells its members and takes account of variations in land quality to ensure equality. Restricted in application to tribal areas with low population densities.
- **Wafi**
  - Land held in perpetuity as an endowment by religious trusts and therefore stepped for use. Originally established to ensure land availability for schools, mosques and other public buildings, it gradually became a means of keeping land away from extraneous heirs or acquisitive states.

**Other formal tenure types**
- **Co-operatives**
  - In most developing countries, these are often a device to share costs, and transfer is sometimes possible (although this does not conform to the international principles of co-operative). 
- **Shared equity/ownership**
  - Not common in developing countries: the occupant buys part of the equity (30%, 50%, 60%, etc) from the freeholder and rents the remaining value. The proportion of mortgage payments then can be amended at a later date, enabling the occupant to eventually acquire the freehold.
- **Housing association**
  - Extensive in the UK, but not common in developing countries. Housing associations are non-profit organizations that provide and manage groups primarily for lower-income groups. Some also offer shared ownership. Tenancies are secure, providing rents are paid and other obligations are met.

**Collective, shared or joint ownership**
- A small but expanding form of tenure in which a group pools ownership and allocates rights of alienation and prior to a self-created organization. 

**Non-formal tenure types**
- **Squatter, regulated**
  - Secure, possibly with services and access to formal finance; higher entry costs than before regularization.
- **Non-regulated**
  - Security depends upon local factors, such as numerical strength and political support; low entry costs and limited services provision.
- **Unauthorized (or illegal) subdivisions**
  - Land subdivision with or without official approval, usually by commercial developers for sale to lower-income households seeking plots for house construction. May take place on public or private land. New community is the largest single tenancy category in the urban areas of many countries. Legal status varies but most occupants possess some form of title, such as a lease, tanze, or shared title, found in Turkey. Entry costs are usually modest due to efficient land development and relatively low development costs. 
- **Unregistered transfer**
  - Widespread in public-sector projects, where original owners transfer their rights, at a substantial profit, to another. The transfer is invariably not permitted by the absentee’s consent, but is effected using a secondary contract or power of attorney which is recognized in law. It is particularly common in Delhi. Secondary owners are rarely removed or punished, due to legal complications. Entry costs are relatively high as the transfer is not used to reduce the full market value of the land.
- **Purchased customary land**
  - In areas where customary tenure is subject to urbanization, such as Southern Africa and Papua New Guinea. Illegal sales of land take place between long-established residents and newcomers, usually kinsmen. Such sales do not enjoy legal or customary approval, but are increasingly accepted by all involved, providing occupants with security of tenure and even de facto rights of transfer.

Source: adapted from Payne, 1997, pp52–54