Informality and Formalization of Informal Settlements at the Turn of the Third Millennium: Practices and Challenges in Urban Planning

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Abstract: Over the past decades, urban growth dynamics, experiences of instability, the pressing need for housing and the seeming intricacies of political decisions and policies has made the issue of informality quite a dominating phenomenon. Though policy makers, professionals and researchers share different views on the process of formalization within urban space, it is to a large extent a shared principle that it is a process that requires an action and often viewed with a social-spatial contempt for the quality of urban space. The process and manifestation of informality varies across space and society in a way that could be described as a differentiated existence. The essence of this study was to analyze different approaches of "formalizing informality" through a case study approach to deduce successes and weaknesses from this actions as well as stipulating important hints for professionals dealing with such a growing phenomenon.

Through a desk study approach primarily based on literature and secondary data, but also an informant data collection, the study analyzes cases selected from southern Europe (Mediterranean countries), Africa and Latin America regions due to the predominance of informal developments (semi-informality, squatting informality and hybrid informality) and also documented actions on formalizing these informal activities on urban space. The findings from the study across these countries in different continents and also varying social-spatial systems revealed fragmented and isolated approaches that failed to recognize the wider and intersecting issues surrounding informality. All cases shared a fundamental principle in their approaches; that formalization still remains a work in progress, the most immediate policy option to control informal areas, responsive, convenient and a persistent tendency to policy makers and authorities. The study proposes the need for new perspectives that considered sustainable funding for addressing the issue of formalization, provision of preventive measures that deal with the emergence of informality, community participation and partnership, coalitions for economic and social development programs, and providing flexible alternatives that are responsive to the diversity of income groups.

Keywords: Informality, formalization, titling, land tenure, upgrading.

1. Introduction

The incremental and uncontrolled urban development during the past decades have made the issue of widespread informality a dominating phenomenon in the territory according to each socio-spatial context. A complex informality that is attributed to many causes and covering physical, socioeconomic, behavioral and legal aspects that is beyond the presence of formal/informal dichotomy in the urban space, is more a new complex and continuum system in place. Because of this situation, governmental institutions suffer from serious urban planning deficits. Moreover, complexities in political decisions and standardized policies continue to elude the majority of informal settlements that are often viewed as a marginalized and stigmatized areas in the urban space. However, many attempts of "formalizing informality" have been applied by policy makers and professionals which vary across and within countries. Also, researchers discuss possible actions to deal with informal settlements, such Hernando De Soto (2000) focused on principles of capitalism perspective, stimulating economic activity through productive workforce of individuals.

It is interesting to see if formalization attempts contribute to improve or worse the living conditions of individuals in particular cities or can cause the establishment of additional informal settlements. Under this perspective, this study aims to highlight the process of formalization of informal settlements through the analysis of different formalization approaches in many exploratory case studies located in Europe (Mediterranean countries), Africa and Latin America regions to deduce the impact of governmental actions in informal areas characterized by different informal typologies and degrees of consolidation. Therefore, the intention is to focus on the performance on those institutions (the state, municipalities, local authorities) responsible for the land use regulations and urban planning in the treatment of the hypertrophic growth of the phenomenon of informality. This attempt of "formalizing informality" lies a series of challenges in the urban planning domain. It is particular significant because still remains as an immediate policy option and a persistent tendency of a clear post-intervention. The intention is to define what are the successes and weaknesses from this attempt and the policies

have been adopted or implemented in dealing with the informal practices. This study aims to provide a comprehensive understanding of the phenomenon of informality at the turn of the third millennium, and to look in depth the influence of the institutions in the development and consolidation of the informal settlements and to seek what are the lessons and implications of the process of formalization. In this respect, we want to highlight and question the importance of formalization of informal areas as a provocative theme for the urban planning domain, which can translate into virtual practices and experiences of public, and governmental actions, especially if formalization efforts still remain a work in progress.

Within this context, the first part of the study makes a theoretical framework referring to informality as a broader concept that involves some anthropological, social, cultural and economic aspects; which is strictly related to land use. We also highlight some informal typologies in relation with the land use, new emerging trends, the causes of informality, formalization concept and some standard government solutions. The second part is focused on the exploration of the case studies in Europe, Africa and Latin America; according to the different typologies of informality that we found in the theoretical framework. In the case of European regions, specially cities of Milan, Puglia, Macedonia, etc show informal practices characterized by a type of "hybrid" informality. These reviews show that formalization policies combines practices of eviction, demolition and amnesty through payment policies. In African regions, specially the cities of Johannesburg and Cairo which are characterized by practices of "semi-informal" typology. These reviews show that formalization approaches are more focused on upgrading services, facilities and infrastructure, and urban redevelopment. Finally case studies in Latin American regions, cities such Rio de Janeiro, Bogota and Lima show practices of informal "squatting" typology. Formalization approaches have a more broader attempt and integrated dynamic that combines legal titling with other formalization policies, except in the case of Lima city in Peru, as the most experimented case that involves the narrow legalization of land tenure through titling. The last part is dedicated to looking at the future,

having new perspectives and responses in the formalization domain. For this, the study shows the results and a comparative summary of the exploratory case studies, some conclusive remarks and final recommendations.

2. Understanding Informality

2.1 A comprehensive concept of informality

It is important to notice that the idea of informality has drawn critical attention from many disciplines. There have also attempts to define the concept in new ways related to contemporary global, regional, and local political and cultural transformations of the last two decades. When thinking about informality, the first image that comes is one of "slums" occupied by squatters. Several forms of informality do not, however, involve land invasion. While Roy and AlSayyad (2004) among others link informality to processes of globalization and economic liberalization. Appadurai (2000) and other authors studied developing countries that offer deep insights on informal housing as an aspect of a different mode of urbanization. The study of informality as a global process has also yielded significant studies on diverse social situations (Mistzal, 2000). Despite significant new work on informality and its processes, much of the work still focuses largely on the economy domain. The attempt is to push the concept beyond the economic and juridical fields, to reflect on informality in terms of self-expression, social force and range of behaviors. Then, the first reflection concerns the possibility to speak about the concept of informality as a part of polarizing term that generates a series of inflexible dichotomies: First World/Third World, poverty/ richness, developing/ developed, traditional/ modern, formal/ informal; which risk invalidating the transversal analysis. Also, many researchers were placing informality alongside other spatial contexts, because inside of the word "informality" etymologically and semantically speaking, there is no direct reference to an identifiable "world", or by any kind of categorical assumption according to precise sectors or geo-political contexts (Curci, 2012). The term "informality" has attracted significant attention within recent urban literature (Moroni and Chiodelli, 2013). It is however, used in different senses and contexts.

i) the legalistic perspective; which defines "informality" as all that happens outside of formal regulatory procedures, involving personal contacts (social capital), the (strategic) cultivation of actor networks, and so on. This legalistic point of view, refers to unofficial modes and strategies, a collection of processes that are not "formally" sanctioned or regulated as part of a predefined rule-based procedure (these may include illegal land transfers, casual or spontaneous interactions, informal occupation, or informal "behind the scenes" negotiations between developmental actors, etc (Roy and AlSayyad, 2004). The most popular advocate of this point of view of informality is De Soto (2000), he considers informality is a natural response to legal barriers, bureaucratic procedures and also to real market forces.

ii) the economic perspective describes "informality" as a range of behaviors and practices unfolding within cities: the underground economy. For example, Tranberg Hansen and Vaa (2004) consider informality as "unregistered economic activities as constituting the informal city". Also Portes (1987) indicated that the concept of "informality" is related to the "status of labor" without benefits, the perfect description of what we called: "the black market" (no work contracts, lack of insurances, fiscal fraud, unrecorded payments, no benefits, etc).

c) an expression of social forces; a new interpretation is when informality is defined as a sense of the various modalities of urban associational life, a social organization: an expression of social forces. Researchers have recognized the capacity for social capital generated through "informal social networks" to alleviate the vulnerability of poor people. Alternatively, certain modes of political engagement can also be described as "informal". According to Friedmann (2005), is a notion of "empowerment" manifested by the self-organization for collective survival of the poor, a sort of opportunity-creating tendency.

iii) a behavioral definition, a new emerging concept about informality, as a mode of ambiguity, exceptions and arbitrary devices. Friedmann (2005) talks about various countries being characterized by a "degree of informality" in the

territorial space. Informality is "a mode that results from the interweaving of the formal and informal, a sort of mobile and elastic way between legal and illegal". Even more, according to Gilbert (2003), an individual or social group who switch between formal and informal over time or have both dynamics together in the same time. Indeed, according to Roy and AlSayyad (2004), there are more situations in which, at the same time, individuals belong both the informal and formal sector. Often the spread is not only among "marginals" but among preferential social status of population.

2.2 Relations between informality and land use

There is a growing interest in academia, in recent years, to understand the relationship between "land" and "informality", certain common words such as agricultural, claims, planned invasion, landless, land-use planning, owner, land tenure, plots, prices, reclamation, etc. help us to understand better the connection between them. According to Turnbull (1986), land is a "blank screen to which we can be played out". From this perspective there is an aspiration from the "high spheres of political system" - from the top - to control the urban growth and the spatial development such as the regulations, spatial plans and applications of laws, because land involves power and control. In a few words, this is a dimension of standards, codes and rules on which planning, urban design and policy are dependent since they are responsible for the land. Land is particularly important when it comes to liberal rules of property ownership and land itself is valuable, especially urban land. Considering the increasing demand for access to land in the last decades in urban areas by low-income groups and the difficulty of obtaining economical protection within urban centers, informality has become the principal tool in order to have an adequate housing in an urban land. The land value determinates land prices located especially inside urban areas, the increasing of land prices have in many cases excluded the home researchers from decent shelter. Therefore, for the majority of the population, access to land is limited - which is the reason of becoming more valuable leads to two

equally undesirable options, settlement on marginal sites or invasion of public or private land (Gilbert, 1996). Normative and authoritative structure is partially, or totally overtaken from unauthorized practices concerning land use (e.g. land invasion, land subdivision, informal occupation). This does not means the totally absence of norms, but the care of unorthodox "moral" and social codes which are in continuously tension with regulations enforced by authorities (Ben-Joseph, 2005). In accordance with this attempt, it is useful to classify also the different informal typologies on land use, according to Soliman (2004). The first type is the "semi-informal" settlement (A) which is generally characterized by a legal tenure or a formal permit of the land (specially rural areas located in the periphery), but land subdivision is not under regulated procedures and does not utilize the recognized institutions for housing (spatial plans and cadastre), the second type is the "squatting informality" (B) which refers to the illegitimate occupation of land/space. It happens when someone occupies a piece of land without being the legitimate owner, and the third type is the "hybrid-informal" settlement (C) which includes individual dwelling units on case-by-case basis that have a certain degree of informality and involves public or private land that may be originated as a legal land but through the time has been transformed partially or totally to informal configurations. The location of the informal typologies and their subtypes with their variants are provided in the accompanying matrix (see Table 1) .

Table 1. Matrix of informal settlements types and subtypes

TYPE OF LAND	INFORMALITY TYPOLOGIES			
	TYPE A Semi-informality	TYPE B Squatting informality		TYPE C Hybrid informality
Public land	Agrarian reform land	On municipal land	Shadow markets	By local administration
		On reclaimed land		By cooperatives
	Administrated land	By assignment to state development company		By public-sector companies
		By assignment to public-sector company	Decree land	By public/private development companies
	Decree land	By assignment to housing cooperative		By armed forces
		Designated as protected zones	Rental control	Historic city units with confused status
		Designated as public domain		
	Edge land	On armed-forced land		
Private land	On an agricultural land	Squatting in a deteriorated/abandoned private land or building (farmers, ranch, cascinas, villages, historic buildings, industries)		Dwelling units under incoherent use
				Dwelling units under partial or total construction/ internal modifications without permits buildings
	On core village land			Dwelling units under unlawful facilities supply
				Dwelling units using "black labour" activities

Source: Author's elaboration, 2013 after Soliman (2004).

2.3 Why informality emerges?

The causes of the phenomenon of informality that is directly connected with urban planning disciplines and issues such as cultural, economic and environmental speculations:

i) A globalized and liberal economy makes individuals freer, but according to empirical experiences in Latin America (Gilbert, 1998) does not necessarily improve the conditions of low-income families. Economic instability of liberalization produces moments of high levels of unemployment and what worsens their situation is when sometimes the informal sector is unable to

cover them, which contributes to increase the number of middle and low-income families and informal practices in the developing countries.

ii) Ambiguous and uncertain modes of governance affected the continuity of the policies and increased the permissiveness of authorities to allow illegal practices that avoid laws and regulations. The lack of rigidity produced ambiguous scenarios related to the rapid growth of informal areas. This phenomenon is specially emerged in periods of political election times or economic changes because of the level of "uncertainty" in the society. In addition, excessive bureaucracy and inefficiency in the governmental administration reduced the expectations to be confident due to formal channels. Consequently, informality is the rapid respond to full-fill their expectations and reduced uncertain conditions (Roy and AlSayyad, 2004).

iii) Dysfunctional governmental institutions lack of structural ability of public administration, especially at the local level, to provide and guarantee sufficient access to affordable and accessible infrastructural service to housing units or lands in many areas of the territory located especially in hazardous areas (Fernandes, 2011). In addition, shortage of affordable housing is affected by the way governmental institutions have managed the supply side of housing. Public institutions in many countries had not made efforts to promote innovative financing alternatives, such as housing microloan programs and noncommercial bank programs. However other countries have started taking this practices in order to regulate land markets that is linked directly with the causes of informal settlements (Duncan, 2005). Also, governmental weakness related to political clientelism; the long-standing political manipulation in informal communities that have been encouraged more informal development. Such questionable titles in public land have been often promised by politicians to low-income families.

iv) Difficulties in planning performance have been deteriorated more the performance of urban planning. Exclusionary practices in the planning performance have been reinforced the informality phenomenon in the territory located mostly in marginal areas, which represent constantly a

failure in the promotion of urban order and integration. For example, existing urban planning regulations and parameters (especially in the local level) are based on elitist technical standards that do not consider the socioeconomic realities, the real conditions and reasons for accessing land and/or housing units (Fernandes, 2011; Zanfi, 2007).

v) Urban transformations caused by rural-urban migration accelerate the accumulation of many informal urban areas. Factors contributing to massive movement toward the cities: development of transportation networks, a growing disparity in the standard of living between rural and urban areas, and economic changes (Duncan, 2005).

2.4 Some emerging trends of informality related to the needs

i) Consume drive aspirations, new aspirations is related to the desire of being a "contemporary" individual, induced by the media, but without using the legal channels. For example, people who wish to consume original products, but because all are unaffordable to them decide, to get some fake products in informal factories or markets. This new tendency of having aspirations related to consumerism, help to improve their desires of having a "better life" through informal channels (Hasan, 2000).

ii) Informal provision of basic services, there is an inadequacy and inefficiency in the provision of basic facilities and services across many cities. This situation gave birth to informal markets in small-scale that support the delivery of water, electricity, telecommunications and sanitation services, to informal areas. Paradoxically they are well capable to provide different forms of utility access in a flexible, market-responsive, and efficient way than official companies. However, numerous families in informal settlements are forced to pay even more in order to obtain access to their vital necessities by informal ways (water, electricity, etc) than those connected by formal services (Gilbert, 2002; Biesinger and Richter, 2007).

iii) Informal second home is no longer a place occupied during holidays, its duration time is more that the common notions of "double residence". The

reality is that people tend to choose their "second home" according to their needs: primary or secondary (residential, work, tourism, etc), in which the standard of life has been moved to a higher level, specially this new tendency have been practiced by high-income people (Curci, 2012). In this case the desired standards cannot be easily reached in a legal way, because of economic or social factors (create revenue and sustenance) but still represent a need or a dream for which it is necessary to take risk. Consequently, there is a trend to "access" in an informal way the second home in a more discrete way .

2.5 Correcting perspectives

Different perspectives have been introduced in order to talk about the kind of informality. The first understanding is that behind each definition about "informality" stands a precise semantic label that often corresponds to the institutional sensitivity, perhaps the most interesting definition is when informality does not necessarily mean a lack of organization or planning, it is something that lacks a physical shape which cannot be properly defined, but it is clear that there is an intrinsic order behind the apparent "chaos". It is important to notice that most of informal settlements are potentially the most powerful organizations, because the apparent "marginalization" generates a new situation of social cohesion (Roy and AlSayyad, 2004). Another understanding is that despite the origins of a preexisting discourse of the phenomenon that growth in places around the "Third World" cities (Latin-America and Middle East cities), there are problematic cases of informality that are wide-spread in developed countries, particularly in European cities with many levels of social status: middle, high and lower- income populations such informal "second homes", informal occupations or partial illegal constructions (Curci, 2012; Cottino, 2003). Finally, it is important to reconsider the usefulness of the conception of formal-informal dichotomy. In other words, informality is now a manifestation of new complex mutations and new trends, occurs at different speeds and directions in different parts of the society. The boundary between the formal and informal is even more blurred by the overlapping co-existence of both formal and informal conditions across

the sectors (Ostrom, 2006). There are most cases as complex and intermediate practices of informality (see Diagram 1). Thus it would be necessary to indicate that the transformation process from formal to informal and vice-versa is a continuous adjustment to economic, political and social conditions. Consequently, the relationship between the formal and the informal is a "continuum" and "complex" system that could open new discussions, but represent a complementary and dynamic nature, especially for urban practices. Hybridization instead of clear cut dichotomy concept may be worth considering in the interpretation of informality (Bromley, 2002).

Diagram 1. Formal-informal hybridization
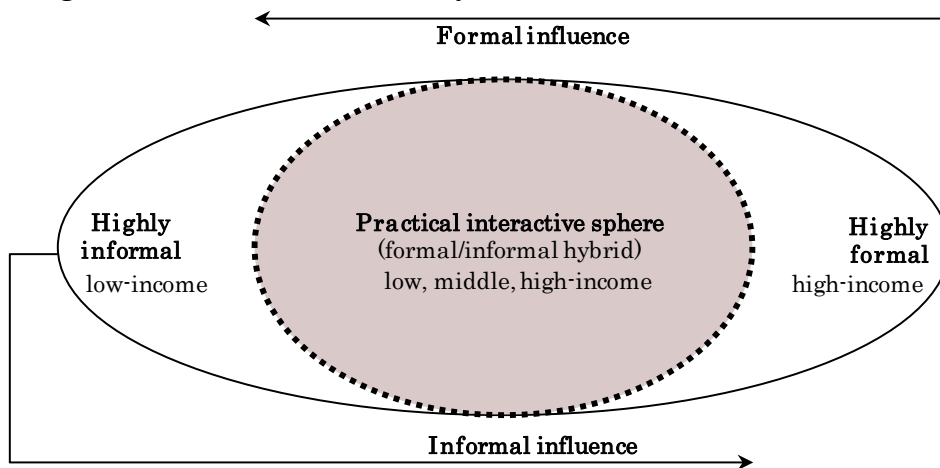
Source: Author's elaboration, 2013 after Ostrom (2006)

3. Shift to Formalization

Formalization is the process by which acts, situations, persons, and entities that are not recognized by law or formal channels, obtain such recognition. This may happen through individuals taking needed steps to achieve the formal state recognition (titling, upgrading, urban redevelopment, etc), or by the state moving to confer such recognition on its own initiative. Informal areas are a reality that many developed and developing countries have to deal with, because it involves a big portion of the urban population worldwide, especially in developing countries. Most of the informal settlements have been avoided by the government for a long time. In the last 20 years, residents of many consolidated informal areas have been compensated the insufficiency of basic (public) services and the lack of public infrastructure. A wide range of

humanitarian, ethical, religious, sociopolitical, economic, and environmental arguments can justify formalization. Most of the arguments are based on the socio-political and legalistic domain. Experiences of formalization in Colombia, Peru and Brazil, have already become a fundamental element of the constitutional social right to adequate housing. For example, the 1988 Brazilian Federal Constitution, recognized that those who had lived in informal areas for at least five years had rights to the regularization of the informal occupation. However, few policy makers, and specially the state fully understand the nature and dynamics of informal development processes, often reinforce urban informality and socio spatial segregation, and deterioration of the territory (Fernandes, 2011).

3.1 Legal recognition

The most important policy response to informal settlements has been to recognize or legalize informal land development, specially related to the practice of squatting; through juridical-administrative tools (indemnity, regularization procedures for titling) or through public policy (amnesty). This response is the clearest example of state's necessity to know and recognize what really happens or what should be under their territory. In relation to formalization policies that involve titling programs by the state, stimulated largely by De Soto's argument (2000) that it would provide a way out of poverty through credit market, some authors (Calderon, 2001; Durand-Lasserve, 2007; Payne and Fernandes, 2001) criticized its effectiveness beyond obtaining property titles through formalization programs. The critics holds that regularization policies benefit people who do not pay taxes, the unclear title benefactor: the occupiers, social transgressors, tenants or the owners; and unclear distinctions between informal settlements on public versus private land.

3.2 Upgrading in-situ: basic services, facilities and infrastructure

This intervention provides infrastructure (proper streets, public lighting, etc), facilities (police, schools, social services) and basic public services (water,

energy, sewers) to mostly consolidated informal settlements in non-urban areas. However, most interventions occur before building process and land titling, while it is the opposite in the formal domain. This "ex post supply", as Curci (2012) pointed out, is not simply a generous act, most of government interventions usually involve no cost for the beneficiaries, but a higher cost by the state. Rather than urbanization preceding occupation, behind the satisfaction of citizenship right, perhaps it is to recover the invaded territory and to show its sovereignty (Bayat, 2003). Occupying land without or with limited access to public services would be a way to make housing more affordable. This choice is logical because it allows them to capture land value through time. Furthermore, provision of basic services (ex-post dynamic) encourages informality not only by consuming public funds but also by making informal land markets (informal subdivisions) (Smolka and Biderman, 2011). Also it creates an important advantage for political parties since they are responsible for the government, it allows them to gain electoral votes by guaranteeing the provision of public services, and then building permission, to inhabitants of informal settlements.

3.3 Urban redevelopment

It is common for public authorities and specially for the government to use forms of repression (mostly applied through monetary ways than compulsory sanctions) as a policy response to informal practice. In relation with compulsory sanctions through demolitions (redevelopment or relocations), the government tries to recover informal areas (due to the lack of legal requirements) or intended to discourage and limit the development of unauthorized construction. In the case of on-site redevelopment through gradual demolition and in-situ construction of alternative housing, the government policy's response try to guarantee the security of consolidated informal areas on staying in the same location of the city in order to access to better living conditions (Fernandes, 2011). This interventions mostly target deteriorated informal areas were housing conditions are unsafe and closed to

vulnerable urban areas. In many developed and developing countries this mode is adopted to hazardous squatting informal settlements, under the justification of environmental and public health and the need for public spaces (Abdelhalim, 2010).

3.4 Reviewing planning tools

Formalization policies also involve revision and partial adjustment of planning tools. Planning revisions permit the insertion or inclusion of illegal buildings areas in the present local, or national urban plans and cadastre information. This practice permit to modify and update planning tools according to the real situation of informal areas and the real effects of a given territory, while the process of legalization still regulates informal settlements and illegal constructions in the same territory. Consequently urban insertion declines within public administration, organization and management (Curci, 2012). This mode is based on the positive impact of the land value of the building and connectivity to the city. It is particularly applicable to informal areas where density is high and space for public facilities is scarce. However few standard government solutions take in consideration this approach.

4. A closer view to some relevant case studies

The selection of exploratory case studies has been based on well and experimented examples of formalization with respect to legal recognition, urban upgrading, redevelopment and planning reviewing and because they were sociologically, morphologically and typologically fit with the topics of the study, especially because they show different typologies of informality. In addition, the availability of information on desktop research and the institutional support from many hierarchical actors involved in the formalization domain. From an operative point of view, it is contrasted between different geographic areas. It is fundamental to indicate that the most important note of this research involves the examination of the paradigms for formalization programs that have been used with mixed results to improve conditions of informal settlements in three different exploratory areas. First, located in the European area (Mediterranean

regions mostly), concern to practices of hybrid informality, such as informal "second homes", "shadow occupations in public buildings", "illegal constructions", etc. Formalization efforts have been made through demolitions and amnesty practices. Second, located in African area, cases of South Africa and Egypt with semi-informality typology, such as "informal subdivision on agricultural land". The operations used by the authorities are mainly related to urban upgrading in-situ. Finally, located in Latin America area, exemplified by Peru, Brazil and Colombia, that formalization efforts involve legal titling with urban upgrading in-situ, socio economic and socio cultural programs at large scale in informal areas.

5. Approach and Method

In the first place, it is important to observe that the field research has been an indispensable step because we noticed, for instance, the scarcity of specific scientific publications, especially related to formalization attempts. The approach for this research was basically oriented towards a qualitative dimension. The study involved preliminary investigation, theoretical discussion and literature on secondary information, data collection and analysis. Field data and desktop research was obtained from adequate photographic portfolio that would be comparable in the six sites studies, from interviews of local actors, mayors or other local government officers who given their knowledge of those places would enable us to better understand the impact of formalization programs (especially Italian cases) and to test the perception and degree of attention paid to the phenomena of informality and formalization mechanisms, from official documents from local authorities as well as information and important data in the field work, especially in the Italian and Latin-America cases, from make contact with those universities or public institutes that could provide at once theoretic support for our research.

6. Hybrid informality: fading politico-administrative power in Europe

6.1 Informal second homes in Puglia (Italy)

In Puglia, "informal second home" development was started in the 1970s. It has never been a tourist-related development, but a bathing site for neighboring populations. Moreover, the need for leisure and wish for the sea and homesickness are among the main reasons behind the creation of many coastal settlements, not only in Puglia, but also in other parts of Italy, especially in Southern Italy. In this area, the Municipality of Bari has never considered to plan and schedule any form of development consistently with a strong demand to live along the sea or in hinterland areas by emigrated populations (Curci, 2012). In the area of "Torre a Mare", people who have sentimental connections to the territory and for particular family ties are the major owners of informal second homes. Now, Bari seems uncertain, not only for illegal building practices, but because in one hand, families in the city find here more cost-effective prices and rents. The Municipality of Bari is still "busy" in a phase of examination with an unknown schedule, and without quantifying illegal buildings practices (see Picture 1).

Picture 1. Informal construction in the coastal landscape

Source: Francesco Curci, 2012

In Bari there is a significant phenomenon of informal "second homes". The illegal buildings has been further complicated, and often encouraged, by the three laws of amnesty enacted by the State in 1985, in 1994 and 2003. Therefore, there are many cases of buildings of low value, made illegally, and in a disorderly manner without adequate planning and lack of infrastructure works. Such constructions, later have been "forgiven" or "legitimized", impede the orderly management of urban space and force the government to bear

significant costs, in retrospect, to ensure the necessary infrastructure works, public services and urban standards. Many illegal buildings have been formalized (through "condono edilizio") in the past decades while many others, are located in areas subject to landscape protection that could not get the amnesty and are still in conditions of illegality. There are a number of them under legal proceedings both as administrative and criminal proceedings. This is one of the reasons why it is difficult to intervene to enforce the demolition of illegal works as long as it remains a pending legal dispute (see Figure 1). In recent years the municipality has worked to define, in a positive or negative sense, the number of amnesty practices that are pending and not yet delivered. There were about 16,000 in 2009, which currently have been reduced to just over 4,000. Of these, about half are for building abuses carried out in constrained areas and require a landscape assessment. This situation makes it impossible to decree its legitimacy. For all the illegal buildings that have been denied amnesty or for which there have been some building violations, the municipality proceeds with demolition orders that determine, usually, more litigation in court. Although this is a complex procedure and difficult because it may continually reopening of a legal dispute for any formal procedure mistake that must be fulfilled. Unfortunately, the public administration is very disadvantaged with respect to the laws of legal protection that, in general, are too shall guarantee with respect to action of individuals both at an administrative and criminal proceedings. For the administration, the demolition intervention demand is a substantial procedural commitment that requires time, human resources and financial resources to advance. The cost of demolition compensation will get only after immense efforts and through the courts. The planning instruments introduced in recent years have led to an awareness of a more respectful environmental land management and landscape. But most important there is a need to improve the quality of buildings and urban planning of the city.

Figure 1. Number of demolitions and illegal buildings in pending legal dispute from 2009-2013
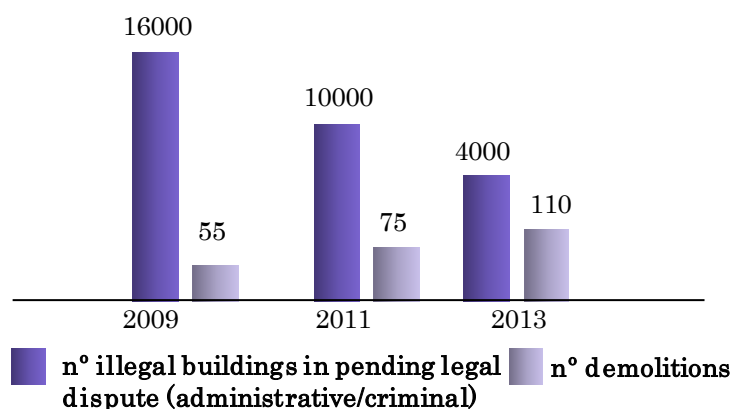
Source: Municipality of Bari- Department of Housing Policy (2013)

6.2 Shadow occupations in Milan (Italy)

One of the cases of shadow occupations in Milan is the case of informal occupation in public housing. Cases such a father and mother with three children, who occupy illegally in public housing because of necessity for eight years; an elderly lady, sick, "default" in rent payment for 15 years because she used to live thanks to the husband's pension; a pensioner who earns 260 euros per month and have to pay 350 euros for rent, and other many more, are dramatic stories that happen every day in the shadow occupations of social housing in Milan, in which Municipality of Milan and ALER(Lombardy Institution of Public Housing) are the main responsible. There are about 50,000 social housing units owned by ALER, and are approximately 35,000 social housing units owned by the Municipality of Milan managed by ALER. The houses that are illegally occupied constitute almost 7% of all public housing. In 2013, 4032 dwellings are occupied illegally in the public housing of ALER and Municipality of Milan. In 2011, 2931 dwellings are occupied illegally and in 2009, 3357 illegal occupied dwellings, which the number of occupation have been increased significantly. However in relation to evictions, 100 evicted dwellings in 2013, which means 20 more than 2011 (see Figure 2). The majority of the people who illegally occupied a dwelling do not have an

established employment, they lose their jobs. People who have families with children. Most people came from South Italy (65%) and the rest foreigners (35%).

Figure 2. Number of illegal occupations and evictions in Milan E.R.P from 2009-2013
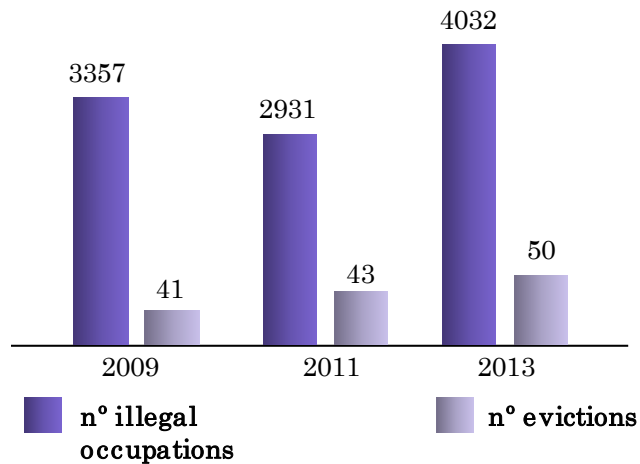
Source: Municipality of Milan - Department of House and State Property (2013)

The most popular neighborhoods are also the most targeted by shadow occupations (see Picture 2). The delay of payment in the social homes of the municipality is about 40%. Almost 30% of the houses are being renovated for degradation maintenance. Most of the 50% of those applying for public housing are immigrants (Eastern Europe and the Middle East). In addition to the situation of public housing, people evicted from private homes are also included. The other issues are occupations that involve crime (when the old tenant dies or just stay in hospital, then somebody take advantage of the situation and changed the lock of the house) and maintenance of the houses (www. milano.cinque.hive.it, 2012).

Picture 2. An illegal occupation in the storage area of a building

Source: Author's picture, 2013

In terms of formalization approaches; the Regional Regulation 27/2009 and n.3/2011, art. 15 (Lombardia Region) deals with cases of irregular administration concerning situations of established living in the housing unit through the definition of new contracts of tenancy (temporary rent) and the personal evaluation for a fee that takes into account the economic conditions of the family and the characteristics of the property. ALER has already identified 350 dwellings by activating the concrete process of regularization, and the Municipality of Milan for another 150 dwellings. However this regularization process is only for people who play by the rules, waiting for their turn in the ranking municipal, not for people who occupy illegally a public housing unit which is the majority of shadow occupations in Milan (www.comune.milano.it). Exception such as the case of "illegal occupants for need", is under evaluation by a commission which will consist of municipal leaders, trade unions and experts, contrary to the case of the "mafia illegal occupiers", in which they will lose the right to housing and will be evicted and punished (www.republica.it). In terms of urban redevelopment; ALER has an obligation to protect their own public buildings and the others buildings of the Municipality of Milan. However, ALER verified some "soft" illegal occupations. If ALER is unable to reach the most problematic illegal occupations, it returns with the police or the Municipality of Milan, but if some social protection institution for the occupants are involved (as often happens), the situation is passed into the hands of the State Police and Court. The Municipality of Milan with this administration is doing a planning operation of organization and reorder to

almost 2,500 existing empty accommodations. In some cases, they implemented armored doors made of concrete or metal to avoid illegal occupations (see Picture 3). In addition to this, ALER, has implemented an alarm system that linked with the door, when somebody tries to force the entrance, immediately the alarm is activated and connected with the State Police.

Picture 3. A metallic door and a concrete door were built for prevention

Source: Author's picture, 2013

6.3 Unauthorized buildings and convenience for penalty payments in Macedonia (Greece)

According to the reports, 40 percent of dwellings units or even more are illegally built in Greece. The Government has serious concerns about the rapid increase in the informal phenomena in the last decades, especially in coastal regions such Central Macedonia areas (Potsiou and Dimitriadi, 2008). The most important cities in Greece have an industrial concentration caused by a massive mobilization of migrant people. The informal construction is started by the conformation of homogeneous communities in the city. The hybrid typology based on illegal use, without buildings permits (see Picture 4), is caused by the weak point of the government national planning, mostly because of the excessive normative regulations, the lack of cadastre and administrative gap that improves the production of illegal operations (Potsiou and Boulaka, 2012). This phenomenon has developed considerably since 1970's when the cities started their process of rapid urbanization, infrastructures, transportation

improvement, economic capitalism and increase in consumption. Greece, has the highest percentage of unauthorized buildings. This percentage ranks the country in the third place in Europe, immediately after Spain and Portugal (Karayiannis, 2010). For example, according to Curci (2012) in Halkidiki city, the lack of an integrated tourism system and the arbitrary dimension of local administrators, help the development of approximately 50,000 illegal built homes. Strategic policies forced population to relocate to new industrialized areas and adapt to new difficulties.

Picture 4. Construction without building permit

Source: Francesco Curci, 2012

The Greek Constitution states that no one shall be deprived of his property except for public benefit which must be proven. Informal construction cannot be legalized in Greece if built in non-planned but protected areas (e.g. forest lands, coastal zones, archaeological sites, etc), or if it violates existing planning or building regulations in the planned areas. In addition, a promulgated Law in 2010 (Law 3843/2010), with the support of the Ministry of Environment, Energy and Climate Changes, imposed on unauthorized constructions owners a penalty equal to 5 to 15 percent of the construction value. This policy affected not only the violators, also those who changed the use of the building without permit and those without accordance to urban plans. As response, violators prefer to pay the penalty instead of being halted by the demolition process. The Minister of Environment, Physical Planning and Public Works proposed to extend the terms for applications, by transforming the project into an amnesty to get legal recognition according to evaluation criteria, because it is almost impossible to destroy 1 million of illegal buildings. However the strategy is to stop the new generations of illegal constructions and demolish the illegal

buildings on protected areas (Potsiou and Boulaka, 2012). In general terms, illegal construction is still a crucial issue for the authorities. Especially in these times when Greece pays particular attention to informal practices for profitable reasons; the economic benefit of a sanction applied to a huge portion of population who lived in illegal buildings (partially or totally illegal). In this situation, policy makers seem to be forced to recover informal constructions and to give up on refined expectations. Also, some opportunities were given to be legalized through EOT (Greek Tourist Organization) procedures, not as buildings but to get the sign of EOT for the services that they render. Since 2005, there is a urban plan project and the formalization procedures have started, every citizen has the possibility to legalize the existing building constructed before that year (Curci, 2012).

6.4 Hybrid informality and demolitions in Dalmatia (Croatia)

The issue of hybrid informality is perceived in Croatia as a problem also for the coastal ecosystem and tourism, which are the major resources for the national economy. According to Pahić & Magdić (2007), before 1968 the building permit were not required, but afterwards distinctions are made between those who illegally built for socially driven reasons and those for profit driven reasons. This distinction drives to consequences and discriminations because for the first case, especially in urban areas, it is possible formalization through some series of legalization procedures. The wild development of tourism and unauthorized construction in coastal areas (see Picture 5), especially "second homes", made hybrid informality a phenomenon at a national level. For this reason, the case of Vir city, which is the most representative town of unauthorized construction. For example, is today the symbol of urban and landscape degradation produced by the building of "second homes" along the coast. In 2011, there were 12,000 informal "second" homes in the town. Consequently, authorities treat the problem as a threat for the national economy and a crucial issue for the nation because of the incremental number of informality practices and environmental degradation in recent years. However, it seems that informality is the real obstacle for economic progress and development for the territory (Curci, 2012).

Picture 5. Illegal building of second homes for recreational purposes

Source: Francesco Curci, 2012

There is a confrontation between administrative offices working at different levels trying to solve the phenomenon of informality in the Croatian territory. In addition, the government intervened in some towns demolishing 3.500 buildings, but the impact would not be the same if it did not demolish in Vir and Rogoznica (symbol places of unauthorized building). Until now the houses which have been demolished in these areas represent less than 10% of this current number. At the same time, the government provided some public services for the unauthorized construction, which is something contradictory with the promulgated norms. Nowadays, it is not possible to have access to public services if you build under illegal channels. Also, according to the regulatory plan (2004) it will not be possible to build new houses where unauthorized buildings have been demolished. However, new rules and conditions of last strategic plan have been discussed, approximately 30% of houses can be legalized, while the remaining 70% cannot be legalized since some urban parameters had not been respected. In addition, part of the urban plan (2009) involves the cooperation between authorities at different levels, and the incorporation of those who did not apply to the legalization opportunity during the period 1992-1996 because of war situation, or those whose houses were demolished for no reason during that period. Hence, some already rebuilt and others sold the land. However, this last urban plan does not ensure the legalization of all illegal buildings because of strict urban norms (Curci, 2012).

7. Semi- informality: challenges of formalization in Africa

7.1 Illegal subdivision of land and upgrading efforts in Cairo (Egypt)

Illegal occupation in public land (specially desert land) were ignored by authorities. Illegal subdivision on agricultural land became a prominent feature of the urban growth since 1980's (see Picture 6). Since the 1990s, governmental policy started to target informal areas on the basis of perceiving it as a security threat (terrorism and crime incidents), and then as a humanitarian cause that after was confirmed by a presidential decree for upgrading informal areas focused on infrastructure improvement. In the 2000's a series of national programs for upgrading informal areas emerged, focusing mainly on improving access and providing infrastructure and services in consolidated parts of informal areas (Abdelhalim, 2010). In 2002 the estimated population of informal areas in the Greater Cairo Region (GCR) was 8.3 million. In 2007 the population of informal areas in Egypt was duplicated, 40% were living in Greater Cairo Region. This emphasizes the fact that informal areas in Egypt increasingly became an element of public policies. Following that, a national fund was established in October 2008 to develop informal areas, giving priority to unsafe areas: the Informal Settlements Development Fund (ISDF) which is directly affiliated to the Prime Minister and managed by many representatives private and public actors. Focused on consolidated informal areas such "aashwa" (associated with social problems such as drug dealing, prostitution, street violence and high crime) into the city, the national fund worked more on urban redevelopment and upgrading basic services. The approach focuses on improving access to the area, paving and lightening main roads, installing infrastructure (water, sanitation, electricity), improving the solid waste collection system, upgrading public services (schools, health units, bakeries, youth centers, police and fire fighting stations, etc.), organizing street markets and microbus stops. However, access to basic education, youth centers and health units still shows great deficits. Governmental upgrading intervention is based on the argument that physical interventions provide the basic minimum standards of living conditions that are of higher priority than other types of formalization efforts. These physical upgrading measures have been seen as raising control over areas difficult to control (specially clashed

areas) (Abdelhalim, 2010; Sejourné, 2006). In Cairo city, great efforts have been done. However, processes to bring upgrading on the way were slow and complicated (missing participatory approach) caused by local conflict. Most of the funds were strategically allocated to large infrastructure projects that partly served informal areas (World Bank, 2010). Until today the National Program for Urban Upgrading has been the only strong governmental formalization effort on the issue of informal areas besides some smaller donor-funded pilot projects of upgrading. Most of the mobilization of informal residents are in new social housing developments at the fringes of the city or in new cities, the government strategically relocate them because of commercial interest to sell part of the high-value land or use it for real estate investment (GTZ, 2004). In relation of this formalization approach, 16 areas in the Cairo Region were to be demolished (with compensation in the form of new constructions), mainly because they were physically affected by the earthquake in 2001 (see Figure 3).

Figure 3. Number of informal areas to be upgraded and removed in GCR

| n° informal areas upgradeable | n° informal areas non upgradeable & to be removed |
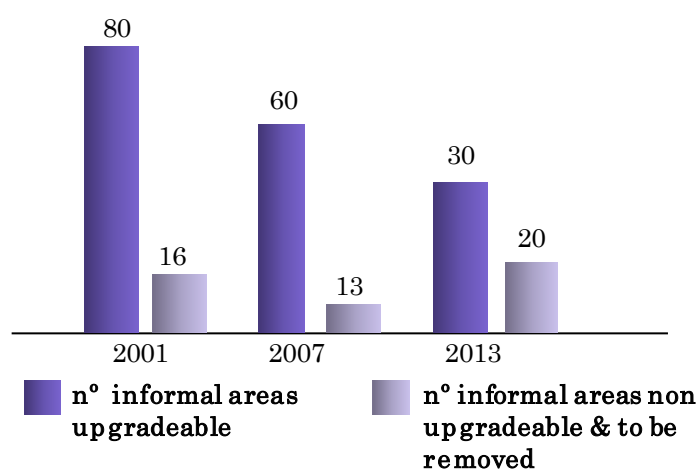
Source: Information and Decision Support Center (2013)

7.2 The illegal edge land and incrementally securing tenure of land in Johannesburg

In 1994, when Nelson Mandela was elected president in the first democratic election, it was estimated that almost 8 million people lived in informal settlements, now the population duplicate the measure. The reasons behind the growth of this phenomenon can be explained mostly because of the

apartheid policies (forbade black people to settle in urban areas unless they can have a formal job) or separation of racial groups that were conducted in previous regimes. The effects of politics and the influence of two ideologies (modernism and apartheid) reflect in the structure and morphology of the city of Johannesburg, which means that majority of black people were located away from the city center (see Picture 6).

Picture 6. Informal settlement located in an edge land (periphery)

Source: www.urbanlandmark.org.za., 2013

Since Mandela government, the attitude towards the apartheid regime has changed into a more "integrative" perspective: a more quantitative direction that provides public services. Also, the Reconstruction and Development Program (RDP) was launched, in order to provide basic services, infrastructure and housing to the marginalized groups (www.urbanlandmark.org.za). In 2004 a new approach towards the upgrading of informal settlements was approved in South Africa: housing towards "sustainable human settlements". It also involved the Upgrading Informal Settlement Program (UISP), in order to relocate informal settlements and bring new houses to them. In-situ upgrading was not beneficial in terms of cost, also because the high densities of informal settlements require high levels of community participation (see Figure 4).

Figure 4. Number of informal areas with some formalization programs
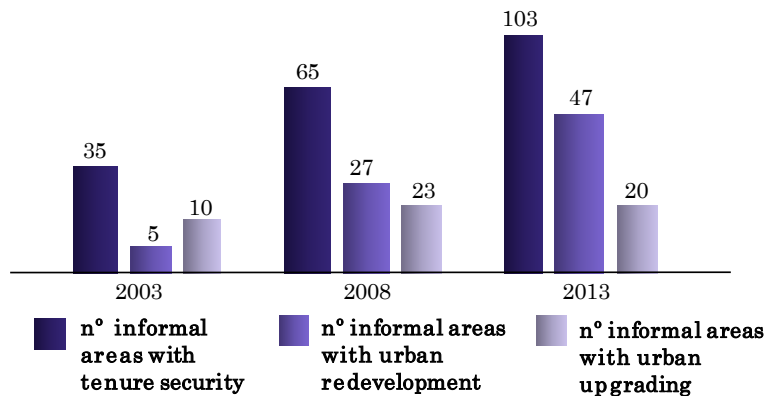
Source: www.joburg.org.za, 2013

The legal tools uses procedures to grant legal status to an informal area. For example, the designation of "early" forms of township establishment, through the Less Formal Township Establishment Act (LFTEA) or a simple Development Facilitation Act (DFA) applications that also afford legal recognition to a informal settlement. Also, the City of Johannesburg's Amendment Scheme: informal areas are declared as "Transitional Residential Settlement Areas"(TRSA). Certain legal conditions become applicable (e.g. land use conditions, basic layout plans, occupation certificates and registers). When a settlement becomes a township, it corresponds the title deeds (few were released), which is the final document evidence of tenure (see Diagram 2). However, township occupiers are not allowed to sell the land or the occupation certificate (www.joburg.org.za).

Diagram 2. Legal pathways (legal recognition) in Johannesburg
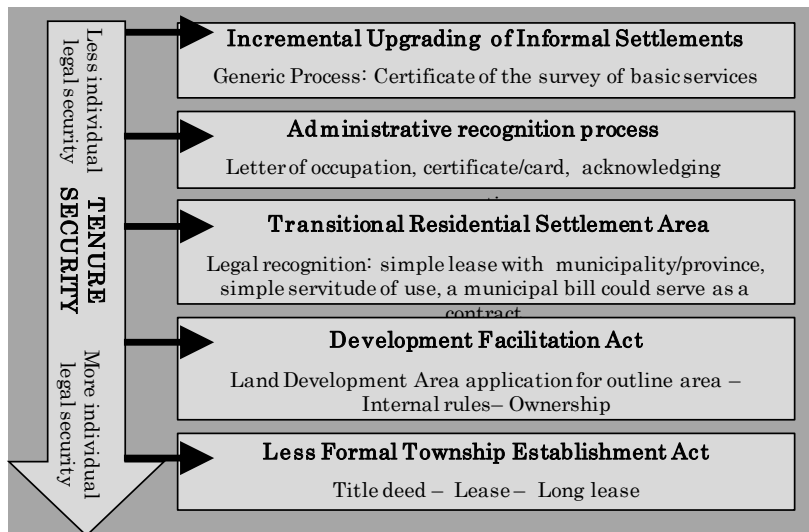
Source: Author's elaboration , 2013 after www.urbanlandmark.org.za (2013)

Related to urban redevelopment efforts, is based on an Informal Settlements Strategy and the Upgrading Informal Settlement Program (UISP). There are two approaches: urban redevelopment in-situ and relocation. The first approach involves the provision of basic (public) services, and other interventions (roads, social services, etc) in the same informal area with little relocation of the residents as possible. The second approach involves mobilization of informal settlers to other peripheral areas. High levels of crime, inadequate service delivery and unhealthy environment have been cited as reasons for relocation informal settlers. Government constructs new social housings and the rest of the network services for the relocated residents. Relocation to other reception areas is not a preferred option. It disrupts communities and often forces people to live far from where they have managed to find work and build a life (www.joburg.org.za).

8. Squatting: the veterans of formalization in Latin America

8.1 Favelas and socio-spatial integration effort in Rio de Janeiro (Brazil)

Rio de Janeiro, has a strong concentration of informal settlements,

particularly squatting typology, called "favelas", mostly located to the North-East of the city. The city has always been an attraction for immigrants and also a place of strong housing and economic growth. Since the 1930s the spread of the informal phenomenon which was fueled by the economic crisis and the collapse of coffee prices increased income inequalities. Migration fluxes were not controlled, then globalization increased the urban sprawl corresponding to the growth of the "favelas". Almost one third of the total population of the city live in those areas. Not only emigrants from distant parts of the country live in informal settlements, also people from the same city. The work of the informal settlers is mainly in the services sector (services for gated communities, transportation, security services) and informal trade markets. Rio de Janeiro is becoming one of the most expensive cities in Latin America and the land value has grown in recent years. This growth produced the location of informal areas in central parts of the city (see Picture 7), which become places with a strong identity and with great demand for real estate speculation because of urbanization (The Cities Alliance, 2010; IBAM, 2002). From 1970s, formalization approaches has seen a clear confrontational trend between federal, state and city governments. First seeking to eradicate "favelas", they went on to favor the urbanization of areas through consolidated occupation. During the 1990s, programs were started with large-scale interventions with national matching funds and international cooperation institutions from World Bank and Inter-American Development Bank (IDB). Efforts have ranged from eviction to urban upgrading. Policies approach to informal settlements, it is seen as having a social function, this means that the right to land tenure is moderated and must co-exist with social, cultural and environmental aspects, especially after the natural disaster happened in the city in April 2010: when heavy rains led to the collapse of various "favelas" causing the deaths of at least 80 individuals (Smith, 2011; IBAM, 2002). In the early 21th century, after city became designated for World Cup 2014 and Olympic Game 2016, planners started to modernize the city center, "favelas" were ignored in plans or, when recognized for eradication.

Picture 7. Favelas located in central parts of the city of Rio de Janeiro

Source: Author's picture, 2008

The socio spatially integrated approach to Brazilian formalization (urban redevelopment, upgrading and legalization) tries to ensure individual tenure security while maintaining informal areas in their original locations in order to ensure that the main beneficiaries are the poor informal residents with the support of legal recognition as it guarantees that informal residents are not evicted This approach involved a set of strategies ranging from promoting urban and environmental sustainability to informal communities with cooperation of UN Housing Rights Program (UNHRP) that involve socioeconomic (generated income and job opportunities) and cultural dimension (overcome stigma of living in informal areas) (Fernandes, 2011; IBAN, 2002). An example is the Favela-Bairro program that involves a large public investment in infrastructure, services, public spaces, and community facilities, combined with continuous housing consolidation by the informal residents. However, most existing formalization efforts have addressed only a small number of informal areas. Favela-Bairro program has covered until 2013 fewer than 250 of the 1,200 "favelas" in Rio de Janeiro (see Figure 5). Over the years, formalization efforts have become more technically sophisticated, more environmentally sensitive, and more participatory, as they continue to benefit a small number of people mainly because of their high financial costs (Fernandes, 2011; IBAM, 2002).

Figure 5. Number of informal areas with "Favela Bairro" and UPP programs
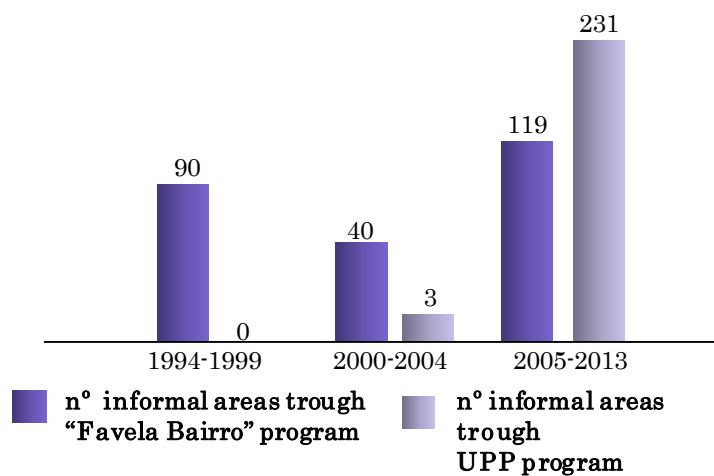
Source: Statistics of SNPU /Ministério das Cidades (2013) and Araujo (1989)

In relation to planning dimension; a series of planning programs have been implemented from 1994 to today. The Development Plan, the Plano Director of Rio de Janeiro, has constituted the AEIS (Special Area of Social Interest), a zoning that permitted the intervention of policies inside the informal settlements. This is based on understanding that urbanization standards must be flexible in order to enable formalization areas. For each informal area, specific and appropriate urban and building standards were defined for the different situations. Two basic models of procedure can be identified. The first started with the delimitation, under specific legislation, of each settlement, urban zone or area as an AEIS followed by the development of an urbanization project or plan, generally counting on community participation. Second, the legislation itself creating the ZEIS (Special Social Interest Zone) and AEIS defined the criteria or general parameters to be followed. Many criticisms have been leveled at Favela Bairro Program (see Map 1), for the high costs incurred and a certain forgetfulness of some works realized, but it was the big first step toward wide policy interventions. Programs such as "Morar Maravilha" and "Minha Casa Minha Vida" inside the PAC (federal program of acceleration of urban growth) was launched by the "Municipal Plan of Integration for Informal Settlements in precarious condition", which

involves urbanization and integration of all "favelas" in the next 10 years (Handzic, 2010; The Cities Alliance, 2010; IBAM 2002). It is also important to mention the program of Pacifying Police Unit (UPP) and Social and Community Integration (CIS), promoted and implemented by the State of Rio de Janeiro, in collaboration with UN-Habitat and a private Institute.

Map 1. Plan of the Favela-Bairro Program with AEIS (red points)

Source: www.informalsettlements.blogspot.it's, 2011

8.2 Tugurios and economical sustainability efforts in Bogota (Colombia)

Highest economic, political, social and physical-spatial conflict has been happened in the city of Bogota, which represents mainly the complexity of Colombia situation. The long history of internal violence in the country has been characterized by the displacement of rural populations mostly to large urban centers like the cities of Bogota, Medellin and Cali (Lozano-Garcia, 2010). Bogota was not prepare to receive largest populations, the city has not proper housing policy in relation to demand and it was forced to receive internally displaced people (IDP) allowing them silently informal practices (squatting), such as illegal occupation in public and private land that became part of the configuration of growing population of informal settlements (slums). Paradoxically, today the city is the symbol of the economic and cultural development of the country, that deals with strong political and social issues. However the city shows more explicit social inequalities, now the higher income group account for 40 percent of national income and largest population under the poverty line. In addition, there is a social segregation in the spatial configuration of the city, reflected in the distribution of services,

infrastructure and environmental quality, that highlight the North part of the city as the "formal city" occupied by mostly the rich people, and in the other hand, the South part of the city as "the informal ones" represented by low incomes people. As land values increase, formal title holders are more likely to apply for eviction of squatters in order to sell land for lucrative development projects (USAID, 2010; Torres, 2009). Most of the formalization efforts are related to urban redevelopment and urban upgrading with more self-sustaining approach, especially in financial terms; in order to provide public services, sanitation, infrastructure; the city' revenues found in new development, urban operations, and surplus value recapture processes. This kind of financial redistribution of the resources has been operated through "Nuevo Usme" Urban Operation inside of the POT (Territorial Order Plan), which integrates several public mechanisms to intervene in the land market: construction of social housing; provision of direct subsidies developed by the combination of public and private actions in which access to housing is the finished product. Operation Usme investment of public funds must prioritize the generation of urbanized land quality (roads and infrastructure, green and recreational areas, facilities), while collective element produces more universal impacts that can be financed with increases in land prices by urbanization. This policy captured private land value increments for public benefit in order to offer affordable serviced land to the urban poor, with the public administration thus replacing the traditional "pirate developers". Also new housing produced by private developers in Bogotá, offers public subsidies to assist low-income residents (Maldonado, Copello and Smolka, 2003; Fernandes, 2011). Metrovivienda, a public agency in Bogotá (see Picture 8), produced new social housing development in the Nuevo Usme area.

Picture 8. Metrovivienda built new social housing in "Nuevo Usme", Bogota.

Source: www.metrovivienda.gov.co, 2011

In addition, authorities started to reformulate planning approaches since the Law 388/1997. Bogota Municipality have reviewed urban plans for the city and formulated according to the POT (Territorial Planning Order). Bogota proposed in the POT for the city (2000), the MIB (Integral Improvement of Informal Neighborhoods), for the improvement of informal settlement areas of the city Bogota's POT was designed with some specific objectives related to correction, reformulation, rectification of the urban planning deficiencies and housing conditions. Also the Plan outlined some instruments such as the Unit of Zonal Planning (UPZ) and some programs. The UPZ is a management tool for planning that functions as an intermediate scale between the informal settlements and the rest of the city. The UPZ represents an urban area that includes different neighborhoods and informal areas, its extension is limited, and permits to plan more specifically and so directly related to the characteristics of the place (Fernandes, 2011; Torres, Rincon and Vargas, 2007). The Territorial Planning Order of Bogota has certainly given emphasis at the promotion of legal urbanization, the SDP (District Department of Planning) of Bogota estimates that 6000 formalization licenses were granted to inhabitants of some consolidated informal settlements, benefiting about 20.000 people (see Figure 6).

Figure 6. Number of informal areas with "MIB" and PTP programs since 2000.
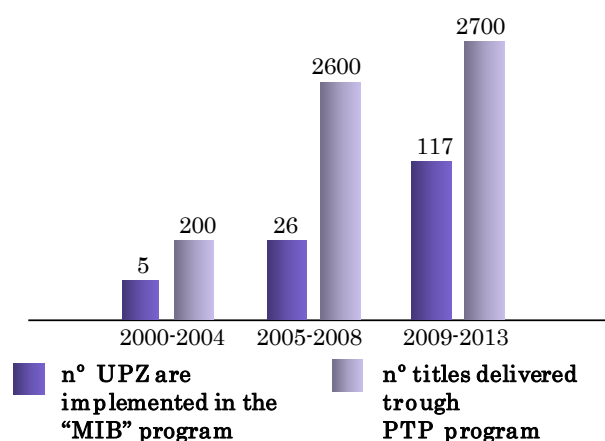
Source: www.habitatbogota.gov.co (2013)

8.3 The titling program in Lima (Peru)

Since the creation of national policies in 1996 by the Peruvian government, formalization efforts in especially titling program have been implemented for informal settlements areas (squatting informal type) located specially in the periphery of the Metropolitan Area of Lima, called ""asentamientos humanos". After almost 20 years, Peru's formalization approach through legalization of tenure of the land or property is one of the best well know formalization efforts around the world. The experience of tilting program (legalizing tenure of illegal occupation of land through freehold titles) in Peru is basically based on the general philosophy toward land formalization proposed and promoted by the ideas of Peruvian economist Hernando de Soto with his international bestselling books "The Other Path" (1989) and "The Mystery of Capital "(2000). As a result, large-scale legalization policies through titling programs have been proposed widely that have been replicated in other countries (El Salvador, Cambodia, Bolivia, Albania, Vietnam, etc) as the antidote against urban poverty. Moreover, his proposition has been supported by both multilateral and bilateral development agencies, such the United Nations Development Program and financed mainly by the World Bank that emphasizes property rights and promotes titling programs (Calderon, 2004 ; Fernandes, 2011). The titling approach has been debated by academics and policy makers because the legal focus that may leave aside other scopes. Moreover, authors such Calderon (2004) and Gilbert (2002) pointed out that legalization policies are besides simplistic and operative, cheap, which fits in moments that governments did not want to

invest heavily in social policies and linked to neoliberal wave. Since 1996, COFOPRI (Commission for the Formalization of Informal Property) has played a major role as stakeholder and administrator of the freehold titles, especially in the Fujimori period in which it was a clear political will of the central government to bring forward (Calderon, 2004). With the creation of COFOPRI, the procedures to grant titles became more simplified and coordinated at different administrative levels (local communities, local governments, ministries, etc), reducing the time from 7 years to 3 months or less. From 1996 to 2006, almost 700,000 title deeds were distributed in urban areas in Lima Metropolitan Area, but in the last decade this production have been decreased (see Figure 7, 8) (www.cofopri.gob.pe). COFOPRI was supposed to finish by 2012, but as we said before, central government has used formalization as a tool to garner political support by granting tittles.

Figure 7. Titles granted from 1996-2012, COFOPRI
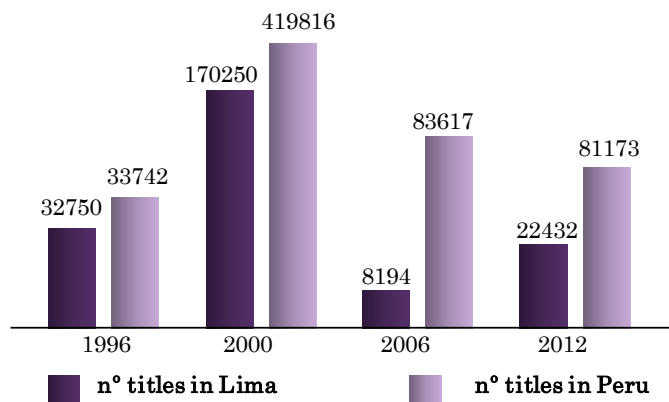
Source: www.cofopri.gob.pe, 2013

Figure 8. Simplification of procedures, COFOPRI.
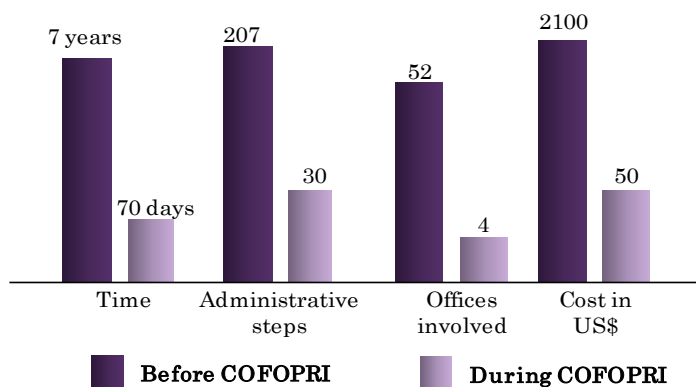
Source: www.cofopri.gob.pe , 2013

According to studies from Calderon (2004) obtaining a property title has no effect on the approval rates of private banks and only a limited effect on the approval rates of public institutions. In Lima, informal settlers understand that their houses are more a social and symbolic value rather than a transferable good for profit purposes. Property title is more valuable when popular entrepreneurs seek the property for commercial or housing market purposes (people are willing to pay between 20% and 30% more for a property that has title to another which has not). The title properties are delivered to both genders, women and men, and in cases of marriage, man cannot sell the property without authorization of his wife. This is an important improvement, especially in Peru, where the male chauvinism is predominant. Also, social conflicts have been decreased both between the informal settlements and the boundaries of the informal area, in other words, clarify the undefined boundary problems. There is a cultural change after COFOPRI provides the beneficiaries knowledge about legal regulations and registration system of property (RPU). Also it opens different possibilities about the application of various uses of property (transactions, heritage, renting, etc) (Calderon, 2004). In Peru, formal tenure is more secure than an informal tenure because the risk of eviction is highest, and thus having a formal title would be more valuable for them. However, titling attempts do not adequately solve all the physical problems of the settlements. Titling program does not involve the provision of infrastructure and services before, during or after the processes of formalization (see Picture 9, 10). It is a separated task, that local or central government provides usually in times of political elections. After having title deed most of residents are forced to organized themselves in order to get the basic services and infrastructure. Moreover, these new formalized areas became more prone to being contaminated by new informal land use practices (land invasion, violence, etc). In general, titling program has not led to the promised urban, social and cultural integration with the rest of the city, and there still remains the stigmatization of formalized areas as "second rate (Fernandes, 2011; Durand-Lasserve, 2007; King 2003).

Picture 9. After receive the title deed, this family still used water drums.

Source: Author's picture, 2009

Picture 10. This area still has a lack of infrastructure, urban facilities and public services and still encourage more land invasion after titling program in 2003.

Source: Author's picture, 2009

9. Looking at the future

Efforts to formalize informal areas are still in the agenda of policy makers and substantially a core of urban planning measures in many large cities of the world. For this reason, after considering the notion of informality and it is process of transformation to formality channels, combined with exploration of the case studies, it is important to indicate some detailed observations on the similarities and differences in formalization attempts. These observations can make us formulating new codes and considerations to improve the efforts in tackling the phenomenon of informality.

9.1 A comparative summary of case studies

Given the diversity of these exploratory experiences, it is necessary to set up a

comparative summary of case studies (see Table 2) since objectives and emphasis may vary depending on a set of other legal, social and political factors of each country, some of them address one policy while others focus on an integrated approach. Most formalization efforts have been addressed informal areas located on public land than private land (except in Bogota case), perhaps because of the high costs of clarifying legal tenure or because the public domain have broader discretionary power to determinate and control the conditions of formalization programs. Formalization interventions focus more on consolidated informal areas than incipient formations, in which authorities have the possibilities for demolition, eviction or relocation. Not all situations correspond to a logical decision; varies depending mostly on socio-political and environmental factors. Also, some approaches clearly emphasize individual and collective tenure rights (e.g. Lima, Bogota and Rio de Janeiro), others focus on urban areas based on the systematic provision of collective rights (e.g. Cairo, Johannesburg); while others resort to the sporadic delivery of individual tenure rights (e.g. Macedonia, Milan, Puglia). However, collective tenure rights requires rules to be established to define the collective decision-making process for a wide range of issues, that will be decided collectively by a community. All our case studies address the legal recognition of informal areas. Titling programs (e.g. Lima, Bogota) and other alternative programs of tenure security on land (e.g. Rio de Janeiro, Cairo, Johannesburg). Also, there are other cases in which legal recognition passed through payment channels called "amnesty" for increase the governmental financial resources (e.g. Macedonia, Dalmatia) or "condono edilizio" (e.g. Puglia, Milan). In some cases, protection against eviction starting with the delivery of an administrative permit to occupy the land that can be conditionally upgraded and, at a later stage, to be registered through legalization channels, before the final title delivery (e.g. Johannesburg, Bogota). Cairo and Johannesburg generate more formalization programs related to urban upgrading in-situ with interventions related to the improvement in infrastructure, public (basic) services and facilities. On the other hand, Rio and Bogota emphasize upgrading in a more social and economic approach (e.g. provide more job opportunities, generate incomes for informal settlers).

Difficulties on urban upgrading efforts can be found in cases located in Italy, Croatia (coastal regions) and Peru (it is a disassociated policy). Decisions for urban upgrading are mainly made by the central government, especially if the reason is political for gaining more electoral votes. Most of case studies, pointed out the lack of preventive strategies in terms of urban planning to stop with the phenomenon of informality (except the Milan case). Plans for management informality are the current policy practices. These interventions involve high cost, time consuming and sometimes massive demolitions (the Dalmatia case). Relocation practices have been implemented more for squatting and semi-informality typologies. Intentions to relocation are based on environmental factors (not safe for human habitation) shifting residents to new locations closed to their original neighborhood (at best). Official registration of the tenure of property or land and cadastre information (plots data base of informal areas) have contributed to the local capacities and institutional development for reinforce formalization interventions. Especially helping governments to fulfill their obligation to ensure the social right to housing, and as we saw in the case studies (e.g. Lima, Cairo, Rio, Johannesburg and Bogota). However bureaucratic procedures for registration are still the weak point of the formalization programs, especially if it is related to titling or legalization programs. Policy-makers realize that it is not sufficient to formalize informal settlements without provoking changes in the urban system and social aspects that led to the illegality in the first place, especially in the name of fighting poverty and in order to promote socio spatial integration. They understood that an integral approach is more successful. For example in Rio de Janeiro (Brazil) and Bogota (Colombia) and some exceptional programs in Cairo (Egypt) and Johannesburg (South Africa) they uses different legal instruments to deal with informal settlements on public land. Overall all formalization programs increase the value of the properties in a significantly way. However, land market produce more informal transactions and gentrification. Their budgets are not economically sustainable. All case studies address the security of tenure for illegal occupation, but most of them generate fragmented policies. Experiences in Latin America (e.g. Brazil and Colombia) focus on cultural,

economic and social aspect: to overcome the stigma attached in informal areas, produce more jobs, generate incomes, etc. There is no post-monitoring action after process of intervention occurred in the informal area, deterioration of ex-informal areas still exist.

Table 2. Comparative summary of case studies

FORMALIZATION APPROACHES		INFORMALITY TYPOLOGIES								
		HYBRID INFORMALITY				SEMI-INFORMALITY		SQUATTING INFORMALITY		
		Puglia Italy	Milan Italy	Macedonia Greece	Dalmatia Croatia	Cairo Egypt	Johannesb. South Africa	Rio de Janeiro Brazil	Bogota Colombia	Lima Peru
Status of the land	Public									
	Private									
	Semi-public									
Level of consolidation	Well established-established									
	Incipient									
Type of rights	Individual									
	Collective									
Formalization Policies	Legal recognition	pay		pay			Title/other	Title/other	Title/other	title
	Urban upgrading			low	low	high	regular	high	high	low
	Reviewing planning tools: prevention (P) for management (M)	(M)	(M)(P)	(M)	(M)	(M)	(M)(P)	(M)(P)	(M)	(M)(P)
	Urban redevelopment: demolition									
	Urban redevelopment: eviction									
	Urban redevelopment: relocation									
	Registration system									
	Alternative forms									
Participation (all gov. levels)										
Effects	Increase land value									
	Increase land market									
	Increase tenure security									
	Fragmentation attempts									
	Socio spatial integration									
	Socio-cultural and economic opportunity									
	Sustainable economic resources									
	Post-monitoring									
	Incentive + informality									

Source: Author's elaboration, 2013

9.2 Some conclusive remarks

9.2.1. A world of diversity: beyond dichotomy and stereotypes of informality: after the usefulness conception of the formal-informal dichotomy that generates more segregation. There are problematic cases of informality that are widespread in developed countries, particularly emerging trends and hybrid informality typologies. The division nowadays is more blurred by the overlapping co-existence of formal and informal condition: a "continuum" relationship and "complex nexus" Now informality conception is a manifestation of new complex mutations. Enormous differences may be found within and between settlements and among cities within a country and among cities in different countries. On the other hand, most formalization approaches are focused on the treatment of squatting and semi-informality typologies rather than hybrid typologies. Also, informal people of hybrid typology, mostly came from middle and upper class who had the option of formal access to land and housing, but chose to live outside the law.

9.2.2. The vicious cycle of informality: corruption, tolerance and political clientelism: many factors are responsible for the emergence of informality. Over time this patterns continue to change, especially according to the economic and political transformations. Authorities have fomented more informality through exclusionary land use regulations, inadequate local fiscal policies, the diversity of informal and formalization processes and the vicious cycle of land price formation. Moreover, serious bureaucratic aspects tend to prevail over other sensitive operations on places; they cannot be used based on universal parameters, without stooping to compromises with small varied realities. There is permissiveness of authorities to allow illegal practices, because of neglect or direct promotion. This acceptance of "second rate" citizens, affects the deterioration of formalized areas, lack of integration into the municipal fiscal system and lack of responsibility by local governments. Anxiety to "legalize first of all", at all costs, leads policy makers to blind strengths and weaknesses to the place. In addition, formalization attracts a sort of political opportunism to gain electoral votes, governmental control and power. For example, titling programs have more political manipulation pattern and weak institutional structure.

There are "clientelistic" practices that have encouraged even more informal development, such questionable titles in public land that have been often given by politicians.

9.2.3. Disassociation in the process of formalization

(i) between formalization policies: clear ruptures and isolations between formalization policies are identified in most of the cases studies. For example, the case of Lima (Peru) just implemented a narrow titling program, Cairo (Egypt) in urban upgrading in-situ programs and Macedonia (Greece) or Dalmatia (Croatia) in urban redevelopment in terms of demolition of illegal constructions. Moreover, the programs also have suffered parallel and different formalization programs in the same informal area or among cities. Also, the majority of formalization programs have been dissociated from housing improvement, socioeconomic programs and socio-spatial integration that conducted the integration of communities. However, Brazil and Colombia have improved this perspective.

(ii) between preventing and management: there is still great resistance to treat informality since as preventive strategies rather than management informality practices. There is no emphasis in the planning domain to stop informality with exception in the Milan case study. Also few efforts were identified in Colombia with "Metrovivienda program". In such situations the state provides new social housing at very low-rate with the support of private banks (self-financing system).

(iii) between all formalization actors: participation of informal communities in implementing and formulating new planning strategies intervene in the informal areas plays quite a little role. This situation has been aggravated wherever artificial and rhetorical forms of involvement local inhabitants has been introduced as a sheer formality under the demands of international financial agencies. Very few formalization programs (such as the GTZ cooperation program or "Minha Casa Minha Vida" program) have included the involvement of the local people in the design of innovative policies.

(iv) between monitoring during and after formalization interventions: in all the case studies reviewed, formalized areas entered a phases of crisis and results tended not to be lasting over a short term, formalized areas became more deteriorated since there is no monitoring and evaluating process after formalization works, especially related to maintenance of infrastructure and public services, or control of title deeds.

9.2.4 Rigidity over flexible formalization efforts: it is undeniable that formalization efforts decisively contribute mainly to reinforce the security of land tenure of informal occupiers, protect against forced eviction, reduce social conflicts among neighborhoods, and improve sanitary conditions as we saw in the case studies. However, most of the case studies have used rigid standard governmental solutions to formalize informal settlements. For example, titling programs in Peru or only upgrading in-situ programs in Egypt. Fortunately, other countries realize that it is not sufficient to "legalize" informal settlements without provoking changes in the urban system and social aspects that led to the illegality in the first place, especially in the name of fighting poverty. They understood that titling or upgrading in-situ are necessary steps, but are not sufficient to promote socio spatial integration as a way to overcome the stigma attached to residing in informal areas as "second rate" places.

9.2.5. Little significance in the economic aspects: formalization programs improve land-market efficiency and labor market participation, but generally fail to find an impact on access to credit, especially for titling policies. However, this does not mean that there are few economic benefits; inhabitants indicate that it has a great use but in a different way than the theory assumes. It has helped in the fast consolidation of their homes and therefore increase the value of the properties in a significant way (20% to 30%). On the other hand, economic resources from formalization operations have not been properly used in a sustainable way (except in the Bogota case study) and financial support from international agencies have been suspiciously (corruption) spent; especially because there has not been a rigorous evaluation or control.

9.3 Recommendations to improve formalization

In this last part of the study, and in light of the analysis of the five critical points examined before, these recommendations try to improve formalization approaches that can be adopted and translated into virtual practices and experiences of public, and government action in the urban planning domain (see Diagram 4).

9.3.1. Comprehensive understanding of the local context: based on the critical point in paragraph 9.2.1, formalization needs to combine a comprehensive diagnosis and solutions (as informality is not only associated with marginal and poorly groups but also practiced among middle class and upper middle class groups). Also there is the need to combine effective instruments, and a clear implementation strategy at local level over national bureaucracy, corruption or political "clientelism" (especially for titling) and improve deficiencies in the management capacity (paragraph 9.2.2). Moreover, formalization approaches have to be adapted to the context of local necessities and history of each informal settlement (national cadastre must be set up including informal areas). Again, issues of illegal occupation in public housing, permissions and building permits should set in strategic order to every region or even city, in order to get a more comprehensive notion and a meditated assessment process (specially for hybrid typology).

9.3.2. Coalitions: in line with what has been said in paragraph 9.2.3, multiple and integrated formalization policies must be made at the same time in order to really improve living conditions of informal areas. It is important to design and provide more socio cultural and socio economic programs with services and public facilities than just legalization programs (see Diagram 3).

Diagram 3. Coalition of segmented formalization policies
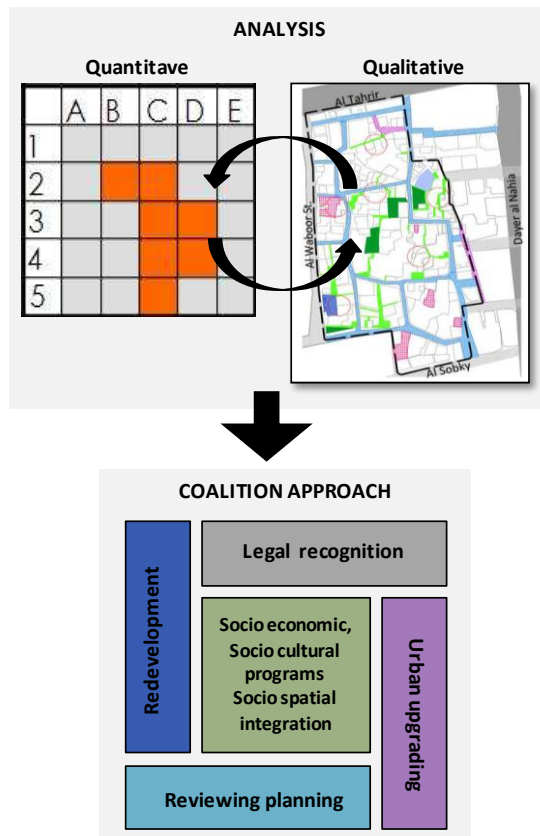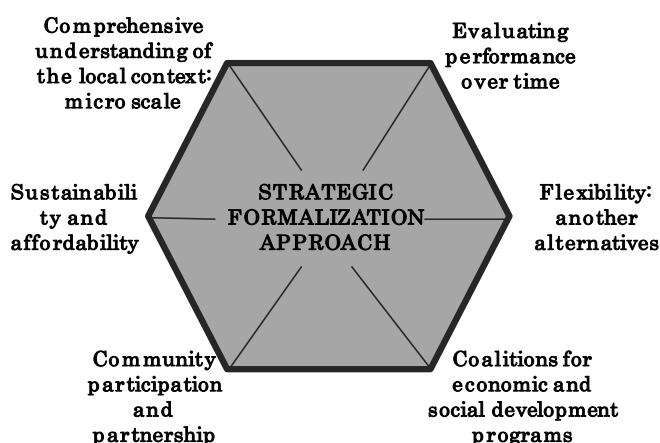

Source: Author's elaboration, 2013

9.3.3.   Taking into account another alternatives: rigidity in the process of formalization tend to prevail over more sensitive approaches, especially in terms of legal aspects (paragraph 9.2.4). Promoting a strategic formalization approach with the complex scenario of informal practices means to include more flexible and realistic urban norms and regulations with a proper legal support and assistance to informal communities in the process of formalization. It is also means the need to admit alternative forms of formalization with emphasis on socio-spatial integration dynamics, economic and cultural programs.

9.3.4.   Evaluating performance over time: formalized areas became more deteriorated since there is no monitoring process after the formalization intervention. A strategic formalization approach need to evaluate the performance before, during after formalization works are done in the informal area to magnify positive improvements and start suitable evaluation indicators,

so that formalized settlements can be tracked reliably over time and new interventions can be made if the situation is improving or worsening in particular cities.

9.3.5.   Sustainability and affordability of solutions: the lack of economic resources produce difficulties in the provision of services, facilities, infrastructure and administrative operations. It is important to take in consideration the existence of a vibrant market within informal settlement and contemplate the payment capacity of informal occupiers. Payment of property taxes after formalization or financed by increases in land prices through urbanization can be applied as other countries (Brazil and Colombia) already started to consider this.

Diagram 4. Formalization recommendations: "coalition and partnership"

Source: Author's elaboration, 2013

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