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Governing Informal Settlements, on Whose Terms?

Developing Cities in between the Formal and Informal

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Abstract

The binary of formal and informal is both misleading and often leads to greater inequality. The key element of definition of 'formality' as used in urban development discourse is that of state regulation. However where states are weak and/or other forms of governance poor, as is often the case in Sub-Saharan Africa SSA, defining 'formality' in these terms more often than not excludes the majority. In addition this then is used to exploit the majority by the minority which dominates regulation or those which implement it. The reality of SSA urban areas displays an enormous variety of intervening grey levels between 'formality' and 'informality'. In addition the tendency of Northern institutions is to assume 'good governance' is based on discourses embedded with values of late capitalist modernity such as *individualism*, *citizenship* and *utilitarian rationality* in social, political and economic realms – which is far from the case in much of this reality.

In these conditions the discourse of 'good governance' for 'informal settlements' is overlaid with a series of values which have limited resonance with SSA urban dwellers perceptions of their reality and their priorities. As so-called 'informal settlements' already dominate many SSA cities and are projected to grow by all accounts, understanding how such realities are perceived and priorities developed within a socio-cultural context which *de facto* if not *de jure* governs the urban milieu is of increasing importance. Such forms of understanding arguably need to be inductive rather than deductive and empirical more than normative – i.e. contextually grounded and not based on existing understandings from other places and times. Importing 'good practice' – in usually non-critical export terms – is little more than a cargo cult in this situation.

This paper will provide some initial insights into such an emerging understanding from the international and inter-disciplinary research programme Home Space in the African City (2009-11) being implemented in Maputo, Mozambique. One early finding of the programme is the extent of 'unofficial planning' which is going on in the city as people try to mimic the state to try to avoid future loss of land rights – but also reflecting deep perceptions of what is considered 'urban'. Potentially, the impact of such bottom-up initiatives - a form of everyday planning and architecture – is based on what is seen as socially legitimate, economically possible and cultural appropriate, but is firmly within that large grey band between 'formality' and 'informality'.

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Introduction

This paper argues that using the terms 'formal' and 'informal' in urban development, as a form of binary value judgement, has led to negative consequences and hindered the more appropriate development of cities, especially in the global South. The objective of the paper is to encourage researchers and practitioners to go beyond these terms and base understanding and action in urban development on concepts and values that are predominantly grounded in realities – cultural, social, institutional, economic and political – and not on predominantly transferred concepts and values. While, as will be discussed below, the vast majority of Sub-Saharan African urban residents live in what are 'formally' classified as 'informal' settlements/areas, this is not a concept that these residents recognise or apply to their reality. More important than the resulting lack of social legitimacy for such classification, the activity of dominant urban actors in terms of power and organisation (i.e. the state and private sector), when based on such concepts and values, is often destructive and not constructive. On the contrary the majority of the subaltern urban actors, i.e. generally relatively poor residents, expend enormous efforts in constructive activity which is not valued in the 'formal' domain. The core of this approach is to understand the processes by which cities in the region are being built 'from below' through these so-called 'informal' processes, and on this basis to re-think the action of so-called 'formal' urban development, basing approaches to urban development on the real values and praxis of the majority – albeit assisting these improve – and not assuming they have no value and need to be replaced.

The paper draws on the research programme 'Home Space in African Cities', funded by the Danish Research Council for Innovation 2009-2011, and implemented under the management of Prof. Jørgen Eskemose Andersen of the School of Architecture, Royal Danish Academy of Fine Arts Copenhagen. The programme is based on a conception and research design by Prof. Paul Jenkins of the School of the Built Environment, Heriot-Watt University / Edinburgh School of Architecture and Landscape Architecture. It is in the third year of three years funding and is being implemented in partnership between the above institutions (led by Professor Andersen and Professor Jenkins) and the Centre of African Studies at the *Instituto Superior de Ciências do Trabalho e da Empresa*, Lisbon (represented by Dr. Ana Bénard da Costa) and the Centre for Development of Habitat Studies in the *Faculdade de Arquitectura e Planificação Física*, Universidade Eduardo Mondlane, Mozambique (represented by Prof. Julio Carrilho and Dr. Carlos Trinidad). The programme is composed of three main components: physical and socio-economic surveys of some 100 cases, half of which are based on previous surveys by Prof Jenkins in 1990 and 2000 – permitting a rare longitudinal analysis of urban development; an ethnographic study of a limited number of these cases (~20) permitting a deeper understanding of how the residents view their 'home spaces' and the future of their urban lives; and an overarching contextualisation study which places the fieldwork in context within Maputo city, Mozambique urban development and Sub-Saharan cities in general. The fieldwork was undertaken in late 2009, early 2010 with participation of students of architecture and anthropology from Universidade Eduardo Mondlane, and had key involvement from Danish architect and PhD candidate Silje Sollienen and Mozambican academics Adriano Biza and Judite Chipenembe. Generous support from Mozambican Faculty Director Prof. Luis Lage, and time donated by the Edinburgh and Lisbon institutions for their academics' inputs, have been a key aspect of the programme's successful implementation. The programme hopes to publish findings early in 2012.

While the paper reflects on the grounded empirical study of the above programme and its three major components in relation to the research objective at the start of the paper, it draws more specifically on empirical work undertaken by Prof Paul Jenkins in parallel, but to some extent overlapping, with the Home Space study.¹ This paper takes this parallel empirical analysis one step further and uses this to reflect on the themes of the Uppsala conference and especially Panel 85, concerning governance in urban development.

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What is formal anyway?

Key to this paper is a clear understanding of what is 'formal' and/or 'informal'. The term 'informal' began to be applied to issues in development – initially in the economic sector – from the 1970s, and was from the beginning closely related to regulation, registration and legality (Jenkins 2004, Myers 2011). That which was legally constituted, could be identified, measured and regulated – processes which had long been in existence, becoming much more prominent in everyday life with the formation of modern nation-states (Scott 1998). While the 'other' in relation to state-led development was submerged in colonial discourse (as 'native' and a subaltern system), the aspiration that the state in the South should engage with ever more aspects of everyday existence across all its citizens became a key aspect of development theory, ideology, policy and practice from the 1950s.

By the 1970's the initial focus on 'informal' economic issues had spilled over into most development sectors, and in physical urban development was a key aspect of the so-called 'self-help housing debate' of the 1980s – kick-started by published work by Charles Abrams, Otto Koenigsberger and especially John Turner mainly in the 1970s – and contested by neo-Marxists, led in the English language debates at least by Rod Burgess (Mathey 1992). In parallel an English language literature developed within the socio-cultural urban sector contesting the negative valuation of so-called 'slums' with key texts by Oscar Lewis, Janice Perleman and Charles Lloyd (see Jenkins et al 2007). The key outcome of relevance to this paper was a growth in use of the terminology of 'informal settlement' for that which was illegal, non-regulated and/or un-registered in some way – initially seen as a less perjorative term than the terms: slum, shanty town or the many local equivalents.

Hence from the 1980s, there was a widening use of the term 'informal' to refer to human settlements, especially in urban areas, with this permeating the discourse of development agencies and increasingly also nation-states. This is still the dominant terminology to refer to that which is somehow 'sub-standard' by state norms. For physical urban development, essentially the 'informal' is that which does not comply with government legislation, regulation and/or registration in terms of 3 factors: land use (as assessed by planning activity – covering aspects of appropriate uses and /or densities, as well as tenure), construction standards (as assessed by construction regulations) and infrastructure (as assessed in terms of public health risks and generally embedded in the former two sets of regulation).

From 2001 with the launch of the Millennium Development Goals the term 'slums' came back into official use, with a slum household being defined as a group of individuals living under the same roof lacking at least one of the following conditions: access to improved water; access to improved sanitation; sufficient living area; durability of housing; and security of tenure. These map on to the above definitions of 'informality' but the UN and other agencies promoting the MDGs argue that 'informal' and 'slum' are not the same – as informality can exist in many areas which do not possess slum conditions – and vice versa. In fact some of the worst slums in the South have always been in what are considered central core urban areas – largely formally developed (or previously so). Nevertheless there is a close link made in most official documentation, especially that of Southern governments. There is no doubt that defining housing areas as inadequate in relation to 'improved' water and sanitation access, 'sufficient' living area and 'durability' of construction (i.e. 'slums') focuses on important issues, but raises the question of what are these standards and who defines them – all contextually important. All such standards (basically set by governments and supra-national institutions such as the UN) are inevitably general and usually non-contextualised. They also, however, draw on a long history of public health agendas for urban areas which started in the first wave of modern urban expansion associated with industrialisation in Britain – where the term 'slum' also originated. What can be seen as a 'slum' to a government official may however be seen as a significant achievement

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and a suitable 'home space' for an urban resident and urban residents may not aspire to the standards assumed as being suitable in such definitions.

The key issue raised here thus is not whether the state should set standards for land use, infrastructure and house construction – but whether setting such standards in the way they are currently set is constructive or destructive. When the majority of land use, construction and infrastructure cannot (or does not wish to) reach the standards set, inevitably the action of government in addressing this is selective if destruction and re-development is seen as the main approach, as opposed to evolutionary construction and improvements – as often is the case due to other political and economic pressures. In fact in many cases in the South the relevant legislation has been inherited from previous colonial regimes, when standards were set for the benefit of colonial elites. In the post-colonial situation these have often been little changed, now preferentially benefitting new elites. While international standards are also set and adopted by nation-states, and may be more equitable in principle, these are also often applied in limited ways, such as in internationally supported projects, which inevitably are limited in scope.

More to the point, while the negative aspects of 'slum' conditions ideally will be eliminated – preferentially through incremental improvements as opposed to comprehensive re-development – the concept of informality is much more pervasive than the binary suggests. It is perhaps helpful to consider the binary as a sliding scale from a total 'formality' on one extreme to a total 'informality' on the other – recognising that in all 'formal' situations some form of 'informality' will be present. This can be illustrated in two ways as follows. Although most institutions operate through 'formal' defined organisational structures and operational procedures, 'informal' operation is so widespread that the threat of a 'work-to-rule' has virtually the same effect as a work stoppage or strike (Myers 2010 elaborates on this). More specifically in terms of urban development, even in so-called developed countries there are always significant groups of buildings or developers who do not fully comply with the legislation / regulation – and this is impossible to detect in many contexts. This is much more so in the South.

Increasingly, therefore, the concepts of 'formal' and 'informal' are being queried as to their usefulness in urban development (e.g. AlSayaad & Roy 2004). These are not separate 'sectors' but co-exist in complex inter-penetrated manners as will be demonstrated in the empirical section below. If these terms are not useful, what terms can be used? This will depend on the conception of how urban areas develop. As noted above, the way urban norms, regulation and legislation have developed from the latter part of the 19th century is largely based on the experience of the global North – based on social and cultural values as much as political and economic structures, and mediated by a specific set of institutions.

Planning legislation grew from land legislation conjoined with public health legislation, which also included construction regulation. The driving issues were both the social and cultural revulsion to physical conditions produced by unregulated private activity in urban areas – and (importantly) the parallel rapid growth in governments' reach into private affairs in the 'public' interest and the emergence of purportedly neutral state bureaucracies, usually on 2 tiers (national and local government). This role for the state was enhanced significantly in different ways in the global North – whether 'West' or 'East' - throughout the first half of the 20th century, and was not undermined until global political and economic re-structuring took place in the 1970s and 1980s. In this context the role of the state has been somewhat curtailed and the role of the private sector strengthened, with some strengthening of a 'Third Sector'.

The resulting position is one where there is an assumption that, broadly conceived, the "formal" institutional order of "late capitalist modernity" is predominantly manifested in a particular set of relations within and between the entities conventionally labelled "society", the "state", and the "market". The dominant ideal underpinning this position is that these entities are held together by the discourse of liberal democracy,

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which articulates the norms or values through which particular practices are sanctioned and sustained as the foundation of societal order, including: *individualism* as the *basis of social relations*, partially (and possibly decreasingly) mediated by the idea of the nuclear family as the elementary unit of social reproduction; *citizenship* in a representative democracy administered by a constitutional state as the *basis of political relations*; and *utilitarian rationality* in a system of generalised commodity production and market exchange as *the basis of economic relations*.

Not only is this assumed to be the status quo to be protected and developed in the North – this is also assumed as the desired state in the South – and here the term ‘good governance’ is used as a vehicle to promote such a situation. However in the South, prevalent norms and institutions are more likely to be derived from indigenous or pre-colonial socio-cultural orders, in which now the dominant Northern rationalities above are likely to have played a limited role, generally associated with colonial oppression (and its aftermath in postcolonial terms). In this context the *basis for social relations* may be more *kinship* and *community-based* than individualist or nuclear family-oriented; the *basis for political relations* may draw more on *accepted authoritarianism* or *negotiated patronage* than elected representation; and the *basis for economic relations* may draw more on principles of *social redistribution* or *reciprocity* than on utilitarian exchange. Since these cannot be part of the ‘formal’ discourse, they manifest themselves predominantly through what is seen as informality (Jenkins & Wilkinson 2002).

As this paper will demonstrate, the prevalence of informal institutions based on such forms of social ordering in the South is crucially important and, to resolve the dichotomy of the formal-informal binary values, these need to be recognised as important vehicles for action – i.e. recognised by the state which needs to come to terms with them, not by subsuming these (i.e. making the ‘informal’ into the ‘formal’ which is doomed to the same fate as formal reconstruction), but by recognising the limits of state penetration and accepting widely adhered social values and action as legitimate. This would lead to activity of understanding and working with the endogenous praxis and values to encourage change as opposed to attempting to substitute these by exogenous systems.

Urban development in Maputo – who is actually developing the city?

Maputo is the capital of Mozambique and is a separate politically autonomous municipality since 1998 when decentralisation was implemented by the national government. It is joined in a conurbation with Matola city, the second largest in the country, and the Greater Maputo area – which does not formally exist as a territorial unit – had some 2.5 million inhabitants in 201, projected by the UN to grow to over 4 million by 2025 (a 65% growth). This places the city region in the top 15 city-regions in Sub-Saharan Africa SSA by UN statistics and reflects the rapid urbanisation processes taking place in the country. The UN estimates that the urban proportion of total population will grow from 38% in 2010 to 50% by 2025 – a gross increase of 6.6 million which is 85% of all projected population growth (taking the country from 12th to 9th most urbanised country in the SSA region). Official urban population is calculated by territorial administrative definition in Mozambique (as the vast majority of countries in SSA) and is made up of 43 urban municipalities (rising from 33 in 1998 by the 2008 local elections). However there is a discrepancy between this official administrative definition and the way the most recent (2007) census counted the urban population, with this being recognised to exist outside of the official urban areas. The census counted some 11% extra population as ‘urban’ in addition to that counted in municipalities. This is to be commended as urban populations have quickly spread across the territorial boundaries of the largest cities into what are considered ‘rural’ districts – as is clearly seen in Maputo below. This of course reflects the difficulties in defining an urban population – made all the more difficult by various forms of migration in and out of urban areas often of close periodicity (e.g. daily, weekly, seasonal circular ‘migration’) as well as the growth of

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many areas outside the defined urban areas of an urban nature in physical, social and economic terms (Jenkins 2003). Thus, while Maputo city per se seems to have stagnated in population terms (albeit the balance of location of population has shifted out from the centre to the peri-urban areas), the surrounding 'rural' districts are mushrooming in population.

Mozambique is also high up the rankings of Sub-Saharan African urban 'slum' populations – 9th in fact, with an estimated 80% of the urban population living in slums in 2005 by the UN definition (mainly estimated on infrastructure and housing quality due to the complexity and lack of registration of tenure situations). However Maputo is seen to be ahead of other urban areas in the country in service provision and living space and durability – as is the case for most SSA capitals - although the city dropped in proportional lead and coverage of various indicators between 1997 and 2003, whereas other cities have generally maintained or improved their status. These estimates do not count the 'slum' population outside the official city boundary however. In general, the Greater Maputo conurbation has grown much more rapidly than the surrounding province since the 1940s (when it was 25%, rising to around 80% in the recent period), with in-migration from Maputo province to the city, but also the two Provinces north of this, Gaza and Inhambane. Overall, however natural growth rates are probably as important – if not more so – than in-migration rates for this city region, and more recently provincial growth rates have gained ground as the city expands *de facto* into the province.

The city structure has been changing – from a very dualist one with a fully developed urban core and a surrounding area generally termed 'suburbios'. The former has for long been called the 'Cement City' and was inhabited by Portuguese settlers, other foreigners and a subaltern colonial class from South Asia (due to long term trade links), following an original urban grid plan from the late 19th c (Jenkins 2006, 2009, 2011). The latter was formed by so-called 'informal' occupation as early as the 1920s and 1930 to the northwest of this central area, with housing rented by the indigenous population who for most of the colonial period were not permitted to own land in the urban area. This led to semi-permanent house construction for rental (poor quality one-room constructions usually in corrugated iron, but on land formally owned by settlers, so only partially 'informal', albeit representing 'slum' conditions), as well as self-built non-permanent constructions usually in reeds, on rented land (with less obvious 'slum' conditions generally) - the latter led to the generic term 'caniço' for these areas.

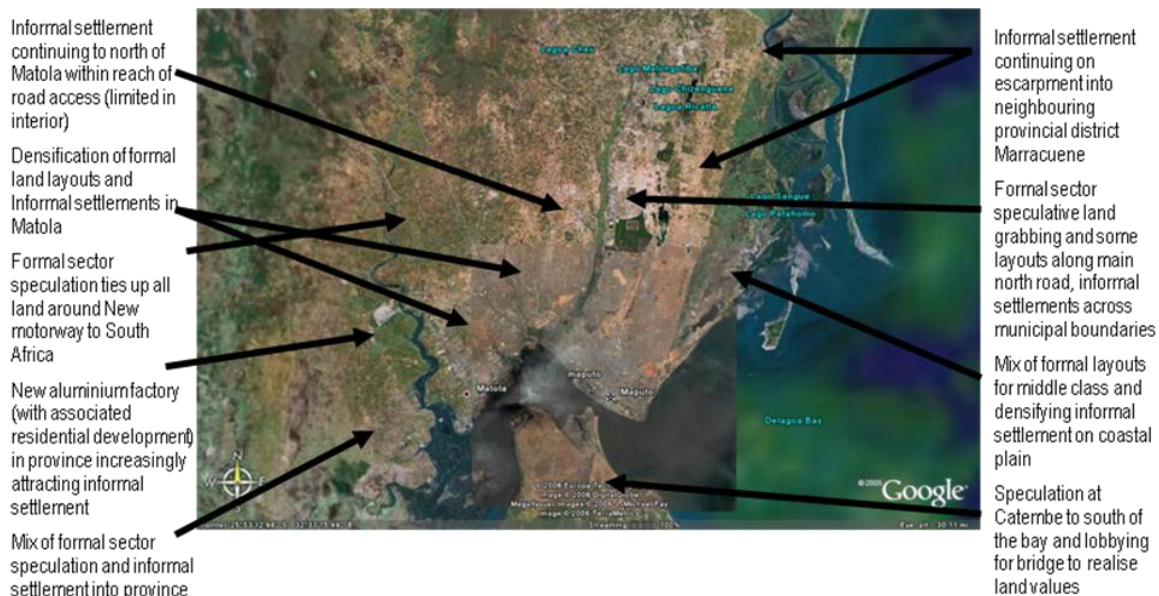
Despite a number of belated attempts by the colonial regime to hold on to power by investing in urban land, housing and infrastructure for the indigenous population in the late 1960s and early 1970s, the city at Independence in 1975 had clear divisions between the so-called 'formal' core and 'informal' peri-urban areas – which had become more complex through time with mixed small-scale formal, substantial semi-formal and general informal development. The post-Independence proto-socialist government looked on urban areas as potentially parasitic and focussed on rural and industrial development, and hence urban investment was at a premium. However the large-scale exodus of settlers and policies of nationalisation of rented and abandoned property, as well as all land, led to hybrid situations of state/society control over urban development. While in principle this was the state's responsibility, there was tacit acceptance of self-managed construction – and although land planning and allocation was also *de jure* an exclusive central and local government function, local level administrators *de facto* allocated land for the rapidly growing population to occupy and build housing. Recognising this, the limited local and central government capacities for urban development tended to focus on land use planning, but this varied in success depending on the political will of the time (Jenkins 2001, 2009).

Mozambique entered into what is now characterised as a 'civil war' from the 1980s, largely as a side effect of the Cold War's impact on the region. This became ever more acute with the growing pressure on apartheid South Africa and was only ended in 1992 with a new Constitution which opened up to a liberal

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capitalist democracy – in name at least. Continued international pressure on the central government (which remained dominated by the same party as during the proto-socialist period, albeit now with nationalist capitalist objectives) led to the decentralisation process mentioned above – however after the most recent local government elections all but one municipality is also controlled by the same party. During the period of transition through civil war to the multi-party state up to recently, there has been very limited attention paid by central or even local government to physical urban development. While some large scale projects in infrastructure improvements were implemented in this period (mainly improving roads and water), the capacity to govern land use formally through the bodies legally with this power has been minimal (central government setting norms and assisting with higher level planning and training, local government responsible for planning, land allocation, registry etc). The result has been fragmented 'formal' land use planning as islands in a sea of 'informal' solutions. However it is very important to stress that the operation of the 'formal' system itself has been redolent with 'informal' activity such as corrupt and off-book practices, whereas that which is seen as 'informal' has in fact often had heavy involvement of urban and neighbourhood administrative personnel, who represent the state at a local level. Although these agents do not have formal land use functions their action does provide some form of widely accepted 'formality'. The impact of these dynamics is evident in an analysis of the key issues affecting urban development as outlined in the illustration below.



Taking a closer look at the impact of the continued population growth and the lack of 'formal' solution to land, infrastructure and housing, a comparison of the last 3 censuses (1980, 1997 and 2007) shows a northern shift in centre of gravity of the overall Maputo city population. As can be seen from the table below the annual growth rate has remained somewhat constant at just over 3% per year but there have been large changes in its location. The core 'Cement City' (District 1 urban – the rural part is across the bay at Catembe and the island of Inhaca) grew slightly 1980-97 and then dropped to lower than its 1980s total by 2007. District 2, the area with second oldest occupation, largely classified as 'informal' (as noted above) grew less proportionally than overall growth in the earlier period and has also dropped in the latter period (although has grown overall since 1980) – reflecting an emerging de-densification. The other area immediately to the north of the Cement City (District 3) has informal settlements in part and then had a major central government/UN upgrading project in 1977-79 – reflected in its above average growth in the first period - but it has also stagnated in population terms since. The 2 outer (more northerly) districts (4 to the east and 5 to the west) are where the growth has been concentrated in the past 3 decades. This is

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particularly so for District 4. Fairly unoccupied by 1980, this was the area of most planned urban development in the 1980s, showing a sharp increase in the earlier period, tailing off a bit in the second period. District 5 had some urban development in the 1980s but was where most of the very fragmented 'formal' and widespread 'informal' urban development has taken place since. The overall position now is one where the peri-urban population (Districts 2-5) has risen in importance from 87% to 90% of city urban population as District 1 drops to 10%.

		Pop 1980	Pop 1997	1980-87 change		Pop 2007	1997-07 change	
				total %	annual %		total %	annual %
Maputo	Maputo City	560160	958585	71%	3.2%	1090183	14%	3.2%
Maputo	1 DISTRITO 1 (RURAL)	16420	20455	25%	1.3%	20455	0%	0.0%
Maputo	1 DISTRITO 1 (URBANO)	114284	129067	13%	0.8%	107530	-17%	-1.6%
Maputo	2 DISTRITO 2	117473	161366	37%	1.9%	155385	-4%	-0.4%
Maputo	3 DISTRITO 3	106742	209909	97%	4.0%	222756	6%	0.6%
Maputo	4 DISTRITO 4	82263	227527	177%	6.3%	293361	29%	2.6%
Maputo	5 DISTRITO 5	122978	210261	71%	3.2%	290696	38%	3.3%

Looking at this northern expansion area in more detail permits a better understanding of the dynamics of city development at work. From a negligible proportion of city population and housing in 1980 (3-7%), the bairros of this area have come to contain 15-17% of population and housing of Maputo city overall in 2007, an approximately fourfold increase. 68% of the total area of some 4450 hectares (ha) is used for residential use (=approx 3000 ha), most of the rest divided between agriculture and mixed use (of agriculture, industry and some formal housing) and the area has a number of military installations. Of the residential area, 51% is unplanned, 36% is officially planned in 19 different layouts; and 13% is unofficially planned – i.e. it has a regular plot layout but was not planned by an official agency (basically central or local government, or approved by the state in some way). The planned areas include:

- 4 large areas > 100 Ha (2 planned in the 1982-87 period, 1 internationally assisted resettlement area after the 2000 floods and 1 new area in development in 2010-11 associated with the forthcoming African Cup of Nations - stadium and athletes' housing);
- 5 medium areas >50<100 Ha (1 in the 1990s and the others after 2000, all for resettlement); and
- 12 small areas <50 Ha (in the 1990s and immediately after 2000).

What is important to note is that unofficially planned areas represent more than a third of what the state has managed to achieve in the period (including with substantial international assistance) - nearly 400 ha in total – however unplanned areas continue dominant (51% >1500 ha). The illustrations below illustrate the fragmented nature of planning in the 1990s and into the new millennium.



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The fragmentation of official planning in the 1990s was due in part to capacity (personnel, training and funding), but also to the legal lacuna created by the post-war constitutional changes. At the time of preparing the new Constitution (as part of the early 1990s peace process) the government entered into a public debate on land nationalisation/privatisation – where the peasant lobby (assisted by religious bodies) strongly advocated maintaining the status quo (i.e. nationalised land). A new Land Law was then published in the early 1990s which retained state ownership ‘on behalf of the people’ but permitted long term leases of usufruct rights – essential given the deals already made with foreign investors. New regulations of this law were prepared by a group led by the Ministry of Agriculture and this recognised ‘customary’ rights to land – occupied in good faith over a decade, which could be proved by verbal testimony. Aimed at providing titles for collective peasant groups, as a way to modernise the ‘family sector’ in agriculture – and protect their land rights – there was no distinction in the law and initial regulation for rural and urban land.

There then ensued a debate on whether the law could thus be applied to ‘informal’ urban areas occupied in good faith in a similar manner (and indeed usually allocated by local administrative bodies albeit without this formal right). The two positions on this – that of the lawyers who insisted the law should be upheld and that customary rights should be recognised in peri-urban areas and then adjusted if need be in the on-going urban development process, and that of the technical urban developers (e.g. land use, water, road planners etc) who insisted that urban land had to be planned and ordered first and only then rights could be allocated (see Jenkins 2001). This was eventually only resolved in 2007 with the passage of new legislation on planning, which required an area to be planned before land titles could be allocated – the technical side winning the debate. A new urban land regulation was then produced – although in strict legal terms this contradicts the law itself – another example of ‘formal informality’.

Towards the end of the first decade in the new millennium, urban planning thus finally had a clear legal and regulatory basis – however still struggled with capacity and organisational issues. The very top-down nature of the physical planning law has subsequently led to the development of a new Structure Plan for Maputo city (approved 2010) and another for Matola (2011) – however, although developed by teams led by the Faculty of Architecture & Physical Planning at the state Eduardo Mondlane University, these have been developed with no clear inter-relationship, and stop at the city boundaries in each case. The area of urban occupation has long since gone beyond these boundaries as illustrated above – and this was recognised in two previous attempts to plan land use and environmental management at a metropolitan level (a Maputo Metropolitan Structure Plan funded by the World Bank 1998-99, not approved mainly because of the lack of relevant legislation and political status; and a Greater Maputo Metropolitan Area Environmental Management Project funded by Danish aid 2004-5 – discontinued due to lack of political engagement).

On the basis of the 2 new Structure Plans (which embed some of the previous attempted wider plans), the city council of Maputo is now engaging in a World Bank funded ‘mass regularisation’ exercise for land occupation – part of ProMaputo 2. This is predicated on the realisation that one of the few ways the municipality can develop its fiscal base is through land and property taxation and driven to a great extent on the donor side by the belief that titling will be key to unlock wealth and overcome poverty (as advocated by Fernando de Soto). The process for this is, however, also very top-down, and has started by developing ‘regional’ regularisation plans - i.e. for 4 multi-bairro sections of the city, including all of the northern area described above. These plans (contracted from the local private sector) have been developed based on Google Maps imagery and highlight areas which are planned and thus easier to regularise, and areas which are unplanned and need planning prior to regularisation. In all cases – whether previously officially planned or more recently unofficially planned – the assumption is that new plans have to be prepared, possibly adjusting what exist on the ground according to planning norms – and these then can be the basis for individual titling. This is good news for physical planners as it will provide a lot of work – but is it such good news for land occupants?

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The ProMaputo programme is just being set up and is currently developing some pilot areas for initial activity – however to date there is no clear idea of what administrative and social issues the process may throw up. Concerning the former, it will be a serious challenge to set up a process which will not be ‘corrupted’ by the many social pressures in and on the existing administrative systems (more on this below), and also provide a way to actually capture the income from titles and re-invest this in on-going urban land development. On the social side, while most occupants would probably be happy to pay for a title, various research projects show that they generally feel secure in their tenure as it stands and thus the additional cost will be an issue (and most titling programme do not cover full costs). More importantly a relatively high proportion of occupants may need some adjudication within a wider family as to who has the rights to the land title, as the Home Space study is beginning to discover.

Recent research shows that there are two broad trends in urban land development in Maputo. One process has been investigated by Danish anthropologist Morten Nielsen who started fieldwork in the Zimpeto/Magoanine area of northern Maputo in 2005, an area developed partly with the emergence resettlement after the 2000 floods but also through the 1990s fragmented planning process. Nielsen was initially interested in examining the concept of ‘corruption’ in land issues in the city, but eventually focussing on how urban residents develop land and housing and in this, what is their ‘view’ of the state. The findings of this investigation help understand the dynamics within the so-called ‘formal’ process, but also why unofficial planning has developed (e.g. Nielsen 2008, 2010). The other process is more long term and underpins the predominant un-planned development of land, but also provides insight into the way that so-called ‘informal’ areas develop with some concepts of ‘formality’ in the more recent period. This draws on long term experience of the principal author of this paper, integrating both ‘professional’ knowledge from land use research and activity, but also – importantly – personal experience through extensive family contacts in the peri-urban areas.

The first of these processes can be characterised as ‘imitating the state’. While some unofficially planned areas were developed in the 1970s and 1980s (e.g. Bairro Malhazine – an initiative started by a local church providing plots on its land for members) this activity seems to have grown, as a wider trend, out of result of the 1997-8 construction of new motorway to South Africa to the northwest of Matola. This investment required relocation of the existing residents and they were generally removed to a location in a new housing area to the northeast of Maputo city (called the CMC Bairro after the construction company) many kilometres from their previous locations. Here the residents were allocated new permanent houses in various sizes depending on the nature of their previous construction. As many had no interest to remain in such a distant location (at the time on the periphery of the city to the north, just inside the city limits), this led to engagement in the growing informal/illegal land market. A related trend was the mushrooming of unofficially planned and unplanned land development around this core planned area as others opted to benefit from the services which the state began to install for the new residents.

Soon after this, in early 2000, Mozambique was hit by the worst floods in years and Maputo was significantly affected – large areas being hit by erosion. The international community acted swiftly and began to finance a series of actions to re-house those affected – the city council again responding with an emergency planned land layout, this time in the only ‘available’ city land north of the estuary to the northwest of Maputo in Zimpeto Bairro – later extending into neighbouring Magoanine to the east. Here the municipality planned and began to demarcate a large new sites & service area (expanding an area planned and developed in the 1980s). However, the now heightened sense of commercial land values by the local population led to extensive ‘corrupt’ / non-regulated land access practices, which seem to have become the *de facto* norm for land development. The first of these was stimulated by the state’s non-recognition of existing landholders and/or the real value of their land, so these began to lay out their own plots, imitating the city council (and even using city council staff in their weekends etc), selling the resulting plots (illegally).

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The city council staff and local administrators also 'informally' added in new plots to existing planned layouts, sub-divided land set aside for social amenities and extended the plans informally. The result can be seen in the illustration below, where a much larger area than officially planned has in fact an ordered form of layout. The process was so convoluted that the city council itself cannot identify which parts of this are 'officially' planned.



Not only have a series of land layouts been created that imitate the state's activity in 'planning' – or at least 'ordering' the land, but the means of access to land, and the confirmation of this, has also led to new complex forms of state imitation, balanced by modified version of 'traditional' land access. People may have been allocated by the city council (renowned for double/ triple allocations because of corruption), the local district administrator, or the local bairro secretary (again often in response to monetary or non-monetary transfers) – in many situation involving informal practices. However Nielsen also describes how these, at least semi-formal, allocations require social confirmation which often entails (albeit modified) traditional ceremonies, as well as a socially accepted standard of occupation. The occupation of the land itself aspires to imitate the state in building, or at least starting, a permanent house such as is perceived would receive state construction licence – although in the vast majority of cases this is unlikely to be possible due to limited investment and complex bureaucracy. What matters here is not the formal approval as such but the implicitly declared intention to potentially seek this, albeit at some far-off point in the future (Nielsen 2010).

While in this particular area of the city the main strategy seems to be one of 'imitating the state', in others with different historic trends, the alternative strategy is more one of 'hiding from the state'. Typically this happens in areas which had extensive, albeit low density previous residential occupation, of a 'rural' nature. The area studied by Nielsen was mostly previously occupied for dry-land agriculture with very limited residential use and new occupation happened over a short period with state initiative kick-starting the process. In this other type of area – for instance to the east of the above CMC bairro – existing residents had fairly extensive customary landholdings from the colonial period, based around the family homestead (although the family may well have been dispersed in the city or beyond). The widening commodification of land in the 1990s has taken different form here with incremental sale of land over time to prospective individual developers in a piecemeal fashion, and hence without 'planning' of a wider area. The way plots

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are sub-divided and sold, however, may reflect rectilinear patterns within the family's land-holding, providing some overall order.

This process has often proved conflictive within families as heirs may fight for the land rights to sell, and different family members may sell the same land several times over. There is limited interference from the local administrative bodies in this process as these rights are seen as socially legitimate, and in effect the process happens to some extent under their line of vision (although socially they will be well aware of this, they are probably engaged in similar processes themselves). Embedded within this process is the key concept of being, or becoming, a 'native' of the area to assert some form of customary rights. For the prior non-resident this takes place through undertaking a traditional ceremony ('pahlar') which involves the traditional 'regulo' or clan land holder, and verges on a disguised form of commercial payment. With this status some new occupants may go on to try to regularise their land in the official system. While this process seems to have been taking place in Maputo city for some time, it is very much the case in the 'frontline of urbanisation' which is now far past the city boundary to the north and approaching the nearest district town of Marracuene. Thus while the 'imitating the state' process is also present in these new provincial 'urban' areas, the majority of land development is taking place through the second process. This seems to be tacitly accepted by the provincial authorities who appear more open to officially regularising such land occupation – perhaps as the relevant technical and administrative capacities at provincial level are much weaker, yet population pressure rising fast.

The illustrations below show the recent historical development of two areas which reflect these trends. The first set is part of the Zimpeto/Magoanine area where Nielsen worked and where fragmented planning was the key 'formal' urban development activity, overlaid with levels of so-called 'informality' in allocations, securing land rights, developing the land – based on the trend of 'imitating the state' – a process which underpins the phenomenon of 'unofficial' planning. The second set is near the CMC bairro, to the east of which (right hand side of images) customary land rights holders have been sub-dividing their land in a more 'ad-hoc' fashion, a process generally categorised as producing 'unplanned' areas. In the first set the constant infill process around the planned area and in the areas reserved for social equipment can be seen – 'informalising' what is usually described as 'formal', albeit imitating the state in 'planning'. In the latter, the so-called 'informal' is dominant, yet this seems to be tacitly accepted within the formal system at the local level – although probably not at the municipal level and hence will probably conflict with the regularisation aspirations described above.

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Urban development Bairro Zimpeto/Magoanine (part) Maputo City – images from Google Earthⁱⁱ

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Urban development Bairro Mahotas/Albazine (part) Maputo City – images from Google Earthⁱⁱ

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Conclusions on governance in the 'formal-informal' hybrid urban areas

This paper challenges the binary conception of 'formal' – 'informal' and argues that Sub-Saharan African cities are developing in ways which this concept does not adequately describe – most actions being of some form of 'in between' nature. While mostly not strictly legal, usually unregulated and inadequately registered by the state (and hence generally seen as 'informal') the firm basis of very laws and regulation which ultimately define this status are questionable, and their relevance in the light of widespread social legitimacy, economic reality and cultural praxis is minimal – undermining the basis of 'formality'. The unsuitability of the concept to reality leads to its use in exploitative ways - where this is possible, taking into account the weak nature of states and governance regimes in the macro-region. To support this wider argument, a range of empirical evidence from Maputo, the capital of Mozambique has been presented - an evidential base which is still in development, but clearly shows the hybrid nature of urban development in practice and its dominant manifestation in *everyday praxis*, if not in *voice* (in terms of policy).

The paper thus addresses the panel question of 'Governing Informal Settlements, on Whose Terms?' indirectly, by stressing that 'governance' concerning how the most physical aspects of urban development (land and housing) is implemented in practice is a complex hybrid interaction. In reality so-called 'formal' agents (such as government agencies) interact with so-called 'informal' social agents (especially households) in 'formal-informal' hybrid manners ways and the majority of urban form (land use and construction) is in fact developed by households according to socio-cultural norms, albeit within the structures of economic and political contexts (political being seen here as partly national policy and local power manifestations and not party politics).

The more direct conclusion to the panel question is thus in fact that no one agency or structure dominates the terms of urban development governance in the peri-urban areas, where most so-called 'informal settlements' are located in Sub-Saharan Africa cities (as opposed to 'slums' which are as likely to be in the colonial urban centres as peri-urban areas). Within government there is likely to be differences of approach and objective from national and local levels, but inevitably the way these operate has to take into account the praxis of the majority – or risk provoking instability (Jenkins 2009). In general state activity is not seen as supportive of the everyday praxis of the majority – as the former is based on normative values that have limited relevance to the latter, however in the realpolitik of fast expanding peri-urban areas, government in fact engages with these largely endogenous social processes, while pretending to adhere to its generally exogenous normative principles. What is needed in this context is a better understanding of real praxis and how this can be supported, as opposed to transformed in the light of irrelevant ideals – and this requires governance systems which encourage voice and listening and do not command and that work with praxis and do not undervalue or ignore this. It remains to be seen if realpolitik will produce such 'realpraxis' in relation to this new emerging form of urbanism as a way of life in Sub-Saharan Africa.

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Endnotes

ⁱ This was presented by Prof Jenkins previously to the following: the University of London's Centre of African Studies, Southern Africa: history, culture and society seminar series, 'Cities in Southern Africa: Migrants and Urban Agents at Birkbeck College in February 2010, entitled 'Changing attitudes to land in the expanding urban areas of Xilunguine / Lourenço Marques / Maputo'; and at the UK Royal Town Planning Institute International Development Network seminar series, at RTPi Edinburgh in March 2010, entitled 'Planning the future in the present for Sub-Saharan African cities: a case study of Maputo, Mozambique'. These presentations or reports on these are available at: <http://www.gold.ac.uk/southern-africa/southernafricaseminarevents/eventsarchive/>; and <http://www.rtpi.org.uk/item/3541>.

ⁱⁱ Based on Google Earth imagery from July 2000, February/April 2004, December 2006, August 2009 and September 2010 is used – recently made available.