



Social Regularization and Upgrading of Slums

Security of tenure should focus on legal regularizations which keep and strengthen social control of urban land use. Legalization of irregular settlements and security of tenure should not be reduced to private property and titling, but - depending on the local conditions - should use various options to secure social tenure.

Although security of tenure is meanwhile internationally mostly accepted as key to the improvement of informal settlements forced mass evictions are still usual in many countries - especially in Asia. International community must address forced evictions as gross violations of human rights which in most cases does not contribute to find solutions. International monitoring must not only focus on the results but also on the reasons of forced evictions, may they be of economical or political nature. "Cities without slums" sometimes gets misused and does not mean anything else but cleaning up cities from the poor. Upgrading of marginalized or poor neighborhoods must always be based on socially balanced processes requiring a high level of participation of the inhabitants in decision making. Demolishing of needed housing stocks and eviction of inhabitants can never be a solution.

At the same time much more attention must be directed to the consequences of legalizations of irregular settlements through individual land titling without social balance.

Many examples show that land titling serves only a part of the original population if no policies against land speculation are implemented at the same time. After regularization parts of the population - especially informal tenants or losers in market competition - the population does not enjoy more security but is pushed out of the settlements. Others are marginalized within the settlements. Often another negative effect is the development of an inadequate density, a loss of public space and generally a weakening of community orientation. Expectations on high profits through regularization in the form of individual land titling even motivates large land owners to promote irregular settlements.

One answer to these problems would be to develop various forms of socially controlled land rights combining individual ownership with legal frames and reducing speculation or unacceptable forms of land use. For example: public rent on long term basis, cooperatives of/for land owners, community land ownerships etc. Another method is to limit land titling to one or a few claims per household. Speculative vacancy or misuse of claims can be limited by legislation, taxation or contracting.

In this context it is important to promote credit systems which do not depend on individual land titling. Many examples show that access to credits can be organized without individual property rights, as far as another form of legal security of tenure is guaranteed.

Generally it is important to raise taxes on speculative land sales. Through taxes on the extra profits achieved by sales, speculation can be limited and at the same times municipalities mobilize revenues to finance the provision of necessary infrastructure in new settlements.

Another good example is the building of communal land funds, which keep reserves of land for the development of new settlements, buy and sale at low prices and provide necessary infrastructure by reinvesting the profits. These revolving land funds must be protected against demands to sell them before realization of a development plan. Generally development aid should promote the building and maintenance of communal land funds and not promote their privatization.

Regularization of irregular settlements always should be accompanied by participative planning of improvements, which even keep and develop public space.

Much more attention must be paid to the fact that often a high share of irregular dwellers are tenants of the squatters. Because irregular, these tenants often do not enjoy any settlement right. Through land titling they do not receive benefits. Minimum standards for tenants rights are needed world wide.

Source: Habitat Working Group - German NGO Forum Environment & Development at CSD 13

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