

# **Right to the City Workshop Report**

**Urban Rights Group  
University of Manchester**



This report was written by the workshop organizers Tanja Bastia, Melanie Lombard, Huraera Jabeen, Gemma Sou and Nicola Banks with contributions from the speakers and the Urban Rights Group Convenors, Professors Caroline Moser and Michael Hebbert.

Picture above courtesy of Nicola Banks.

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## **1 Introduction**

On Wednesday 5 May 2010, the Urban Rights Group held a one-day workshop on the Right to the City at the University of Manchester. This report is intended to provide a summary of the structure and contents of the event. It also includes brief descriptions of each of the presentations made that are intended to complement the PowerPoint presentations available on the GURC site (<http://www.sed.manchester.ac.uk/research/gurc/news/index.htm#rightcityworkshop>).

The Urban Rights Group was set up in 2010 as a research cluster for international development researchers in the School of Environment and Development, with funding from the Institute for Development Policy and Management. The group, co-chaired by Caroline Moser and Michael Hebbert, took the ‘Right to the City’ as its motto. This workshop was one of several events which took place in 2010, alongside seminars on urban infrastructure and climate change adaptation.

The workshop, organized by staff at the Global Urban Research Centre as a follow-up to the World Urban Forum in Rio in March, was aimed primarily at postgraduate students and early career researchers. Around 30 participants from Manchester and beyond attended the workshop, helping to make it a stimulating and enjoyable day. Participants came from the School of Environment and Development and the School of Social Sciences in the University of Manchester, while external attendance was from as far afield as Newcastle and Glasgow.

The programme included a mix of lectures, panel discussions and group work. The keynote speaker was Alison Brown (Cardiff), who discussed the Right to the City as the key theme of the World Urban Forum. Other speakers included Pushpa Arabindoo (University College London) and Stephen Berrisford (African Centre for Cities), as well as Admos Chimhowu, Diana Mitlin, Caroline Moser and Dennis Rodgers from the University of Manchester. A variety of issues relating to the Right to the City in the context of global Southern cities were discussed.

Feedback from participants has been extremely positive, especially relating to the opportunity for researchers from a variety of disciplines and backgrounds to come together and discuss urban issues in the Global South. In the future, we hope to be able to continue these discussions, through further activities with our colleagues at the University of Manchester and beyond.

**Caroline Moser**  
**Co-convenor of the Urban Rights Group**

## **2 Plenary lecture: “Right to the city - from Paris 1966 to Rio 2010”**

### **Alison Brown (Cardiff University)**

#### **Chaired by Caroline Moser**

Alison Brown gave the opening lecture for the workshop. Her presentation touched on several themes, in which she:

- reviewed the evolution of academic debate on the Right to the City;
- analysed how, in a context of economic globalization and rapid urbanization, the concept has inspired social action;
- discussed how the Right to the City is informing the agendas of UN-HABITAT and UNESCO;
- argued that, despite the powerful momentum of the rights-based development agenda, outcomes for the urban poor are still mixed, as illustrated through a case study of Tanzania.

The concept of the Right to the City draws on the human rights agenda. The 1948 UN Declaration of Human Rights created a global platform where signatories declared that ‘all human beings are born free and equal’ regardless of race, colour, sex or religion. Some argue that the human rights agenda is a response to modernity and the rise of the nation state, paralleled by a decline of ‘traditional’ communities and systems of mutual support. Changes in a globalized world were to be mitigated by implementation of (and respect for) human rights (Donelley, 2003). This powerful agenda now underpins many international treaties, and yet rights are often fragile in contexts where communal identity is emphasised, and in some countries there are problems in translating the human rights agenda into social and political rights.

The term the Right to the City can first be traced to the writings of French Marxist philosopher Henri Lefebvre, through his work in *Le Droit à la Ville* in 1966-67 and subsequent work. Lefebvre described city as an *oeuvre*, or a work of art, and argued that its ‘use value’—the benefit of city life—is being overwhelmed by an ‘exchange value’ as urban assets are commodified. Thus many communities are denied access to key attributes of city life including participation in political decisions and the practice of urban culture. Lefebvre identified two core elements of the Right to the City:

- *participation* allows people control over the creation of urban space;
- *appropriation* allows the use and occupation of urban space.

Lefebvre’s concept is of “a superior form of rights: a right to freedom, to individualization in socialization, to ‘habit’ and to ‘inhabit’. The right to the *oeuvre*, to participation and appropriation (clearly distinct from the right to property) are implied in the Right to the City” (Lefebvre 1968 in Kofman and Lebas 1996). Crucially, his vision is of a collective rather than an individual right rather than individual right. Although powerful, his writing is disconcertingly vague as to how the ideal could be operationalized.

Lefebvre's Right to the City creates a radical paradigm that challenged established economic and political orders, and became a rallying cry for social action during the 1968 riots in urban France. His critique of the capitalist world order has been taken up by other academics, notably David Harvey, in his book *Social Justice and the City* (1973) and later writings, who argues that urbanization is a direct result of the investment of capital surplus, and that cities have always been a class phenomenon as the rich have benefited most from capital accumulation. There is thus an intimate link between urbanization and capitalist economics that, Harvey suggests, can only be broken through continuous political struggle.

Others, such as Purcell (2002) have argued that the Right to the City is a challenge to the nature of citizenship. The idea of citizenship is based on a contract between the nation state and the individual, conferred through political rights and the payment of taxes. But many urban residents, such as migrant communities and transient workers, do not qualify for such rights but nevertheless form an integral part of city populations. Thus the concept challenges traditional relationships between cities and individuals, placing emphasis on the Right to the City as a whole rather than specific rights. These distinctions create opportunities for debates.

The Right to the City has been a powerful slogan adopted by urban social movements. According to Harvey (2008), "the Right to the City is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city [...] the freedom to make and remake our cities and ourselves", and he had become an icon at successive World Social Forums (the annual global meeting of third sector organisations). Harvey's work moves the emphasis from the individual to the notion of collective and structural change. However, direct engagement cannot take place without the individual rights bearer making claim on the Right to the City, a process of continual struggle (Mayer, 2009).

Another core theme in the debates explores the Right to the City as claimed through public space. John Freidman (1992), for example argued that streets are places for celebration, protest or control, and that political freedoms are often claimed in public space; Mitchell (2003) likewise argues that the Right to the City has the fulcrum through which social justice is claimed, as played out in the public space of cities. Other debates focus on the role of migrants and commuter populations and the many different ways in which they make their claims on cities through labour market participation, and the challenges posed by a world without borders (Dikeç and Gilbert; 2002; Bastia, 2010). The debates around poverty reduction focus on the role of local government in pursuing a rights-based agenda for all urban inhabitants (Parnell and Pieterse 2010).

The move to implementation is most advanced in Latin America, where an extraordinary coalition of activists and academics has combined to promote political and social freedom. Brazilian jurist Edésio Fernandes' (2007) has argued that the Right to the City can only be implemented effectively if enshrined in legislation, as in Brazil, Colombian and Ecuador, where the Right to the City is now enshrined in national constitutions. Fernandes used the Brazil City Statute (2001) and suggested change in socio-environmental functions of property rights. It included rethinking urban planning, social right to housing, conservation, capturing surplus value and regularization of informal settlements.

In Brazil this right has been transformed into legislation through the Brazil City Statute, 2001, which defines a social function to property rights in order to underpin arguments for regularisation of informal settlements. The legislation includes a right to participation in urban

planning, and a social right to housing, capturing the surplus value of land. In Brazil too, innovative mayors have used participatory planning and budgeting to address poverty and exclusion. However, the difficulties of implementing such concepts in different contexts are not well documented in English.

Elsewhere implementation of the Right to the City has been through informal charters—for example, the Montreal Charter of Rights & Responsibilities which enshrines the principles of equity, sustainability, democracy, equality and social justice in all the City Council's work—where governments create an environment for participation and citizens actively participate to promote democracy.

Since 2003, the World Social Forums have campaigned for a new UN treaty, the World Charter on the Right to the City, supported by many influential NGOs. This proposal calls for the Right to the City to be recognised as a new human right, on the principles of equity, sustainability, democracy, equality and social justice. The proposal was seen as controversial and has not gone beyond a call for social action, although several other initiatives have taken place.

In 2005-06 UNESCO and UN-HABITAT set up a joint project on Urban Policies and the Right to the City, which sought to forge consensus amongst local authorities and others on public policy and legislation that combines urban development with social equity and justice, through a process of global debate and documentation of best practices in implementation. Several interesting case studies have been documented, but implementing a rights-based agenda has a cost, particular in cities with a high proportion of low-income residents.

In 2007 onwards the world network of local authorities, United Cities and Local Governments, proposed a *Global Charter-Agenda for Human Rights in the City* (UCLG), modelled on an earlier European Charter. The Charter-Agenda has the primary objective of promoting of human rights in cities, encouraging the empowerment of citizens to claim rights as inhabitants, creating more rights to participation, housing, services, education and culture, and may be ratified at the UCLG council in November 2010; uniquely it combines policies with a programme for action to be adopted by signatories.

Most prominently, in 2010, UN-HABITAT adopted the theme of *Taking Forward the Right to the City* for its World Urban Forum 5 (WUF5), held in Rio de Janeiro. The fora provide a biennial platform as a focus for public debate on UN-HABITAT policy. Core dialogues at WUF5 focused on six themes central to the agency's work:

- Dialogue 1: Taking forward the Right to the City;
- Dialogue 2: Bridging the Urban Divide: Inclusive Cities;
- Dialogue 3: Equal Access to Shelter and Basic Urban Services;
- Dialogue 4: Cultural Diversity in Cities;
- Dialogue 5: Governance and Participation;
- Dialogue 6: Sustainable Urbanization: Cities in a Changing Climate.

In the run-up to Rio, UN-HABITAT hosted six open e-Debates, one for each theme. Alison moderated the Dialogue 1 e-Debate for, encouraging participants to discuss the core themes of 'Why the Right to the City?'; 'What is the Right to the City?'; 'Whose right?', and 'Taking Forward the Right to the City'. The e-Debate attracted 189 posts, from 59 contributors in 34 countries—generating much enthusiasm and many opinions.

Participants commented on a wide range of themes including human rights; poverty and exclusion; relationships between a city and its rural hinterland; the potential for a universal Right to the City; the role of law, charters and declarations; the need for good governance and participation; whether the Right to the City should be limited to those who pay taxes, and topics such as evictions, corruption and conflict. The concern for exclusion focused on women, young people, city users, migrants and workers in the informal economy. The discussion highlighted concern that the concept of rights is not acceptable in some countries, particularly in Asia, where it is perceived to be a politically sensitive issue.

Alison's interest in how the Right to the City can inform a policy agenda was based on her research on Tanzania's informal economy. She started with the hypothesis that establishing a legal the 'right to work' could provide security for informal economy workers. Her experience in Tanzania suggested the opposite, indicating that although informal increasingly becomes the norm, attitudes of urban elites remain unsupportive, which raises the issue of how the informal sector can be incorporated in urban policy/management. Two debates on how to incorporate informality in policy management are possible: (i) moving towards formalization or (ii) changing the legislative framework to allow flexibility.

Alison concluded that the Right to the City provides a platform for inclusion of key social actors, not exclusively those who have the right to citizenship of the nation state. The concept implies the right of citizens to involvement in urban domains, not limited to individual rights, although the Right to the City needs to be locally defined within particular social contexts. Yet the paradigm provides a radical framework enabling all urban inhabitants to claim the benefit of city life; creates platform for championing a halt to punitive evictions, and breaks down the narrowly defined, exclusive model of individual property rights.

### **3 Panel: “Right to the City in urban poverty discourse”**

**Chaired by Michael Hebbert**

#### **3.1 Diana Mitlin, (IDPM, University of Manchester) “Rights, Redistribution and Representation: urban poverty and Rights to the City”**

Diana's presentation discussed the Right to the City in relation to urban poverty reduction. The presentation focused on:

- the position of rights in general vs. the Right to the City in poverty reduction in particular;
- how the Right to the City has been considered;
- its relationship with urban poverty reduction;
- lessons learnt from low-income women's organizing.

Diana began her presentation by stating that there are many different rights-based approaches to as well as different understandings of the Right to the City. Some define the Right to the City as the right to political engagement (Marcuse 2009). This approach makes reference to the long

tradition of understanding the Right to the City as the right to engagement (Castells 1983). Others approach rights from the perspective of political exclusion experienced by those lacking safety and security (Satterthwaite 2004). There are many examples from across the world where particular groups living in cities experience marginalization. In Thailand, for example, people who lack a formal address are unable to vote. Informal settlement dwellers are therefore automatically disenfranchised of their political rights (interviews Bangkok, Khon Kaen, August 2009).

Still others understand rights-based approaches as a way to tackle urban poverty (Drinkwater 2009). For example, in Bangladesh, local norms discouraged prostitutes from wearing shoes so that they could not wander out of the informal settlement. In this way, a particular group of women, deemed socially undesirable, is confined to a marginalized city space (Drinkwater 2009).

At the theoretical level the Right to the City can provide some alternative understanding of what city life should be like. However, many remain sceptical of the possibility of translating this potential into practice. Some have shown that the way in which some agencies have taken up the concept has given rise to abuse of the concept (Mayer 2009). However, Diana suggested that the reality is much more complex than simply a positive or negative understanding of the Right to the City.

Before proceeding with a discussion to illustrate existing scepticism towards the use of the concept, Diana reviewed how the concept of the Right to the City is currently being used.

Firstly, the Right to the City is understood as a technical problem that relates more to governance than to rights pre se. The work of UN-HABITAT illustrates this position well. In this approach the concept is used to critique existing governance practices, and attempts to provide the means with which to build more efficient and effective governments.

Secondly, rights are understood in a much broader sense than just as the Right to the City. In much of the work of Northern NGOs and academics working on urban development issues, the emphasis has been on issues of land tenure, disposessions, resistance to large scale eviction programmes, and concerns about globalization and its effects on cities in the Global South. In this sense the Right to the City provides a framework for analysing how particular groups of people are being disenfranchised of their right to exist in a city.

Thirdly, the Right to the City has also been used as a basis to rally activist support and promote participation. Many local community groups based in Southern cities have been engaged in a variety of local struggles. Many of these struggles focus on issues of redistribution, which sometimes also extends to access to finance. However, while some groups are comfortable in engaging with a rights-based language, others are ambivalent.

Drawing on her personal longstanding engagement with the women-led Shack Dwellers International (SDI) (Mitlin and Patel 2009) and the Asian Coalition for Housing Rights, Diana argued that there are two emergent positions in relation to rights for those who are broadly supportive of a social justice agenda:

- (i) some are comfortable with adopting a rights-based language;
- (ii) others are ambivalent about using a language of rights, despite having the term 'rights' in the title of their organization (e.g. Asian Coalition for Housing Rights).

Diana then went on to analyse the reasons behind this ambivalence towards adopting an explicit rights-based position. She argued that these organizations clearly understand their problems as being related to issues of exclusion, justice and fairness (all related to rights) rather than just in terms of poverty. However, many organizations are not comfortable with claim making, legal processes and high-profile confrontational interventions. This does not mean that they do not engage with rights per se. In fact, many organizations, while shying away from being openly confrontational and using a language based on rights, nevertheless aim for redistributive policies. They see their problem not as poverty per se, but one of inequality and lack of justice. However, they also feel that it is not strategic to challenge the structures of inequality openly, and fear that this may lead to increased repression and/or continuing exclusion. This is clearly the case for some women's grassroots organizations.

Diana suggested that this ambivalence towards the open use of a rights-based language might be related to two issues. Firstly, in the eyes of some organizations, political marginalization does not appear to be effective. By pursuing an openly confrontational approach, they might risk exclusion. To secure redistribution, these organizations require collaborative strategies as well as presenting change as a win-win situation. In Diana's experience: "These women seek the 'identity' of constructive engagement, not of insurgency".

Secondly, the scale of social inequality pervades lives to such an extent that some organizations, as well as individuals, do not want to be identified as confrontational rebels. The work of Janice Perlman illustrates well how people suffer discrimination based on their (informal) residence. In her work Perlman shows how *favela* residents in Rio de Janeiro have much lower wages compared to groups of people with similar characteristics who live outside of *favelas* (Perlman 2007). Perlman also argues that many people are ambivalent about adopting an openly confrontational stance when faced directly with discrimination. Rights, in this perspective, are best claimed by people who have some rights already; it is a potentially dangerous strategy for those with a lower social status who, for example, may lack legal protection.

By way of conclusion, Diana highlighted that political engagement around poverty reduction strategies and rights-based approaches in urban areas are fraught with complexities. Based on the examples discussed, she argued that some positions are too simplistic (e.g. Mayer 2009). Rather than there being only two possible positions that one can take, evidence from the ground indicates that there are multiple ways in which people are trying to challenge the structures of inequality. Many of these strategies adopt a rather ambivalent position towards openly claiming particular rights, including the Right to the City; but equally many strategies are grounded in a deep understanding of fairness, equity, social justice and rights. To date, academic discussions do not adequately represent this complexity as it is being realized through lived experiences and ongoing debate.

### **3.2 Pushpa Arabindoo, (UCL): “No Right to the City: urban poor in bourgeois Chennai”**

Pushpa's presentation provided a critical view of the Right to the City discourse, drawing on the ability of different class-based groups to interpret the Right to the City and use it to their advantage. She illustrated her criticism by drawing on Chatterjee's (2004) distinction between citizens and populations, in which citizens inhabit the domain of theory while populations inhabit the domain of policy. In theory, everyone is a citizen with equal rights but in practice, at least in India, most are only tenuously rights-bearing citizens. Many transgress legality in their everyday life and work practice, becoming in the eyes of city managers transgressors and populations that need to be managed. These populations therefore engage with the state through governmentality rather than as citizens.

The Right to the City discourse in this context becomes problematic when it is framed within the discourse of urban citizenship which is often unable to provide a substantive dimension to its practice. The question is whether an urban polity is able to offer a useful scale of analysis. When a combination of the deprived (the poor) and the discontented (the middle class) as suggested by Marcuse (2009) push for their Right to the City, how does this discourse resolve the tension between the urban poor's right to shelter and basic services and the middle classes' aestheticized right to an ordered city? Here, the Right to the City does not distinguish between different sets of rights and different groups of 'right bearers'. Therefore both the dispossessed and the middle class can position themselves as right bearers vis-à-vis the Right to the City discourse.

Pushpa went on to illustrate this tension by drawing on her own research in two neighbourhoods in Chennai (see map below). The first case study involved a middle class residential development adjoining a lower-income group slum resettlement colony. The residents' associations of these two social groups tried to foster a collaboration by forming an umbrella federation in 2003, but struggled to develop a consensus when they realized that their notion of a Right to the City was based not just on different sensibilities but often on conflicting interests between the lower middle class and lower income neighbourhoods. Both framed their claims in terms of rights to which they were legitimately entitled: one for basic services and the other for a pleasingly aesthetic view of the place where they lived (for further details about the case study see Arabindoo 2008).

Even though the urban poor, frustrated by years of marginalization were of the view that a politics of negotiation with the state would probably yield better than a politics of confrontation, they realized that the members of the middle class were able to negotiate better with a bureaucratic state than they had been with the clientalist politicians. In their own words, they claimed:



Map courtesy of Pushpa Arabindoo

“We don’t want leadership, we want consensus” (see also Diana’s presentation, above). However, the federation that was created lacked a clear pro-urban-poor agenda. Therefore those involved had to confront the uneasy tension between the middle classes’ wish for beautification of their neighbourhoods mostly via middle class concerns such as vehicular traffic problems, and the urban poor’s need for basic services (which was also identified as a source of tension in Dennis’ presentation, see below).

The second example, of a private gated development, was used to illustrate how lower income groups were being framed negatively as ‘slum dwellers’ involved in illegal activities. Pushpa highlighted how a Supreme Court judgement passed in 2000 reversed an earlier judgement giving every person the right to shelter, on the grounds that entitling an encroacher is like rewarding a pickpocket. An additional problem was posed by the fact that there was little collaboration or fruitful communication between the two groups.



The presentation then described how Right to the City becomes a fragile concept when it is applied in the context of claims to public spaces by different class groups. Taking the example of the beach (see picture), Pushpa showed how for the fishermen the beach remains a common place for occupational activities including cleaning and drying fish nets as well as conducting most of their everyday practices in the open, while for the middle classes the beach is a more restrained space of leisure and beauty (Arabindoo forthcoming).



Based on these examples, Pushpa concluded that the Right to the City as a concept is highly ambiguous, given that there are multiple understandings of open spaces and what the Right to the City might mean. Middle class activism does not take account of these multiple understandings and as a result the Right to the City becomes subservient to bourgeois citizenship. For the poor, there is no Right to the City.

Picture courtesy of Pushpa Arabindoo

### **3.3 Dennis Rodgers, (BWPI, University of Manchester): “Planning against the Right to the City: Power, Inequality and Pathological Urbanization in Urban Nicaragua”**

The starting point of Dennis's presentation was Henri Lefebvre's famous contention that spatial inequality could fundamentally undermine the basis for the Right to the City, which he defined as a “right to urban life”: that is to say, to being able to engage with the city as a “place of encounter” (Lefebvre, 1996: 158) that fosters “the freedom to make and remake our cities and ourselves” (Harvey, 2008: 23). Dennis noted how Lefebvre (1996: 153) consequently advocated the development of a “science of the city”, a “planning thought” that would seek to “re-establish an urban unity”, reconstituting “the integrative capacities of the urban”.

As McFarlane and Rutherford (2008) have pointed out, however, planning can just as easily contribute to “the construction of difference and inequality between social groups through the discursive and/or material shaping of urban infrastructure, for example in producing distinctive notions and ideals of modernity, morality, public space, and citizenship” (McFarlane and Rutherford 2008: 366). Dennis's presentation focused on a specific instance of planning illustrating this in contemporary Managua, the capital city of Nicaragua, where he has been carrying out ethnographic research since 1996.

He described how Managua has been transformed during the past two decades from a ramshackle, sprawling, impoverished city to a metropolis that is now bustling with expensive restaurants, bars and night clubs, luxury hotels, designer stores and malls. Noting how this transformation has been widely portrayed as a consequence of the post-revolutionary era unleashing of market forces, Dennis argued that although consumerist desires were undoubtedly a major driving force behind Managua's transformation, the city's makeover has also been the result of a very purposeful and iniquitous planning process.

Drawing on the recent development of the city's transport infrastructure as an avenue for exploring the contradictory consequences of the planning process, Dennis highlighted how until 1997 potholes were a chronic driving hazard, traffic was chaotic, car-jacking frequent, and there was no discernable logic to the city's byzantine road infrastructure. From 1998 onwards, however, the municipality began an extensive programme to fill in potholes, resurface and widen the major arteries of the metropolis, build a series of cross-cutting boulevards through the city, and replace traffic lights with roundabouts. The programme cost over US\$250 million (while the annual average municipal budget of the city is approximately US\$35 million).

These works were undertaken to speed up traffic and reduce congestion, but when examined on a map, a definite and highly unequal pattern emerges: the new roads predominantly connect locations, associated with the lives of the urban elite, to each other: the newly remodelled international airport to the Presidential Palace to the Plaza Inter mall to the Metrocentro Mall to the “Zona Rosa” of restaurants, bars, and nightclubs to the exclusive Las Colinas neighbourhood. This particular network enables the elite to move safely and rapidly between different points, no longer impeded by potholes, congestion, traffic lights, or crime (roundabouts considerably reduce the risk of being car-jacked).

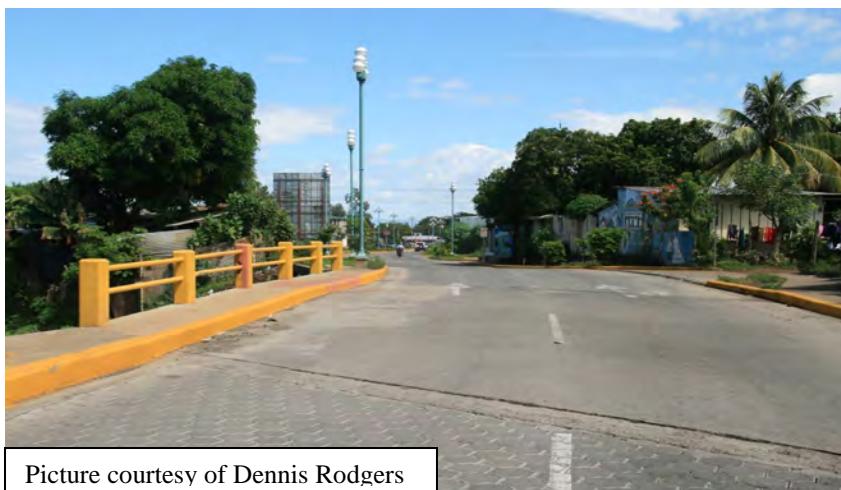
In Dennis's words: “a whole layer of Managua's urban fabric was disembedded from the patchwork quilt of the metropolis, and the vast majority of the city's impoverished population excluded from the “*Nueva Managua*” of the wealthy, who now live in splendid segregation”. He

went on to suggest that we label this transformation a form of “pathological urbanism”. This is a more or less self-explanatory term, drawing partly on the naturalistic notion of “urbanism” classically laid out by the Chicago sociologist Louis Wirth (Wirth 1938). The “pathological” aspect of the equation relates to the socio-psychological impact of Managua’s particular reconstruction, which Dennis went on to describe through a case study of a specific instance of infrastructural development.

He drew on ethnographic research carried out last November in the poor neighbourhood *barrio* Carlos Fonseca, a relatively small informal settlement in the south-east of the city originally founded in the early 1980s. In April 2008, the *barrio* was completely transformed by the construction of the *pista* Cardenal Miguel Obando y Bravo right through it (see picture). This *pista* is a four-lane highway that cuts east-west across South-Central Managua and was built at a total cost of US\$5.6 million, or about 10% of the municipality’s budget.

According to the Managua planning authorities, the *pista* plays a major role in reducing traffic congestion, despite the fact that there are two parallel east-west boulevards very close by. However, it clearly allows drivers to avoid the northern east-west boulevard that runs through the Jorge Dimitrov and El Riguero *barrios*, both of which are notoriously unsafe, and to avoid the congestion that is caused by the Roberto Huembes bus station on the southern east-west boulevard. The new *pista* also links the affluent neighbourhood of Los Robles better both to airport and to the Carretera Sur, where a number of luxury condominiums and hacienda-style mansions have sprung up.

The consequences of the *pista*’s construction for local life in *barrio* Carlos Fonseca have been devastating, both directly and indirectly. Forty households were affected – sixteen completely destroyed, twenty-four partially. Only three of the sixteen families whose houses were completely destroyed accepted relocation outside the *barrio* and the municipality re-settled the remainder in a baseball field that had been a focal point of neighbourhood socialization, thus eliminating the *barrio*’s sole area of public space. Many of those whose houses were affected but not completely destroyed found themselves living in cramped conditions.



Picture courtesy of Dennis Rodgers

Most dramatically of all, however, the *pista* literally cut the *barrio* in two. Many of Dennis’s interviewees complained that crossing the road was a hazard, and the dynamics of the *barrio* changed as people found it more difficult to cross from one part of the neighbourhood to the other. There were additional negative consequences: those living by the side of the new

road had to put gates on their houses to keep their children safe, and parents tried to keep their children indoors, to avoid accidents.

Overall, however, there was a certain acceptance of the new road. Indeed, many of Dennis' interviewees actively associated it with progress and development. Seen in this light, it can be argued that *barrio* Carlos Fonseca has become something of an Eliasian "pacified space" (Elias, 2000), not only in practical terms, but also with regard to the assimilation of a particular discourse and experience of Managua's infrastructural development. There clearly existed an internalization of the normality of segregation, of the inevitability of transformation; indeed, of its necessity in the name of progress.

At the same time, however, Dennis, citing Cindi Katz (Katz 2007: 352), pointed out that it was important to go beyond what she labels "spatial fetishism", that is to say, "understandings of space as producing effects; as causal of particular conditions and material social practice rather than the outcome of specific social relations and practices". Ultimately, Managua's particular urban development, like development more generally, is the product of a particular socio-political configuration, in this case a 21st century oligarchy that has clearly completely abdicated any societal responsibility beyond ensuring its own enrichment (Rodgers, 2006, 2008).

In the final analysis, it is these kinds of situations that must be held up for scrutiny and denounced, as Henri Lefebvre (1996: 178) himself realized when he argued that "the realization of urban society calls for a planning oriented towards social needs, those of urban society. It necessitates a science of the city (of relations and correlations in urban life). Although necessary, these conditions are not sufficient. A social and political force capable of putting these means into *oeuvres* is equally indispensable". The question, however, is how such a "social and political force" can come to the fore in the face of iniquitous planning processes that lead to forms of "pathological urbanism" such as the one described by Dennis in Managua.

### **3.4 Discussion**

#### ***Geographical representation and use of the concept of the Right to the City***

The use of the concept of the Right to the City might be geographically limited given that it is not widely used by grassroots groups in Asia and Africa. There are also some clear regional differences in urban movements. The Latin American intellectual middle class has moved into social movement leadership, and so is better able to use frameworks such as the Right to the City. Social movements in Africa and Asia are less able to capitalize on middle class alliances and so are less able to capture and use concepts such as the Right to the City.

#### ***Conceptual value of the Right to the City in relation to collective struggles***

There is tension in the rights-based discourse between De Soto's position on the right to access land and properties and securing them for economic growth and those who argue about rights as social justice. This tension undermines the rights-based approach, particularly in Latin America where dispossession is widespread. However, the Right to the City is often used as a rallying cry, often very effectively (as also discussed in Alison's plenary, see above). It is therefore useful that whenever the concept is used, we recognize its precise meaning and use.

### ***Issue of scale***

A number of comments highlighted the uneasy tension between national-level citizenship (as belonging to a nation-state) and the Right to the City claiming belonging to a city. Some argued that the Right to the City can be useful for poor people living in urban areas, because the city level government is often much more important than the national government. National citizenship is often very different from urban citizenship, but it is the local government which will determine whether a person will be able to trade in a particular street or a particular part of a city.

### ***Building equitable cities in context of widespread corruption***

Some would argue that some corruption can be seen as a form of redistribution. However, in the case of Managua, the problem is one group is using all the resources and so these are not being redistributed, either through corruption or other means.

### ***The unsustainability of Western notions of development based on infrastructure and seeking alternative local solutions that turns ‘development’ on its head***

What is Western and what is local? In Tamil there is no word for ‘right’; you say ‘need’. Problems of translating Right to the City. But this is not a problem for the middle classes, who speak English and are able to use the language of the Right to the City to petition for their own interests. Defecating on the beach is complex – illustrates the complexity of planning, people not being consulted, etc. Suggestions to use the notion of common spaces and public spaces and to reveal the contestations and different narratives. Roads can connect and disconnect – Dennis’s case study shows how roads can disconnect. In India flyovers do not allow slower modes of transportation so there is an assumption that roads offer opportunities but case studies like the one on Managua are useful in unpacking the consequences of transport infrastructure projects.

### ***Consultation and gated communities***

Rio de Janeiro implemented a programme where they used roads to build bridges and connect different *favelas*. These roads opened up the *favelas*, reducing levels of crime and delinquency. The case studies presented in this panel suggested that the main problem might not be the planning projects *per se*, but rather the lack of consultation with local residents. In Managua it was clear that the road was not required by the community but served another purpose. However, in relation to finding the finance to implement urban projects, some participants argued that modern developers would often invest only if they could build in the form of a gated community. Sometimes local authorities see this as the only way of getting funding for progress (and there are examples of this also in the UK, e.g. Cardiff). However, other participants felt that in many cities, gated communities create new tensions and separations. This is particularly the case in cities in many low income countries, which are largely unmapped. In this context of fuzziness, in the absence of clearly marked terrains and boundaries, the appropriation of land for gated communities becomes contested straight away. There was some debate about this, but many were sceptical about gated communities, as they saw the construction of new walls around

the gated communities as a new division. Gated communities begin a vicious circle of boundary formation which is then policed through force. In the case of Chennai, for example, the conflict then spills over into ‘public space’, i.e. the beach (see Pushpa’s presentation).

### ***Confronting the colonial history of planning in Africa where planning was used as a means of segregation***

Some asked to what extent is planning redeemable because of the way in which it is intertwined with industrial capital development but also in terms of the type of city it aims for (a Western city). The Right to the City calls for a new discourse for conceptualizing the city, away from a sanitized, environmentally and aesthetically pleasing city, which might be what Lefebvre was aiming at. Planning is very closely linked to the colonial project and there are striking cross-historical similarities between Managua and the Haussmanisation of Paris in the 19th century. This leads to the question of whether planning is irredeemable and some felt that it is, so long as the current power structures exist. However, unlike in many other countries, in Nicaragua there was an imaginary alternative. During the Sandinistas there was a master plan for Managua built on notions of equality and social housing, a very different logic to the type of planning that is currently taking place. The fact that it once existed and now is gone invalidates the possibility to some extent of imagining an alternative at the present time.

### ***Infrastructure can also bring material benefits***

Based on many African experiences, some participants felt that roads do usually bring at least some material benefits to the populations that live close to them. In the African context, roads passing by squatter settlements create opportunities. They bring trade to the settlement. However, in the Managua case study, the reduction of crime was incidental because the police who patrolled the area were transport police, who received an increase in their budget. Most police patrols were on new roads and in rich neighbourhoods. Roads can have positive spin-offs but that is not the main reason why these roads are being built. Buses do not run on new roads. In another neighbourhood, a new road encircled the neighbourhood, which created a sense of being enclosed as well as an increase of intra-crime rates.

### ***The challenge of translating concepts such as gentrification, which arise in a Western context, when working in less developed countries***

How do you understand poverty? How do you translate concepts to different contexts? The panel speakers suggested that it might be useful to work with concepts bottom up. Concepts reduce reality, simplify complex social life. A useful concept is one that helps explain and simplify reality. But if a concept is seen as reflecting reality, then it becomes less useful. In this context, the Right to the City is a utopian concept. Others argued that it might not be necessarily useful to think of concepts as being ‘Western’ or ‘local’. The flow is very much in both directions. India produces a lot of very useful scholarly work, which is often useful for explaining local contexts. In every region there has been quite a lot of exchange and borrowing from the Western world so we need to look at how the concepts have been used and changed. Grounded reality really defines what is useful and what is discarded.

### ***What is the Right to the City and who is defining it?***

Residents prepare for planning projects. They also expect some investment. Outside agencies bring new concepts but these are dissonant with local needs and how people define their own needs. The case studies illustrated that the meaning of the Right to the City is largely context specific and often appropriated by the middle classes. It can also become a source of conflict between low and middle income groups. It might be useful to look at the context within which the Right to the City is being invoked: the return of citizenship in an urban context in the neoliberal condition and in this sense a bourgeois condition. Therefore the scepticism. Participants also discussed informal urban dwellers' resistance to formalization and the need for flexible bureaucracy.

### ***Dealing with short-term political terms***

Nicaragua is very clientilistic; the neighbourhood in question is very small so does not constitute a power base. People often have very Western consumer desires; we live in a globalized world. Their desires are Western.

## **4 Panel: Rights to land – the Right to the City and land issues**

### **Chaired by Melanie Lombard**

#### ***4.1 Stephen Berrisford (African Centre for Cities): “Urban law and the Right to the City in sub-Saharan Africa”***

Stephen began by posing three key questions:

- 1) From a legal perspective, what can be done to expand the supply of rights to urban land (to occupy, to develop, to trade and to transfer)?
- 2) What is it about the sub-Saharan African context that makes it difficult to do that?
- 3) What can be done to improve the situation?

The problems of cities in sub-Saharan Africa are manifold. Spatial factors include relatively rapid urbanization, segregation and incoherent urban planning. Economic considerations are that economic growth is not driven by the urban economy; informal land markets and land tenure arrangements prevail; and there is dependence on informal economic activity. Environmentally, infrastructure, services and housing are inadequate, and environmental degradation (air, water, and ground) is common. Politically, there is a weak democratic culture. Additionally, there is political intolerance towards the poor, the informal economy, and informal settlements; and a legal framework that reinforces, aggravates and deepens many of these problems, a legacy of colonial settlement.

There is unanimous support for changes to the laws and regulatory reform, originating from diverse quarters including national governments, donor agencies, multi-lateral international development agencies, academics and NGOs. Amid the calls for change, property and power have been identified as the salient issues. Specific sets of laws are identified as targets for change, including:

- Planning and building regulations;
- Small business regulations;
- Land tenure and administrative regulations;
- The relationship between ‘modern’ and ‘customary’ laws;
- Constitutional arrangements.

While supporters of change have different motivations, there is widespread agreement on the positive attributes of new law, based on assumptions that legal change will precede all other changes, and one can ‘change society by changing the law’. Urban planning regulatory reform is routinely recommended as an important step towards solving urban problems. Its supposed powers include enhancing urban land supply; regularizing informal/illegal settlement; curbing the excesses of the land development market; supporting infrastructure investment planning; promoting transparency and good governance; and so on. Yet in practice, efforts to change planning laws are seldom effective, or even completed.

There are political, legislative and administrative reasons underlying the challenges to law reform in the sub-Saharan African context. Political instability and economic change is accompanied by a lack of legitimacy of legislation – particularly urban law – relating to the government’s lack of legitimacy, at national and local level. Planning has a professional and political concern with development control, and planning practices exclude rather than include, leaving citizens with no sense of value in participation, meaning there is no virtuous cycle of urban management (planning; land value; taxation; municipal finance). Finally, weak civil society is accompanied by mismatches between the goals of donors/multilateral agencies (who prioritize rights) and country governments (who prioritize control). Evidence from Zimbabwe, South Africa, and Kenya suggests that state-sponsored anti-slum operations are still the most common way for people to experience urban law.

In this setting, the relevant question may be not who determines rights, but who determines whether rights are a viable option. McAuslan (1980) pointed out that making new planning law is not ‘just a technical exercise’, but concerns the political economy of a country. The idea is not just to formulate laws, but to implement them. Now is an opportune time to move forward, based on a thorough understanding of political and economic possibilities and impacts, and costs and benefits of implementation and compliance. But there is a need for realistic goals.

Planning law reform processes cannot design new intergovernmental relations; nor can they rewire bureaucrats’, planners’ and politicians’ views of planning. The process of change should involve looking carefully at international precedent, and bearing in mind inherent constraints. For example, most developed countries’ planning laws are highly contested in court, in the media and in politics; and fundamental change to legal relationships is slow. In seeking the preconditions for a society to adopt a set of rules for urban development, the aim is to develop a methodology for tackling planning law reform processes. Planning law is driven by different

groups of ‘stakeholders’ – politicians, officials/planners, investors, and the urban poor – each with distinct interests and concerns. Reconciling these interests is difficult but not impossible. Additionally, the influence of donor agencies, civil society and international organizations is important.

One starting point might be an adaptation of the UK’s Five Principles of Good Regulation (or other sets of suitable principles) as the desired result:

- 1) Proportionality: Regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimized.
- 2) Accountability: Regulators must be able to justify decisions and be subject to public scrutiny.
- 3) Consistency: Government rules and standards must be joined up and implemented fairly.
- 4) Transparency: Regulators should be open and keep regulations simple and user-friendly.
- 5) Targeting: Regulations should be focused on the problem and minimize side effects.

However, change is not immediate: Brazil’s City Statute was 30 years in the making. New law won’t change how planners, politicians or people think about cities, planning or development; rather, new ways of thinking, organizing and planning will provide the basis for new laws. Meanwhile, practitioners and theorists should focus on changing planning education in African countries; building networks of expertise and knowledge about African urban law; and carrying out more research on the context and challenges, in order to design better interventions.

#### ***4.2 Admos Chimhowu (IDPM, University of Manchester): “Delivery of Land to the Urban Poor in Namibia: a justice-based model”***

Admos also started with a question: Given that urban justice is a major theme of the research group, is there an urban land question?

A majority of the estimated 373 million Africans spend part or all of their lives in urban areas. However, non-wealth creating urbanization means that urban residents lack appropriate assets to confront:

- Greater dependence on cash income;
- Weak or non-existent livelihood networks (compared with rural);
- Changed lifestyle needs;
- Ill-defined property rights regimes, especially with respect to land;
- Disproportionate exposure to urban risks.

It may be that the notion of distributive justice is relevant to the urban land question in Africa.

Distributive justice is about how burdens and benefits of the urban space economy are shared (in space and across generations). Rawls’ (1971) equity-based approach offers a useful framework to think through the notion of urban justice, based on difference (or the equity principle). The

twin core foci of justice with respect to use of urban space should be equity in the distribution of land (urban land allocation processes and emerging patterns of access to land); and terms and conditions under which urban land is accessed and controlled.

The rural land question is still fundamental, but in the face of increasing urbanization, the second most important question is: How do you create a system of equitable rather than egalitarian access to urban land for all social groups? The need for land is differentiated, but not proportionate. There are demand- and supply-side barriers to equity which need to be overcome, relating to affordability, adequacy and efficacy of land provision processes. In the post-settler colonial and apartheid cities, a largely urbanized population lives in highly inequitable situations; confronted with physical limitations to city expansion, the ‘urban land question’ is particularly relevant.

Namibia, a German colony since the Berlin conference partition of Africa, became a League of Nations protectorate governed by South Africa in 1919. Apartheid was introduced in 1949 and was gradually repealed in 1977, before abolition at independence in 1990. The current population is estimated at 2.1 million, of whom 34.7% are urban based. Windhoek, the capital city, has 40% of the country’s urban population, and a growth rate of 4%, higher than national average of 2.65%. Most urban growth has been due to the ‘march of the peasants’ following relaxation of influx control regulations: two out of every five urban dwellers were born in rural areas. Namibia is one of the most unequal societies in the world. In 2006, 5% of the population controlled 70% of the GDP, while the poorest 55% controlled 3%. Use of physical space in Namibia is determined by racial/spatial segregation.

Windhoek is still a divided city: the gap between rich and poor has replaced race-space (black and white) segregation. Wealthy suburbs to the east and south contrast with poor, mainly black townships in the north and west. Wealth and race are still correlated positively, demonstrating the enduring effect of apartheid on spatial planning, assisted by institutional inertia from continuity of planning personnel, ideology and systems. The ‘suburbs’, physically separated from the city, contain contrasting images of sub-urbanization: for the rich it is by choice, but for the poor, by circumstance and history. The only change is from mono-functional suburbs into ‘living spaces’, evidenced by the growth of suburban shopping centres and business office parks as the central business district becomes more integrated. However, the majority of city residents cannot afford to make ends meet: in Katutura where 60% of the population lives, some 71% live below the breadline and 18,000 residents live in informal settlements.

Initially, markets and civil society interventions, rather than direct public policy interventions, were seen as mechanisms to correct imbalances in the urban space economy. However, since 1992 more direct public policy interventions have included developing new master plans to expand the physical stock of land, and a new Land Policy based on flexible land tenure.

The latter is particularly important as it suggests that tenure is relative or irrelevant; and it is based on vernacular land markets. It recognizes that a majority of urban residents are subject to a regularized but inadequate bundle of rights; holding a group title with no legal possibility to alienate individual rights, due to land sales from the council to savings groups, at market rates and with the group meeting the costs of bulk services. Flexible tenure also recognizes that formal legal land access and disposal processes do not work for the majority, with costs of up to N\$7,000 and a two-year wait to register land. Instead, many low-income residents resorted to

vernacular land markets to access land for rent and sales (Mooya, 2009), and through alternative transactions and procedures which were not formally recognized. These entailed minimum transaction costs, due to informal land registry at community level; agreement of sale letters with local witnesses, or with a stamp from a local party chairman; and no stamp duty.

Flexible land tenure was proposed in 1990, and piloted in 1995/6, but only formally enshrined in December 2009, when the Flexible Land Tenure Bill was passed. This represented the ‘de Sotization’ of urban land tenure, and created a three-tier system of statutory land tenure (with a scale of tenure from more to less secure):

- Freehold title: the ultimate in tenure security; bundle of rights with freedom to dispose;
- Landhold title: title issued to a group, but members able to register individual servitude with formal demarcations; can be sold, donated, inherited or mortgaged;
- Starter title (undivided share ownership): group deeds issued and individuals named within group, but no possibility of registering individual servitude. Individual plots not surveyed but share can be sold, donated or inherited.

Based on a model of reducing transaction costs through decentralization of land management to communities, local land rights offices with a land rights register were established, alongside para-professional institutions and structures such as land registrations officers and land measurers.

The flexible tenure system is an avenue for the creation of inheritable assets, knowledge and wealth accumulation; however, there are questions about the intergenerational transmission of assets, and the impact on the present generation (cattle complex). While the system represents a better bundle of rights and protection under the law, there is some doubt as to whether it really means a break from the past. While it contains the potential for realizing full title over time, this may not be desirable for the majority. Moreover, banks are still reluctant to lend finance and there is only patchy evidence relating to whether transaction costs have been reduced.

#### ***4.3 Caroline Moser (GURC, University of Manchester): “Implications of climate change for land tenure rights in Mombasa, Kenya”***

Caroline set out three objectives:

- To briefly outline the debates about the ‘Right to the City’ and land tenure rights;
- To identify links between rights and climate change;
- To describe the politico-legal vulnerability to land tenure associated with climate change in Mombasa.

The ‘Right to the City’ concept contains notions of use rights and exchange rights, with inherent implications for land rights. Lefebvre’s (1960s) formulation of the concept has been summarized as ‘the right of all city dwellers to fully enjoy urban life with all of its services and advantages –

the right to habitation – as well as taking direct part in the management of cities – the right to participation' (Fernandes 2007). The Right to the City derives from recognition of the use value of urban space, as opposed to the capitalist emphasis on exchange. It contains important emphasis on urban land from the outset, begging the question what are the legal implications of the 'right' to the city as it relates to land and tenure rights?

Since the 1970s, the concept has been used within a normative framework of redistributive justice, relating to the entitlement of all urban dwellers to access to public services, regardless of their infringement of urban regulations. This has been particularly important for Latin American social movements, who have argued for 'collective consumption' rights, including the right to planning, housing, environmental preservation, and regularization of informal settlements (Castells et al). Similarly, the Indian Rights to Housing Movements (Jai Sen) has made use of the concept. In terms of national legislation, Brazil's 2001 City Statute represents a legal framework governing urban development and management which recognized the collective 'Right to the City' and introduced new legal instruments to regulate land development; democratization of local decision-making processes; and regularization of informal settlements (Fernandes 2007: 212-3).

Meanwhile, De Soto (2000) has linked land titles/ownership to economic development, resulting in the UN Commission on the Legal Empowerment of the Poor, with a focus on the rule of law, access to justice, property rights and labour rights. However, Slum and Shack Dwellers International have expressed reluctance to use a rights-based approach in moving from contestation to negotiation over land (Patel and Mitlin 2009).

This potentially has a double focus, as rights and greenhouse gas mitigation issues could represent a space for North-South dialogue. UN-HABITAT's 'Rights to City' concerns relate to climate change, as they are linked to the promotion of inclusive and environmentally sustainable cities, and related to social inequality, spatial segregation and reducing vulnerability. However, climate change has not been specifically addressed as a rights issue; and so far, there has been little work on a rights-based approach to climate change.

People living in slums and peripheral settlements, i.e. the urban poor, already experience vulnerability in a physical, politico-legal and social sense. Causal factors relate to poverty, physical location and exclusion from most basic services, and this ongoing vulnerability is exacerbated by extreme weather. However, poor communities are resourceful in developing a range of asset-related strategies to adapt to extreme or severe weather deriving from climate change at the household, small business and community group level. Strategies include:

- Asset adaption to build long term resilience;
- Asset damage limitation and protection during extreme weather events;
- Asset rebuilding after extreme weather.

The incremental invidious nature of weather changes means that such interventions are not always identified as three specific stages but rather as a continuum.

However, in informal settlements, where many different types of relationships exist with land, these measures often occur on untenured land. In this way, urban residents face a triple legal vulnerability:

- For many of the poor the only available land is untitled, and located in high risk, hazardous areas;
- Because it lacks title, local authorities do not provide necessary basic infrastructure;
- Because they lack title, many occupants are reluctant to invest in measures to build resilience.

Asset vulnerability associated with extreme weather requires responses of resilience, damage limitation, and asset rebuilding. Future predictions of extreme weather make this increasingly a right-based issue. Further asset adaptation funding is needed; but it is as yet unclear as to who will control these mechanisms.

#### **4.4 Discussion**

##### ***Climate change as a cause for optimism relating to the Right to the City?***

In the light of the Indian government's use of the 2005 floods to justify evicting marginalized communities in urban areas, should we be optimistic about using climate change as leverage for the Right to the City? While large scale disasters may create opportunities for evictions, exploring marginalized residents' responses to the widespread and slow effects of increasingly extreme weather events facilitates advocating for climate change resources to be channelled towards supporting the adaptation strategies of low-income households, communities, and small businesses. The question then is how residents' knowledge can be harnessed, and how leverage can be created so that in cases of extreme weather, residents are not overruled by outsiders who allocate resources according to their priorities. This entails recognizing that if money is available, local people have to mobilize and work with NGOs and municipalities on how to spend it.

##### ***Applicability of Right to the City concept in sub-Saharan Africa***

Although there is a wide variance in scale of urbanization between sub-Saharan Africa and Latin America, models from places like Brazil are still applicable in Africa, where very large primary cities are emerging and experiencing the same issues as megacities. Africa is moving from a rural to an urban continent, and already experiencing pressing urban problems. The political economy of urban land issues is fraught and difficult, ranging from southern Africa's formal, racially determined unequal access to land, to Ethiopia, where the state owns all land and is trying to clamp down on market transactions, while elites continue to capture the land value. The most pressing issue is urban land reform and the commercial value of land in very poor countries. Serviced, developed land in a decent location is so scarce, it's very valuable, in juxtaposition to the untitled, precarious tenure of valueless land held by poorer people in the rest of the city. Thus real issues around equity and justice must be addressed; and while land debates have been focused on rural issues such as the redistribution of white commercial farmers' land, and the individualization of customary tenure, the debate now needs to move into the urban sphere, taking into account lessons learned in Latin America and Asia.

### ***The cost of recognition and the restriction of flexible tenure***

In many cases, legality comes with obligations, such as taxation and rates, meaning it is more expensive for informal settlement residents to be recognized. The cost of recognition by the city – having to pay for water, sewerage, and land – may make it less attractive. Being recognized by the state entails being subject to the state's rent-seeking behaviour, which may be seen as recognition with responsibility. However, the question arises whether rates being charged are realistic, if they result in people being driven away to other areas.

Regulation through ‘flexible tenure’ may have the effect of removing flexibility of tenure, as by clearly outlining options for tenure in setting out categories, you foreclose options for the poor. However, flexible tenure provides opportunities for accumulation, because recognition increases the sale value of land. This may cause people to sell up and invade new areas, where regularization will occur again. The cycle of invasion may also be related to gentrification, as middle-income residents take advantage of newly-recognized land, forcing other residents to move on.

### ***Land tenure as individual***

Land tenure has been presented as a key vector for realizing the right to city, yet land tenure ascribes land as an individual asset, rather than accessing the collective. Can the Right to the City be realized through a generalized land tenancy right, or some other collective right which does not involve land ownership? This suggests delinking access to basic services from tenure, because without tenure rights residents cannot get basic services. There exist contradictions around occupation, whether de facto or de jure, relating to people living in locations which will be affected by the next weather event. But desperate people will squat anywhere, even when they are aware of the risk. Perhaps communities could collectively take ownership about what land shouldn't be occupied, because of its fragility; not as a legal issue, but a community one.

### ***The contradictions of legislation***

Contradictions in legislation can often be found in the African city, especially relating to urban resource use. For example, in sub-Saharan African cities, some legislation encourages urban food production, while other laws prohibit it. These contradictions derive from law-making processes in African countries. A raft of legislation is inherited from previous colonial regimes, followed by various efforts to adapt this through law reform. This involves doing a survey of the legislation, followed by the difficult choice of whether to make the new law cross-refer to the myriad other pieces of legislation, or to put in a blanket provision overruling all previous laws inconsistent with this one, which also causes problems. This practical problem relates to the lack of human resources in terms of legal academics, parliamentary oversight and long-running politicians to oversee law. The problem worsens as new laws emerge without adequately dealing with existing legislation; and those at the bottom of the land market are more vulnerable, due to the many laws which they may contravene, according to the state, developer, or other powerful interests.

### ***The Right to the City as an optic***

It may be that the Right to the City doesn't have to be invented as it already exists; perhaps the concept is an optic enabling us to look at existing bundles of rights, and see things which exist but are neglected. For example, Fernandes suggests that of several strands within the Brazilian

legal tradition, the one emphasizing private property has been enforced by judicial practice and neoliberalist political pressures. In Britain, elements of common law entail the Right to the City, such as the right to light. However, multiple legal systems are often used by different interests for their own ends, such as gender application of tenure rights versus customary law in Africa, or religious law versus modern law in India. The pre-existence of the Right to the City in Africa may be questioned, as many African cities were designed for the few, excluding the majority. For example, in Namibia, influx control regulations were only repealed in 1977, with effects persisting for another decade. Most planning regulations do more to prohibit the enjoyment of the city than encourage it.

### ***Emphasis on low-income groups***

Much of the discussion has centred on the difficulties of accessing and engaging low-income groups, but perhaps the emphasis on the impact of these groups on planning processes is misplaced. However, in many sub-Saharan African countries, 90% of the country is 'low-income', so without their buy-in, you can't put in place a legal framework that regulates house-building and livelihoods; and without organs and bodies that can voice that, it's difficult to make law. Unfortunately, the legal profession seems to take pride in the archaic language of legislation, as a sign of quality. This resistance to plain language is problematic for marginalized people, as however precarious their rights are, it makes it more difficult for them to assert those.

## **5 Breakout sessions: KETSO small group discussion**



### **Breakout Session**

**Ketso** is a hands-on kit for creative group work. The package provides a set of tabletop tools that can be used to capture and display people's ideas as they form. It consists of colourful 'branches' and 'leaves' which are placed on a felt workspace and moved around in response to discussion. Due to its hands-on and visual nature, it enables input from a wide range of people.

During the breakout session two groups were formed of six and nine participants respectively. Melanie and Tanja acted as facilitators and used the Ketso tool to create a discussion which allowed everybody to reflect on their thoughts regarding the 'Right to the City' after the presentations and panel discussions. One branch was dedicated to a discussion on people's experiences of the 'Right to the City'; another for how they believe this concept influences research; and finally the policy implications of such a concept. The remaining branch was initially left blank to provide flexibility to introduce a new issue for discussion. Yellow leaves were used to indicate a positive thought, grey for negative, and green to indicate a new idea.



'I found the brainstorming tool quite useful as I find visual aides helpful. Condensing thoughts into one word for the leaf was productive, too. Mainly, it helped tie the day together for me, after the different lectures. The different outcomes of the trees for the two groups were very interesting too, showing that the metaphor of a tree with branches is not only thought-provoking, but flexible enough to accommodate different group dynamics' (Claudia).



Several participants agreed that Ketso's metaphorical use of a tree was excellent at cultivating a natural flow of discussion between participants rather than the commonly used markers and paper, and that the use of leaves to denote types of thoughts was not only a novel idea, but allowed participants to see the connections between the negative and the positive aspects of the concept. Furthermore, as the tool encourage consideration of both negative and positive sides of the Right to the City, people were encouraged to view the concept from an alternative perspective than they had before the workshop; in some cases this actually changed participants' positions towards the concept. One participant also commented that the exercise was useful in demonstrating the current problems developing cities face in the planning and management arenas.

'I think the method is a very useful tool for clarifying ideas in regard to a specific matter. However, the fact that it is necessary to summarize an idea in only one or two words could limit its application in broader audiences. On the positive side, I think that the results we got at the end of the exercise showed to a larger extent the current problems developing cities face in the planning and management arenas' (Jessica).

Not all agreed on the use of one word to represent a particular thought as some found summarizing an idea into a single word quite difficult, especially when discussing a concept with no universal definition; however, some felt that this approach was productive in placing emphasis explaining their idea to the group. It was also interesting to observe the different outcomes from the two groups. The first group produced a flow of ideas where the thought process which developed from discussion could be observed by the order of leaves; while the second generated a mind map where each 'branch' corresponded to a different line of thinking.



'The tool in itself is fantastic as it helps cultivate discussion in a less sterile way than with the standard markers and paper. It depends on how you used the tool and what you were expecting: we used a one-word restriction to enable discussion, while others used it to map flow of ideas and generate mind maps' (Gemma).

Some participants, although appreciative of the tool as a catalyst for discussion, felt that it would have been insightful for people less familiar with the 'Right to the City' if one of the 'branches'

was used to pin down how participants from a diversity of disciplines and backgrounds envisage the ‘Right to the City’ being realized in practice. Speakers’ presentations and panel discussions illustrated that this concept is inherently problematic as it is such a subjective concept; therefore, some felt that a more intimate discussion (which they agreed the tool produces) about this would have been a useful way to conclude the day.

Some more detailed reflections were also given:

‘Firstly, it allowed me to organize my thoughts about the notion of the Right to the City better, in particular helping me decide that on balance, it’s probably is a useful concept, despite all its drawbacks. This I think was due to having the three different types of leaves, and more to the point, putting them down on the mat in a way that allowed us to see the connections between the positive and negative aspects of the concept. ... Secondly, I found that the mat allowed for very easy interaction between participants in a way that wasn’t too artificial. Some of these participatory methods stultify social flow, ostensibly in order to give everybody the opportunity to participate, but Ketso allowed this while at the same time also allowing a relatively natural and undirected back and forth between participants’ (Dennis).

‘At the end of the Right to the City workshop, all participants shared their opinions and points of view about the role of the urban planning in improvement quality of life, of the policies’ transparency and of the accessibility of citizenship rights. ... The result has been a mix of inputs, from which a debate has begun about their relationships and conflicts. Especially for me, as a young Italian PhD student, this has been the first occasion to share thoughts and observations in a formative, multicultural and multidisciplinary context. So, I have been not only a passive spectator, but an active member in stimulating the debate’ (Giuseppe).

## **6 Afterword**

Before the May 2010 workshop we wondered whether the concept of ‘Right to the City’ would emerge stronger or weaker from a day of critical scrutiny. The discussion went in both directions.

We learned that the concept makes less sense in some languages than others and is intrinsically ambiguous in any language. This right (singular) is in fact a bundle of rights (plural) and a miscellaneous bundle at that. At worst it can be characterized as a specious discourse favoured by international do-gooders and exploited by social groups with sharp elbows. Criticism of that sort helps to explain its faltering progress in the human rights agenda, despite the advocacy of UN-HABITAT and the World Urban Forum.

The case for the defence rests not on some new assertion of rights but on the critical pursuit of an urban focus. The Right to the City’s specificity (no pun intended) comes from drawing attention to the materiality of the urban environment as a field of opportunity and obstruction. The workshop offered many powerful examples of inequality reinforced through the operation of urban processes: Indian sanitary controls, Kenyan slum clearances and renewals, Namibian apartheid-based planning laws, Nicaraguan highway improvements, Tanzanian street management, Thai electoral franchise requirements, and the multiple urban impacts of anthropogenic climate change. The conceptual frame of ‘urban rights’ helped to shed light on specifically urban wrongs.

If we had held a vote at the end of the day, the Right to the City would have held its ground as an idea in good currency. It is a bundle of substantive rights that are all familiar under other names and require no invention of a new legal category. But they take an extra dimension from the materiality of the city, its physical density, shared infrastructure, mutual dependency of personal assets on public goods, and nesting of community politics at neighbourhood, local and metro scales. This is the other side of the well documented phenomenon of urban agglomeration economies. While cities dramatically enhance productivity, they also impose collective requirements over and above those prevailing in society at large. The Right to the City acts as a corrective to national standards and norms which are blind to the specific inequities of urban living.

There is some sort of symmetry here. So much of the language of democracy and human rights embodied in national constitutions and international law has its historical and semantic origin in the material community of cities. Over time, these values have become abstracted from their urban roots. But as our colleague Brian Robson (1994) once wrote, ‘no city, no civilization’. The Right to the City workshop made a small step towards repatriating democratic discourse in terms relevant to the everyday lives of modern city-dwellers.

**Michael Hebbert  
Co-convenor of the Urban Rights Group**

## 7 Speakers' biographies

**Pushpa Arabindoo** initially trained as an architect in India (1989-94) and as an urban designer at Pratt Institute, New York (1994-96). She worked in the urban design and planning sector for several years in New York and London before undertaking her PhD in Geography at the London School of Economics on 'Absent societies: Contouring urban citizenship in postcolonial Chennai', where she examined the way the new middle class in Indian cities employ their bourgeois sensibilities of propriety and the right to paraphrase urban citizenship and their claims to the city. She completed this in 2008, and since then, has been a Lecturer at UCL's Urban Laboratory. She adopts an inter-disciplinary approach to better understand the multiple and complex ways in which space is imagined, produced and consumed in the contemporary urban condition, in the cities of both the Global North and South. She hopes to combine her research knowledge with her urban design experience to propose innovative design solutions, and is a member of the CABE Enabling Panel, South West Regional Enabling Panel, and a design review panel member at Places Matter! (Northwest Development Agency) and Opun (East Midlands Development Agency).

**Stephen Berrisford** is a lawyer and planner, trained at the University of Cape Town and Cambridge University. He has worked in the planning departments of Cape Town and Johannesburg City Councils, and the South African national Department of Land Affairs. He has ten years' experience consulting on urban land and planning and law and policy in sub-Saharan Africa.

**Alison Brown** is a Reader (part-time) at the School of City and Regional Planning, Cardiff University. She is Course Director for the MSc in International Planning and Development, and has extensive professional experience in the international and UK fields. Her areas of expertise include planning practice, international planning in emerging economies, and the informal economy. She has overseas experience in Asia, Africa and Latin America, and current projects include comparative research on poverty reduction in low income cities, and work for local authorities, NGOs and private clients in the UK. She is a member of the steering committee of UN-HABITAT's World Urban Campaign. She is the urban planning advisor on DFID's Technology, Infrastructure and Urban Planning Resource Centre, managed by WSP International. She is a consultant to the UNESCO/UN-HABITAT project on *Urban Policies and the Right to the City*, a member of the UNESCO expert team for the project on *Migrants in the City*, and planning advisor to WIEGO on their *Inclusive Cities Project*.

**Admos Chimhowu** is a Lecturer in IDPM, with experience of working in Malawi, Mozambique, South Africa, Zambia and Zimbabwe. He studied Rural and Urban Planning in Zimbabwe before coming to Manchester to complete his PhD. His current research focuses on agrarian change and social transformation.

**Diana Mitlin** is Senior Lecturer in IDPM and Senior Researcher in IIED, International Institute for Environment and Development. She worked as a public sector economist with the Forestry Commission (1983-6) and the Monopolies and Mergers Commission (1986-8) and then joined the International Institute for Environment and Development (IIED) in London in 1989 to work in a multi-disciplinary team within the Human Settlements Programme. Development has remained the major focus on her work since that date with a particular interest in issues related to towns and cities in the Global South. In 1996, Diana worked part time for the London School of

Economics to set up a Masters in NGO Management. In 1999-2000, she worked with the People's Dialogue on Land and Shelter in South Africa. From 2001, Diana has worked part-time at IDPM, whilst continuing with a senior research post at IIED. She has served as director and chair of the UK Charity Homeless International, and has also been a trustee for Practical Action (formerly Intermediate Technology Development Group). She is serving on the Programme and Policy Committee of WaterAid.

**Caroline Moser** is Professor of Urban Development and Director of the Global Urban Research Centre at the University of Manchester. An urban social anthropologist/social policy specialist, she has more than thirty years' experience relating to urban development and social policy on a range of issues including academic and policy-focused research, teaching and training. She has undertaken primary field-based research on urban poverty, urban violence, household asset vulnerability and accumulation strategies, gender and development and the informal sector in countries such as Colombia, Ecuador, Guatemala and Jamaica. Her current research focuses on asset accumulation and poverty reduction in cities of the South, including household asset vulnerability, transnational migration, and asset adaptation to climate change.

**Dennis Rodgers** is a Senior Research Fellow at BWPI. Dennis is a social anthropologist by training, with a BA and a PhD from the University of Cambridge, as well as a postgraduate degree from the Graduate Institute of International Studies in Geneva, Switzerland. Prior to joining BWPI, he was lecturer at the London School of Economics, in Development Studies (2000-05), and Urban Development (2005-07). He has also worked as a consultant for various international and national organizations, and was a member of a Nicaraguan youth gang for a year, as well as manager of a market stall selling rice and beans in one of Managua's markets for six months. He is currently also a Visiting Senior Fellow in the Crisis States Research Centre at the London School of Economics, and Associate Editor of the European Journal of Development Research.

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