

Informal settlements in countries with economies in transition in the UNECE Region

Background paper for the preparation of potential technical guidelines on informal settlements in the UNECE countries with economies in transition (EECCA and the Western Balkans)



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Abstract

On 11 May 2012, the Committee on World Food Security endorsed the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**¹ (VGGTs). Based on the principles of sustainable development and in recognition of land's centrality to development, these Guidelines are intended to contribute to global and national efforts towards the eradication of hunger and poverty by promoting secure tenure rights and equitable access to land, fisheries and forests. This technical guide, when prepared, will aim to assist the implementation of VGGT's principle of land tenure security through responsible governance.

This literature review presents the first preparatory step in the development of potential guidelines for informal settlements based on the principles of the VGGTs. Its aim is to analyze and identify the main themes and issues to be covered by this future guide. The literature review focuses on the UNECE member states with economies in transition. Notably, the EECCA region, consisting of Eastern Europe, Caucasus and Central Asia (including Armenia, Azerbaijan, Belarus); and the Western Balkans (covering Albania, Bosnia and Herzegovina, FYR Macedonia, Montenegro, Serbia).² Where relevant, the UNECE countries with a long tradition of tackling the challenges of informal settlements and their legalization are mentioned in the context of possible good or emerging practices, notably South European countries, and the New EU member states that have successfully curbed informal construction.

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¹ FAO/CFS. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

² Referred to in this work as the eastern part of the UNECE region.

Contents

Acknowledgements	2
List of Tables	4
List of Figures	4
List of Boxes	4
Abbreviations	5
Chapter 1. Introduction.....	6
Linking VGGTs to the evidence and literature on informal settlements in the UNECE countries with economies in transition (EECCA and the Western Balkans)	10
Research strategy and research process analysis	12
Literature review	12
Interviews with selected government representatives and relevant stakeholders.....	13
Secondary data	13
Research limitations	14
Chapter 2. Informal settlements and illegal construction in informal settlements in the UNECE countries with economies in transition (EECCA and the Western Balkans) [VGGT 10].....	15
Context and reasons for emergence of informal settlements.....	16
Forms of informal settlements.....	21
Types of informal settlements and security of tenure.....	23
Chapter 3. Legal, policy and institutional framework [VGGT 5]	26
Regulated spatial planning [VGGT 20].....	26
The end of socialist centralized planning	27
Transition of spatial planning systems	28
Conclusion: remaining challenges related to spatial planning and informal settlements	30
Legalization of informal settlements [VGGT 5 and 10].....	32
Formalization and legalization	34
Conclusion: remaining challenges related to the legalization of informal settlements	35
Chapter 4. Conclusion: Implications for the development of potential technical guidelines on informal settlements	39
Information and data on informal settlements in EECCA and the Western Balkans	39
Selective legalization.....	39
Lack of access to affordable housing	41
Integration of the initiatives, policies and disciplines	42
Annex 1. Assessment of tenure security by type of informal settlement in the UNECE countries with economies in transition (EECCA and the Western Balkans)	43
1. Legal title to land and property – unauthorized adaptation (existing buildings).....	43
2. Legal title to land – unauthorized construction (new construction)	46
3. Legal title to land – unauthorized subdivision of rural land and unauthorized construction.....	48
4. No legal title to land (public and/or private) – unauthorized construction	50
5. No legal title to land (public and/or private) – squatter.....	52
6. Illegal tenancy	54

7. Temporary legal residence	56
Annex 2. Example of the typology of informal settlements in the UNECE region	58
Annex 3. Available guidance for tackling challenges related to informal settlements issued by selected international organizations (since 2000)	60
Annex 4. VGGT themes	64
Bibliography and References	65

List of Tables

Table 1 Coverage of the VGGT themes in the Literature Review	10
Table 2 Reasons for the emergence of informal settlements in EECCA and the Western Balkans	18
Table 3 Types of informal settlements in the eastern part of the UNECE region (EECCA and the Western BALKANS)	23
Table 4 Estimation of percentage of areas of informal settlements versus total area zoned for housing in the capital city (the Western Balkans and South-East Europe)	29
Table 5 Scales of tolerance of illegal/informal construction (built environment)	33
Table 6 legalization of informal settlements in EECCA and the Western Balkans	34
Table 7 Tenure security: Legal title to land and property – unauthorized adaptations	45
Table 8 Tenure security: Legal title to land – unauthorized construction	47
Table 9 Tenure security: Legal title to land – unauthorized subdivision and construction	49
Table 10 Tenure security: No legal title to land – unauthorized construction	51
Table 11 Tenure security: No legal title to land - Squatter	53
Table 12 Tenure security: Tenants – unauthorized construction	55
Table 13 Tenure security: Tenants – displaced population	57

List of Figures

Figure 1. Use of the VGGTs	11
Figure 2 The urban planning continuum toward regulated spatial planning [VGGT, 20]	28

List of Boxes

Box 1. key reasons for emergence and increase in informal settlements in The unece Region	7
Box 2. Definition of Informal settlements – 2015	21
Box 3 Key characteristics of informal settlements in EECCA and the Western Balkans	25
Box 4 Changes underpinning spatial planning transformation in EECCA and the Western Balkans... ..	26
Box 5 Most common policy measures used to address the ‘urban problems’ of informal settlements in the UNECE region	33
Box 6 Residents in need of tenure security, but not eligible for legalization	36
Box 7. Potential sources of best practices	38

Abbreviations

EECCA: Eastern Europe, Caucasus and Central Asia (including Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan)

FAO: Food and Agriculture Organization of the United Nations

IDP: Internally Displaced Person

NALAS: Network of Associations of Local Authorities of South-East Europe

NGO: Non-Governmental Organization

OHCHR: The Office of the United Nations High Commissioner for Human Rights

UN: United Nations

UNECE: United Nations Economic Commission for Europe

UN-Habitat: United Nations Human Settlements Programme

Western Balkans – Albania, Bosnia and Herzegovina, FYR Macedonia, Montenegro, Serbia.

VGGT: Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests.

Chapter 1. Introduction

‘Informal settlements have always been a persistent feature of urbanization’ (UNECE, 2009:1). In the UNECE region, the emergence of informal settlements has always been emblematic of the ground shifting socio-economic and geopolitical change, but also a source of fundamental innovation in spatial planning, land administration and management.³

This study focuses on the part of the UNECE region that has recently gone through fundamental socio-economic and geopolitical shifts – notably countries with economies in transition. Eastern Europe, Central Asia, the Caucasus (EECCA) and the Western Balkans share the (albeit richly varied) common past of the formal planning and land management systems of the socialist era. Their statutory systems, legislation, land management and related institutional frameworks were designed to support one system (planned economy), and were therefore not immediately suitable for the other (market economy) that the countries set to embrace. The transition that took place in the economic sector influenced the property markets and induced change in all built environment professions, including legislation, policy and institutional frameworks related to housing. In the midst of these profound changes, informal settlements emerged and grew.

UNECE (2015a: 21) stresses that ‘informal settlements’ in the UNECE region rarely resemble slums. The majority of informal housing, albeit self-built, is of an acceptable, or good to excellent quality (see Chapter 2 in this paper). Informal tenure is not reserved for the poor in EECCA and the Western Balkans; populations of all income levels live in so-called ‘informal settlements’. The key characteristic of ‘informal settlements’ in the eastern part of the UNECE region is that they are urban developments that, in one way or another, break the rules of the existing statutory, formal systems (UNECE, 2015a: 19; see also NALAS, 2011). As the name suggests, ‘informal settlements’ are forms of settlement or construction that do not involve a statutory process, or act in excess of statutorily provided permits and regulations.⁴

The size and number of ‘informal settlements’ in countries with economies in transition in general, and EECCA and the Western Balkans in particular, has increased as the result of radical shifts that have reshaped the map of the Global North. This includes the end of the socialist era as well as the dissolution of the former USSR and SFR Yugoslavia. The dissolution of these two countries resulted in the formation of 21 sovereign states; this process inevitably and profoundly challenged the

³ For the much of the historical period, urban development proceeded in an unregulated, organic fashion. The emergence of slums in the 19th-century industrial cities of North America and Western Europe was the key turning point that led to the establishment of ‘urban planning’ as a modern discipline (Pacione, 2005: 166). Urban planning emerged as a response to the manifest problems of the 19th-century industrial metropolis, which included extreme social segregation, poverty, slums and health problems (including cholera and typhoid). In the UK, which is arguably the country where the first planning system was put into place, two reactions were evident. ‘The first, represented in the work of Marx and Engels, was revolutionary and advocated the overhaul of the social and political system responsible for creating the polarized conditions that characterized 19th-century urban Britain. Second was acceptance of the urban industrial system by the use of state intervention to ameliorate the worst excesses’ (Pacione, 2005: 167-8). Following the second argument, health and sanitary reformers, reinforced by the success of a number of early housing schemes, paved the way for the emergence of modern planning in capitalist societies. Today, a powerful system of planning exists in Europe, the UK and, to a lesser extent, North America, which aims to circumscribe urban development and direct it towards socially beneficial goals. Significantly, the first reaction that was embodied in the work of Marx and Engels was implemented in the socialist countries. This system took root in 1917 after the Bolshevik revolution. The general principles for the scientific planning of a socialist city were laid out in the 1935 plan for Moscow (Pacione, 2005: 183). If market capitalism represents the governing philosophy of urban growth and change in the USA, the other extreme of the ideological spectrum, until the transition, was represented by urban planning in the socialist city.

⁴ Care should be taken not to confuse the different reasons for the existence of informal settlements. The contemporary body of literature existing on informal settlements was developed in areas of the world that share a post-colonial past. Here, dual systems of land management exist: the centralized land management systems imported by the (past) colonial power, and the customary system that until recently did not receive formal recognition. The case of the UNECE member states with economies in transition is diametrically different; here, we speak about the change of system that happened because of the socio-economic and geopolitical change. As may be the case, informality (especially in the beginning of the transition period) meant non-compliance with the old rules left over from the socialist period. Therefore, theoretically, we can imagine a situation where the builders of so-called ‘informal buildings’ in effect broke the ‘law’ of the country that no longer existed, but their plans and legislation were still in use, as no alternatives were available.

established land management and administration systems strongly governed by socialist spatial planning, often through robust (spatial and institutional) hierarchies (UNECE, 2009; Hirt and Stanilov, 2009; Tsenkova, 2012).

Decentralization was one of the institutional changes that took place in housing and land management. The countries of EECCA and the Western Balkans also undertook large-scale privatization projects, notably land and housing were privatized in a matter of two decades (this also includes land restitution programs). With the privatization of land and housing, the notion of ‘tenure of land and housing’ changed fundamentally (see Chapter 3). The socialist public housing that was the predominant tenure during socialism was replaced by home ownership through privatization (see UNECE, 2015b). However, these changes have not always been fully reflected in the planning systems, especially at the beginning of the transition period. Currently, the institutional changes in the countries with economies in transition, especially EECCA and the Western Balkans, are ongoing simply because of their sheer scale and related complexity.

In the vacuum created by the dissolution of old political systems, a shift began toward neoliberal policies that dictated a reduced state role in housing, causing the emergence and/or enlargement of informal settlements.⁵ Many post-socialist cities found themselves with old plans and new sociopolitical and demographic trends that they did not know. In a number of countries, the increase of informal settlements was also a result of the large-scale economic (rural to urban) migration triggered by the transition to a free market economy as well as those caused by natural and man-made disasters (see Box 1.). While the common reason for the continued growth of informal settlements noted in the literature was that governments failed to adopt so called ‘pro-growth’ policies (UNECE, 2015a; UN-Habitat, 2010b), the analysis of the underlying processes and activities throughout the transition period conducted for this research show that planning as a profession was sidelined as a quasi-communist activity, and was simply not done (see Chapter 3). The economic crisis led to self-building as one of the coping strategies, and ‘sidelined planning’ meant that this was done without, or in excess of, the existing permits, and that changes to the existing plans were done in an *ad hoc* manner (see Chapter 3).

BOX 1 KEY REASONS FOR EMERGENCE AND INCREASE IN INFORMAL SETTLEMENTS IN THE UNECE REGION

‘The critical factors affecting the formation of informal settlements are related to several major interrelated changes: (a) rapid urbanization and influx of people into select urban areas; (b) unrealistic or insufficient planning regulations and inefficient land administration; (c) wars and natural disasters leading to the massive movement of people to places of opportunity and safety; and (d) poverty and the lack of low cost housing and serviced land.’
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<i>Source:</i> UNECE, 2009: xv.

While the sporadic existence of illegal construction may be manageable, tolerated and even culturally acceptable, large-scale informal development that makes up 20% or more of the national housing stock may widen the economic, social and spatial differences, and challenge the future efforts of planning, territorial development and infrastructure supply. In countries with economies in transition, the phenomenon profoundly reshaped post-socialist cities in the region.

Informal settlements are not planned, therefore the residents may have limited or no access to schools and other public services, such as health, and/or overburden those in the ‘planned part of the city’. Informal housing is not always registered in the property registration systems (including cadastres) and as a consequence, it cannot be formally transferred, inherited or rented. The connections to infrastructure may have to be negotiated and their quality may vary significantly depending on the location, community and income of informal residents. This brings us to the point that informal settlements do not appear on urban plans and impede sustainable urban planning and development. The concerns that were emphasized by the selected government representatives interviewed for this

⁵ In the former Yugoslavia, as in Greece in Turkey, informal settlements were noted in the 1960s and 1970s, but not on the scale they appear today in the post-transition period.

research are: urban sprawl and environmental degradation (including loss of land), especially in the case of illegally built family homes that seem to present the dominant form of ‘informal housing’ (UNECE, 2009; NALAS, 2011). The existence of settlements that are ‘off the grid’ (not legal, not in cadastres, not in urban plans, etc.), hampers the ability of the complex networks of actors involved in land governance and built environment professions to take an informed decision, govern the land and ensure future sustainable development due to the lack of or partial information, as well as potential socio-economic tensions related to informality.

The Geneva UN Charter highlights one of the key trends with regard to tackling issues of informal settlements, specifically in the UNECE region. The Geneva UN Charter on Sustainable Housing, a non-legally binding international instrument agreed by the Committee in October 2014, and endorsed by the Economic Commission for Europe in April 2015, stresses the importance of the provision of ‘infrastructure and services to people in low income and informal settlements, when possible and appropriate’. It also advises governments to adopt national policies and programs that encourage, when possible and appropriate, dwellers of informal constructions to regularize and upgrade their constructions, provided that the geographic location and other factors allow minimum safety requirements to be met’ (UNECE, 2015e). Indeed, one of the key trends, highlighted in the interviews with the government representatives and throughout the literature review, is that a number of EECCA countries and the majority of the countries of the Western Balkans aspiring to join the European Union are currently in the process of formalizing informal settlements.⁶

‘A formalization project generally aims to address illegalities; therefore, formalization is frequently referred to as ‘legalization of informal settlements’. Formalization measures aim to address the lack of a legal ownership title for those who have built their homes without a building permit or are squatting on state-owned, or private land’ (UNECE 2015a: 20).

However, in terms of sustainable planning, legalization simply presents a first step, which can be understood as an inventory of the present state. Legalization, including registry in local cadastres, increases tenure security, allows for property valuation and taxation, compensation in case of natural disasters, planning for public purposes and access to home insurance. Ideally, formalization also aims to correct existing planning, zoning and construction irregularities in identifying and mapping non-permitted construction. When collected, this information can be used to effectively revise zoning and planning procedures, regulations and standards, and the upgrading and regularization of informally built settlements, upgrading individual construction in order to meet certain environmental, health and safety standards for the benefit of the occupants (UNECE, 2015a: 20-21).

While the formalization initiatives differ from country to country (and their level of implementation, within the countries themselves), it is important to underline that a large number of recommendations listed in the Voluntary Guidance of Responsible Governance of Land, Fisheries and Forests (VGGTs) have been referred to, tested or introduced in this process.

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