

Challenges for Slum and Squatter Dwellers for Security of Tenure Problem

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Introduction

Security of tenure is an important issue in the urban environment and rural environment as well. Now a day it has become a major agenda of discussion in the developing world. By 2025, 1 billion people will live in the urban area. Under international human rights law, secure tenure is one of the seven components of the human right to adequate housing, which is again linked to the right to land. The other six components of human right are; availability of services, affordability, habitability, accessibility, location and, cultural adequacy. (UNHABITAT, 2006).

Security of tenure is also an important component of the Habitat Agenda commitment to adequate housing. Security of tenure is directly linked to urban citizenship. Because, people from rural areas en masse migrating to urban areas for their livelihood and subsistence and living in poor environmental condition. Though people from all strata are coming to the urban environment, security of tenure mostly related to the poorer section of the society. Those, who are coming to the city 50 percent of them, are settling themselves in to the urban slums and squatters of the urban environment. Already these slums degraded due to lack of urban basic services. The poor people getting badly affected in a various ways. Some well off family coming to the city, but not getting affected as poor people. Their reasons for coming to the city are standard education facilities, health services and better life style in the urban environment. But slums are not recognized by the state and facing fear of eviction. The paper tries to analyze the problem from secondary data sources with reference to Dhaka's slum and squatter settlements problem

Definition of Security of Tenure

Various definition of security of tenure exists. From political science perspective;

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Challenges for Slum and Squatter

Security of tenure is a term used in political science to describe a constitutional or legal guarantee that an office-holder can not be removed from office except in exceptional and specific circumstances. ([wikipedia](#), 2006).

The standard form of security of tenure in the political arena to an office-holder is usually that they only be removed from office by either of two methods:

- Removal from office following impeachment
- Removal by courts for incapacity

The most recent definition of security of tenure that was agreed upon during the Expert Group Meeting on Urban Indicators in October 2002 is;

“The right of all individuals and groups to effective protection by the state against forced eviction”. (UNHABITAT, 2006)

Under international law, ‘forced eviction’ is defined as: *‘the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate form of legal or other protection.* The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law *and* in conformity with the provisions of the International Covenants on Human Rights (the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights).

Some time security of tenure can be enjoyed under different situations:

- For removing illegal occupations, a court order is required in such a case provides effective of security of tenure
- Where already basic service delivery is there, they get de jure tenure, but even some places forcibly evicted.
- Support from local politician. This can give sufficient de facto tenure security, but it requires large proportion of informal settlers.
- When land is not required for any other purpose it is often perceived as secure. But this land is often unsuitable for human habitation such as steep slopes, railway margins, etc.
- When a religious structure is built, then authority reluctant to demolish such a structure. In this way, the surrounding areas hopefully acquire immunity. (UNHABITAT, 2006).

Security of Tenure and Urban Environment

In the absence of secure tenure, residents have little incentive to maintain their dwellings or invest in improvements, thereby increasing the vulnerability of the area to floods, pollution and other hazards and

environmental degradation. Moreover, there is absence of rent and receipt and no tax and discipline. Rather, terrorist, politician possess some dwelling unit by unlawful power and give rent and sublet the dwelling, this is a easy source of income for them. Which brings extensive violence, continuous existence of chaos, conflict, different grouping and crime and killing? According to (Down and Clark, 1999, cited in Bernstein, 1991), studies on informal settlements reveal that as security of tenure increases, households invest more resources in upgrading their residences. Moreover, local government who normally do not provide adequate services to illegal settlements, are obliged to extent municipal services households occupying legally titled land. On the other hand, NGOs and other organizations also invest for improving the dwelling environment. Until land ownership is clear, (a) physical environment and (b) social environment will not improve. So, 'secure of tenure' is not only needed to avoid eviction for inhabitants of a settlement but also to achieve standard physical and social environment. That why it is an essential for getting urban basic service delivery in their dwellings. Hence it is an important issue in urban planning from social and environmental point of view.

Urban planning is seen as a resource allocation and study formulation process in the realm of developing urban areas. The resources are natural resources such as land, and human resources such as skilled labor and expertise. For better Urban Environmental Management this great task to look how we can ensure best use of these components of urban areas; one is human resources as skilled labor those are migrating to the city from rural areas and expertise and valuable land in the city. So that sustainable city can be achieved.

Security of tenure means against anti-eviction laws. For many developing countries like Bangladesh, where urban land already finished may not be possible to pass anti eviction law. But, the scenario is frequent eviction is being carried out in mega-city in the Dhaka and Chittagong. That is result serious violation of human rights and no shelter for the slum and squatter dwellers. Following actions may give minimum scope for slum people in different countries before launching any eviction programme.

- Occupants received prior notice for owner's intention (South Africa, India)
- No eviction without negotiation
- Eviction is not sanctioned without and option of relocation of the occupants (South Africa, Philippines, India)
- Minimum period's occupations are required for falling under the protection of anti-eviction laws. (South Africa, India)

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- Financial and other forms of assistance need to be supplied when squatters relocate, either voluntarily or involuntarily. (UNHABITAT, 2006).

Consequences of Insecurity of Tenure

- Housing investments and community infrastructure inhibited. No sufficient living area.
- Long-term planning undermined, undercounting in every sphere
- Opportunities to support poverty reduction constrained, difficulties in program operating
- Links of solidarity and mutual assistance severed
- Severe psychological effects
- Poverty and social exclusion reinforced

Different organizations of UN have fixed action plan and strategies to overcome the slum and squatter people's security tenure problem globally;

Goals of Development Organization

To achieve the security of tenure in the international context UN organization has set some goals and strategies; adequate shelter for all UN Millennium Development Goals 7 and 11. Goal 7 for improving the lives of 100 million slum dwellers by the year 2020. Goal 11 slum upgrading consists of physical, social, economical, organizational, etc.

UNHABITAT has taken action plan of 'cities without slum' endorsed by 150 heads of state (UNHABITAT, 2006).

Strategies of Development Organizations

- Global campaign for security of tenure since 2000 (GCST): The overall development objective of the Campaign is to improve the conditions of people living and often working in slum areas and informal settlements in major urban centers of the world by promoting security of their residential tenure and a direct contribution to the realization of the commitments of the Millennium Declaration, specifically, the goal of "improving the lives of 100 million slum dwellers by the year 2020." (UNHABITAT, 2006)
- The Global Campaign encourages negotiation as an alternative to forced eviction, and the establishment of systems of tenure. promoting legislative reforms, sustainable and affordable shelter policies and the adoption of instruments
- Global Campaign encourages dialogue between organizations of slum dwellers and support NGOs and governments at all levels.

- In May 2003 formed an Advisory Group on forced eviction monitor and identify, and, if so requested, to promote alternatives to unlawful evictions.
- Focused on rights and the role of women.
- UN-HABITAT also launched the Global Campaign on Urban Governance (GCUG) in 1999 to support the implementation of the Habitat Agenda goal of “sustainable human settlements development in an urbanizing world.”
- Further improve the capacity of municipal authorities to implement participatory management mechanisms.
- The World Bank for Community participation: The World Bank has come to recognize the importance of community participation, where municipalities gained fund for investment. Community participation is particularly important to resolve question of tenure, mutual help, relocation, compensation, charges and fees if any services to introduce
- Urban Basic Service Delivery Program

Many of these strategies have not been implemented in developing country cities like Dhaka and Chittagong. Local governments of these cities (Municipalities and City Corporations) are not self-sufficient in terms financial capacity, administrative power or from political control.

Security of Tenure in Bangladesh

Land, by any measure, is the most precious resource in Bangladesh. Appropriate tenure system has the ability to respond to the pressures of rapid urban growth (Haque, 1992 cited in Islam and Chowdhury, 1998). The major types of tenure of land are; (1) freehold, (2) Leasehold, (3) Community ownership, (4) Cooperative ownership (5), Wakf, etc.

We would like to present some important data on current urbanization pattern of Bangladesh to focus the issue:

Table: Pattern of urbanization

Total Population	140 million
Urban population	26 %
Slum to urban population	85 %
Annual population growth rate (Urban)	5 %
Annual population growth rate (slum)	4 %

(www.unhabitat.org)

Land occupied and used without permission from its owner is a form of tenure known as ‘squatting’. This is most common in Dhaka, Chittagong, and Khulna. 80 percent of land is owned by only 30 percent of urban

population (Islam 1998). However, in land management there are serious problems for general; in planning and monitoring, in land management, and in registration

These leads to major disputes over land use ownership among higher class and middle class people. So, many land owners can't use their land as business collateral to bank (Roberts, 2000). In Bangladesh inadequate land registration system leads to insecurity in tenure and transfer of land (Haque, 1992 cited in Islam and Chowdhury, 1998). However, these problems do directly affect the slum people, as they occupy mostly public land. So, security of tenure or minimum right to live in the city importantly related with slum people. Slum dwellers in Bangladesh are frequently experiencing serious eviction, especially during the transition of government. Moreover, urban dwellers also, do not see positively the increasing slum and squatter dwellings, therefore, Gov't get support from city people.

Slum eviction in Dhaka

Slum dwellers are an integral part of the city, but their right to live in the city is not recognized. In Bangladesh usually slum people settle on public land, so, they may be evicted at any moment. The following estimates give some of its picture;

- In Dhaka around 135 slums were evicted in 1975-2005
- Estimated 12,000 families evicted under the last caretaker government for cleanup before elections
- Eviction in Agargaon slum affected an estimated 40,000 slum dwellers in 2004

As they beyond the reach of basic service. Consequently, total productivity is low in the urban area. (Shiladitya Chatterjee, 2005) mentioned, 10 percent has declined in Asian cities due to declining environmental condition .For security of tenure reasons both the public sector and NGOs go for neither investment nor the dwellers themselves. Access to capital severely constrained. Reasons for this are; (1) Land as collateral, which the poor do not posses (2) High transaction costs (3) Problems of recovery. As a result, total national productivity get reduced.

Solution for security of Tenure

For sustainable city and center of economic activity city should solve the tenure problem of slum and squatter people;

- Stop growing slum. Relocate existing slum outside city centre but near the industrial belt
- Community can work positively against eviction by information, alternative planning, and collective action.

- Dialogue among poor communities, local governments, other service providers and civil society to get their support to take appropriate action. In Bangladesh, intellectuals, NGOS and civil society are not paying interest in this regard.

Policy and Program

Bangladesh national housing policy supports slum upgrading and security of tenure but it is not being implemented. At present government of Bangladesh working with different development organization to comply with MDG 7 and 11.

UN declaration of Millennium Development Goals 7 and 11 Program targets a significant in the lives of at least 100 million slum dwellers. The objective of this project is to alleviate poverty in 450 urban communities in seven pourrashavas (Municipalities) and four city corporations through:

- Community empowerment
- Capacity-building for good local governments, NGOS and CBOs.
- Dialogue among all stakeholders

Conclusion:

Economic growth does not lead automatically to slum reduction. But cities are increasingly becoming places of opportunities. So, cities without slum are not possible by 2020 for many countries. Bangladesh can't do with increasing such huge populations within city center. These people have no hope for work at home. On the other hand, governments as well as intellectuals are also not paying serious attention to keep it under control. Observing present scenario it may be mentioned that there may be frequent eviction, especially during the past "Care Taker Government"

Economic growth does not lead automatically to slum reduction rather attract different quarter of people from society. But cities are increasingly becoming places of opportunities. So, cities without slum are not possible by 2020 for many countries. Bangladesh can't do with such huge populations. Therefore, proper managing and accommodating slum and squatter people by establishing the 'security of tenure' in the urban environment can boost up the economic growth of the country particularly in the developing country cities.

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