



Effects of informal development.

It is a matter of human rights that people are free to choose where they will live; however, it is also a matter of good governance to achieve sustainable urban growth. According to United Nations resources, approximately 50 percent of the world's population lives in cities.

City centers continually attract those looking for employment, education and better living conditions. Much of the world's current urban expansion is caused by the poor migrating in unprecedented numbers. This situation is found mainly in low- or middle-income countries and results in an overwhelming capacity in certain areas. These rapid population increases often lead to unplanned or informal urban development, and in many cases, slum conditions. One reason contributing to these conditions is the lack of spatial information needed for infrastructure plans.

According to UN-HABITAT, the United Nations' agency for human settlements, one of every three city residents lives in inadequate housing with few or no basic services like fresh water, sanitation or security. And the world's slum population is expected to reach 1.4 billion by 2020. People seem to prefer living in urban squalor to rural hopelessness. With improved spatial information, including cadastral, hydrological and geological, and forest maps, these numbers could be altered positively.

The Effects of Informal Development

"Informal," "unplanned," "illegal," "unauthorized" or "random" urban development is an issue of major importance in a large number of countries. There is no clear common definition of an "informal settlement," but the most important factors for characterizing an area as such are: land tenure, quality and size of construction, access to services and land-use zoning.

A UN-HABITAT classification shows that the largest slum areas are in Sub-Saharan Africa, South and East Asia, Latin America and the Caribbean, ex-Soviet countries and West Asia. Although not all informal, unplanned urban development can be classified as slums, it may still present serious environmental, social and economic problems, as is the case in some Mediterranean and European countries. This situation is not unknown in areas of the United States, but often not to the extent of these other regions.

The most common reasons for informal settlements are:

- special historical, political, social and economic conditions leading to rapid urbanization;
- lack of important and necessary spatial information and insufficient planning;
- unrealistic zoning regulations;
- marginalization, poverty and lack of financing mechanisms for affordable housing;
- inconsistent and complex legislation;
- unnecessary bureaucracy over land development and permitting;
- illegal subdivision and construction on agricultural lands; and
- poor administration and political reluctance to confront the situation.

Today, the majority of informal construction in many parts of the European geographical region is of a good permanent type and can be characterized as "affordable housing," especially where no affordable housing policy is provided by the state. Land values at the fringe of urban areas are lower and more affordable for those earning less than the average household income. Usually informal urban development is located in such areas and is accompanied by illegal construction on either legally owned small land parcels or on squatted public land for housing purposes. This is usually characterized as "illegality of need."

Illegal, unplanned construction that occurs in areas where development is restricted often results in higher-than-usual construction costs and may be of poor construction quality. Such construction is accomplished without the required permits or licenses and avoids construction inspection by public authorities. Such illegal construction usually has poor access to public services and cannot be legally transferred and/or mortgaged. A considerable amount of "dead capital" is trapped in such areas.

The extent of informalities and illegalities in urban development in the Mediterranean and European region varies in different countries. (The estimated number of illegal buildings in the three largest cities of Turkey is about 2 million; in Podgorica, the capital of Montenegro, more than 20,000.) In some regions these are single-family houses, while in others, such as in some Balkan countries, they are

Dr. Chryssy A. Potsiou is the chair of FIG Commission 3 and a bureau member of the UNECE WPLA. She is a lecturer at the National Technical University of Athens, Greece, in the School of Rural and Surveying Engineering. She can be reached at chryssyp@survey.ntua.gr.

as extensive as several story multi-family buildings. Informal settlements may appear within industrial zones, on rural land, at the fringe of urban areas, within the coastal zone or forest land, etc. Informal land development even appears in attractive vacation areas as well as in Spain, Portugal, Croatia, Italy, Greece and Cyprus due to the rapid demand by local or international market participants.

Views on Legalization

Those who have followed the building and land-use regulations do not support the legalization of unplanned construction. Unplanned development, though, as a major social phenomenon, indicates a need for system change. Legalization initiatives accompanied by penalty fee charges have been applied in several European countries and in many other areas worldwide. Where feasible, legalization of informal development can support a real estate market and a national economy. Some experience from legalization initiatives (e.g., in Italy and Turkey), however, shows that each legalization act has encouraged new unplanned development in the following years.

Legalization may be accomplished through integration of unplanned areas into a formal "urban plan" with parallel land improvements and provision of services. This legalization occurs following the individual inspection of construction for stability, safety and environmental impacts. This method has been used in Greece for several years. Although excessively slow, complicated and costly, this process has managed to avoid marginalization and slum creation. It improves environmental conditions, affects land values positively, and supports the real estate market and the national economy. Yet, it does not provide a deterrent to illegal construction.

Demolition Versus Legalization

Illegal buildings must be judged according to their safety and environmental impacts. Some believe that those construction areas leading to general environmental burdening, such as buildings in high-risk or radioactive waste areas, or on river routes or floodplains, coastal zones, archaeological sites, forests, public or common-use land, etc., should be denied legalization. Demolition of such buildings has been ordered and accomplished in Italy, Greece and on a larger scale in Croatia. (During the last three years in Croatia, 1,600 informal buildings were torn down and 4,000 were legalized.¹) The extent of such forced demolitions, however, should vary and be realistic according to the local situation and the specific economic conditions. Experience shows that buildings constructed illegally in order to serve a social need for housing should be dealt with differently from those constructed purely for profit. In



Informal settlements next to industrial areas.

such cases an agreement for an "exchange of land" may be an example of good practice. Those illegal constructions built for commercial profit (e.g., hotels, shopping malls, factories), which may create proven serious environmental damage and cannot be legalized through physical improvement and payment of penalty fees, must be demolished.

Reducing the Phenomenon

Although several measures such as legalization initiatives, penalties, punishments, and even demolition, have been applied in several countries, unplanned development continues to occur.

Application of suitable land-use controls to ensure validation of regulations is necessary. The promising tools of today are satellite imagery and automated photogrammetric procedures for edge detection algorithms. Automated feature extraction and spatial data collection can support independent environmental monitoring, efficient urban planning, transparency and sustainable development. Adoption of certain methods can reduce unplanned development. For example, the adoption of affordable housing policies, and the reduction of unrealistic regulations and land subdivision standards can help to increase land supply while decreasing land cost, as well as expedite the development permitting process while providing for development control.

In many countries there is a need to review the laws and regulations and to seek to adopt more realistic restrictions and regulations. The procedures and time required for issuing territorial planning conditions and building permits should be shortened in order to create more favorable environments for investment for the reconstruction, renewal and renovation of poor construction. Laws and regulations should establish a process for issuing territorial planning conditions and building permits, according to market needs, while ensuring the transparency of this process.

The lack of reliable tools of Spatial Data Infrastructures (SDIs), e.g., cadastral maps, hydrological and geological maps, definition of the coastal zone, forest maps, etc., frequently creates serious delays in applying other land planning tools. The value of

SDI tools should be publicized and their application be made a part of public policy toward the production of affordable housing and the curtailment of informal and illegal construction. Improving public awareness of the social and economic benefits of e-governance and participatory democracy is necessary.

Access to property rights and ownership of land should be considered as a fundamental human right. Laws should be improved and procedures for implementation simplified so that transaction costs are reduced. Timely access to information and legal advice, and dispute resolution mechanisms over land and assets (e.g., out-of-court mediation and arbitration) should be considered as important tools to guarantee the protection of land and other rights for disadvantaged people. Registration of property rights is of great importance in the case of both formal and illegal construction. The recording of all land parcels in

a public cadastre (or its equivalent) will support efficient decision-making.

Land-use planning is the task of government at appropriate levels. To achieve better results and eliminate lack of confidence in processes and procedures, citi-

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zen participation should be part of the planning process, and the general public should be persuaded to be involved. While respecting the right of private property ownership, governments should:

- a) prevent the intrusion of objectionable land uses into neighborhoods with more sensitive land uses;
- b) protect and/or control land values of existing land uses; and

c) encourage housing opportunities for people of low and moderate income by establishing creative, flexible and innovative regulations. This includes allowing the development of greater density of buildings of identical qual-

ity while requiring a specific percentage of housing for people with low or moderate income.

Ineffective institutions with unclear administrative responsibilities; inadequate human, institutional and financial capacities; as well as inadequate and conflicting land policies need to be seriously improved. Coordination among the different sectors and across administrative boundaries should be strengthened. Central and local governments should work toward better collaboration and coordination. The private sector should play a role.

In many countries, municipalities are dependent on funding from central governments. In these cases, it is preferable to collect land and real property taxes locally and reinvest them in the same locality, which can improve transparency and public trust. The concept of good governance involves active citizen participation; citizens should recognize their responsibility to contribute to the cost of land improvement and the provision of services.

References

- 1 Damir Pahic's (Croatian Cadastre Agency) Presentation at the UNECE WPLA, CHLM and FIG Com3 Workshop on "Informal Settlements," Sounio, Greece, March 18-31, 2007.

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