CAUSE FOR HOPE IN THE BATTLE FOR LIVING SPACE IN ASIA'S CITIES

Fifteen years ago, 800,000 people were forcefully evicted from their homes in Seoul to "beautify" the city for the Olympic Games. It was the worst situation the city's urban poor and their supporters had ever faced. In the middle of this eviction crisis, a large number of grassroots groups and housing rights activists from all over Asia gathered in Korea to focus attention on these and other forced evictions happening in cities around Asia. It was the first attempt to find ways for a regional network to assist a local housing struggle like this one. It led to the first fact-finding mission, which opened the plight of Korea's urban poor to international attention, and it inspired the formation of ACHR.

Since then, a lot of serious work has gone into the eviction issue, helping millions to secure land, housing and infrastructure, and getting government and development institutions to acknowledge that the poor have to be part of the urban development process in Asian cities.

But that doesn't mean the evictions have stopped. Sadly, they are increasing algebraically, causing a colossal displacement of people around the globe. Here in Asia, hefty contributions to the global eviction statistics are being made courtesy of speculation, market forces, urban development and infrastructure projects. There is more than ever an urgent need to find workable alternatives to this most impoverishing practice, which is the antithesis of development.

As professionals, we can gather and disseminate information about evictions, organize letter-writing and media campaigns to express outrage, citing all the UN covenants. But what do poor communities do? How do they manage when the bulldozers come? And how, when they are supported, linked together and given a little space to think about it, can they cultivate long-term strategies for fighting eviction and finding long term answers to their housing problems?

PREVENTING EVICTION WITH INFORMATION :

Instead of waiting for them to be evicted, the Philippines Homeless People's Federation is surveying vulnerable communities living in environmentally dangerous areas and using their information to negotiate resettlement or upgrading options with local governments. In several cities around the country, these surveys have led to major breakthroughs in land and support for community-managed resettlement.

PREVENTING EVICTION WITH ALTERNATIVE PLANNING :

In Karachi, community organizations, NGOs, professionals and civic groups are joining forces to stop the Lyari Expressway, a mega-project nobody wants which would cause the city's largest-ever evictions of poor communities. But instead of just shouting no, their best weapon against this fantastically expensive and ill-conceived boondoggle has been a series of alternative plans, prepared by the OPP, the URC and local engineers.

PREVENTING EVICTION WITH COLLECTIVE ACTION :

The big lesson Mumbai's footpath dwellers learned, after years of watching their houses being torn down and their belongings confiscated, was that as individual families, or as individual settlements, they had no power to arrest this hopeless cycle of demolition and impoverishment. But when they joined together into a movement with *critical mass* and began developing better alternatives to that cycle, the city gradually began to listen.

SPECIAL ISSUE ON HOW POOR PEOPLE DEAL WITH

EVICTION

CAUSES OF EVICTION

Why evictions are on the up and up in Asian cities :

The discourse about eviction is definitely hotting up: a lot more networking is happening around the issue - more legislation to address it, more international-level discussion about it, more global campaigns being organized to stop it. There's more awareness than ever, but even so, evictions are increasing in Asia, causing displacement and impoverishment and suffering on a scale that makes the conquests of Genghis Khan look like child's play. The bulldozing of informal settlements has become a major cause of urban poverty and one of the most urgent problems of the new millennium. In 2001 and 2002 alone, 1.8 million people were evicted from their homes and another 3.9 million were under immediate threat of eviction in Asia. So what are the main causes of this colossal displacement of people?

1   **Increasing urbanization :** As the pace of urbanization accelerates and more people and more investment flows into cities, informal settlements which used to be tolerated under a mutually-convenient co-existence are no longer acceptable, as the *formal* world increasingly appropriates the space they occupy for development. This appropriation of land used to be incremental, so evictions happened piecemeal, but globalization, speculation and the availability of limitless international finance have put the heat on high, and clashes between the formal and informal city are on the rise.

2   **Large infrastructure projects** being funded by international development loans or built as joint ventures between local entrepreneurs and the international corporate sector are causing enormous evictions in Asian cities, even though many of these projects are ill-conceived, over-priced and considered unnecessary or insensitive by communities, NGOs and the citizens who will pay for them.

3   **Land politics :** A powerful nexus between developers, bureaucrats and politicians is removing the poor from valuable land, often in violation of state laws and procedures, to build commercial real estate. The nexus also manipulates the design of development projects to cause displacement which they can then utilize for their purposes. The developers fund political parties and their candidates for elections to national, provincial and local assemblies, thus giving them an important say in the corridors of power. This say is used to manipulate land records, keep land titles unclear, influence city planning and modify city plans they consider hostile to their interests.

4   **Laws to protect communities** from eviction or to provide tenure security either don't exist or procedures for their application have not been developed in most Asian countries. Even where good laws do exist, they are being violated with impunity because of the unequal power relationship between poor communities and that developer-bureaucrat-politician nexus.

These days, you hear a lot less about using public assets like land for social purposes or for the common good of a city's citizens, and you hear a lot more about "maximizing returns on state assets." Why? Because in this new scenario, land has at last unashamedly become a commodity, to be bought and sold to the highest bidder.

Asian cities : for sale to the highest bidder...

As the forces of market economics insinuate themselves into more and more places and more and more aspects of our lives, the effects are being felt most immediately and materially by the poor. People make squatter settlements in the first place because there is such a big gap in the supply of formal sector housing. And the biggest reason for this gap is the soaring cost of land, which is being artificially pumped-up by speculation and formal sector investment. In many Asian cities, the government is becoming the biggest land speculator of all, and vast tracks of desperately-needed public land lie vacant, while the agencies which control them wait for land values to inflate, or give them on lease, concession or sale to the highest-paying commercial interests.

So land gets even more inaccessible to poor communities. But much worse, in cities across Asia, poor (and not-so-poor) communities are being chucked out by the thousands from land they've rented or occupied for generations, to make way for shopping malls, discount superstores, up-market condos, hotels, fast-food franchises and business parks. This profiteering is all in the public interest, we're told, since relocating poor families to inexpensive peripheral land and cashing in the valuable land they used to occupy in the inner city is raking money into the government coffers.

The globalization of these forces has also made the corporate sector a major player in the economy, culture and sociology of cities across Asia. It is increasingly deciding how urban space is used and how services are delivered. And the bottom line is *profit*. Governments are catching on to this and behaving more like corporations themselves, jockeying for international finance and taking up development projects at a scale and pace that nobody would have thought possible (or sensible) 20 years ago. A lot of the planning coming out of this new hyper-accelerated, corporatized version of urban growth is being done in ways which evict more households than necessary, so as to snatch extra bits of already-occupied land for sale or development. In some cases, NGOs and professionals have managed to alter these plans and prevent thousand of evictions from taking place. But for every one of those cases, there are hundreds where this state-sponsored land-grab has won out.

This is all made much worse by the huge levels of debt countries are staggering under. Governments in most Asian countries are now spending the lion's share of their revenues (between 50 and 60%!) on servicing the massive debts they've chalked up doing all these mega-projects and have precious little left to run their education, health and transport programs. Governments in this position (almost all Asian governments now, thanks to 20 years of aggressive loan-peddling by the big lending institutions) are forced to do unwise things like auctioning off their natural resources (land, forests, oil) to the highest corporate bidder, at great cost to their country's environment, privatizing more and more of the functions they once managed as a matter of course, and throwing people off state-owned land to make room for higher-paying commercial tenants. These dramatic shifts are having a huge affect on people across the region, and nobody is feeling the pinch more than the poor, as every miserable square inch of ground they inhabit to live, work, sleep, cook and play on is marked, measured, recorded and noted down on some real estate list.

Is your city's eviction policy healthy?

Here's a rule of thumb for testing whether a city's eviction policy is healthy or not (coming from Sheela Patel, at the Indian NGO SPARC) : If you don't count all the displacement of people being caused by speculation, gentrification or commercialization of land - which is not necessary at all - the only people who really need to be relocated are those living on land in clearly dangerous locations, or those whose presence in a particular location is going to stop a large infrastructure project that is important for the whole city. In even the most densely-populated cities, with the largest population of informal community dwellers (like Mumbai or Manila, both with between 50% and 60% of their populations living in informal settlements) this will not constitute more than 10% or 20% of the urban population. You will know that a city's policy towards eviction and resettlement is a good and a healthy one - and is working - if those are the only people being resettled.

All in the name of development :

How international finance institutions and the "think big" mega projects they promote are displacing millions

*A lot of the evictions in urban areas now are taking place in the name of **"development"**. Most of our countries are now in hot competition to host global investment, and a lot of money is going into improving urban infrastructure to make cities attractive to this investment. There's no question that cities need those improvements as they grow, but the way they are being planned, financed and carried out - and the way they are displacing people - has changed drastically. Here are some thoughts from Arif Hasan on the new paradigm, in which planning is out and projects are in :*

Once upon a time, the management of sewage, water, solid waste, transport, education and health care in cities were simple municipal functions, which the respective government departments would plan and implement themselves, using available government budgets and local expertise. Since the 1970s, however, when the big finance institutions like the World Bank and ADB began pushing large loans for ever-larger development projects, these functions have become incredibly complex. In most Asian cities, they have now been reduced to a series of unrelated and usually very big projects, funded by loans and pushed by a mafia of contractors, consultants (local and foreign), politicians and bureaucrats. *It seems that planning is out and projects are in.* It has become the unchallenged assumption that mega projects are needed to solve problems of infrastructure in our cities. Because of pressure from the international corporate sector and finance institutions, many of these mega projects are also being handed out to international companies on a *Build, Operate and Transfer* basis, so it is increasingly contractors - and not local governments or local citizens - who are determining the form of the city, controlling its assets and taking over its basic functions.

Because the loans which finance these projects come with conditionalities about international standards, international tenders and international consultants, project costs soar to between 15 and 20 times the actual costs of labor and materials. And this, of course, means skyrocketing loans and skyrocketing debt for local authorities - debt which is often recovered by federal or provincial governments through reductions in local development budgets for things like health-care and education. In these ways, the mega-project and mega-debt model is impoverishing local governments.

These projects are also causing enormous evictions of poor families who come in their path, increasing homelessness, unemployment and poverty. The finance institutions which fund them maintain they do not tolerate forced evictions and hold up their admirable resettlement guidelines for project-affected families. But implementation of these guidelines is spotty, and even when people are resettled, it is to remote and un-serviced relocation sites far from sources of employment and transport links. But these projects also cause eviction *indirectly* in several ways:

- They free up government revenues to do other eviction-causing projects which do not require that those strict resettlement guidelines be followed, since they are not being funded by loans.
- By inflicting such high levels of indebtedness, they are forcing local governments to seek revenues by commercially developing public land after evicting the informal settlements which occupy it.
- By pushing up real estate values in areas where they're built, they create indirect economic pressures which eventually cause eviction of nearby slums, which suddenly look out of place.

Three ways to fight against this stuff :

More and more professionals are realizing that many of these projects are unnecessary, they're bankrupting governments, causing disastrous environmental impacts and huge displacements of people. There is strong opposition to this from civil society organizations all over Asia, but most of it goes unrecorded in the northern development and academic literature, where the "think big" paradigm seems to have been swallowed hook, line and sinker. The big question in all this is how can we deal with the threats this model is imposing on people's shelter and survival without being seen as impeding development? Here are three ideas to start with :

1 **Option one:** Use information, networking and the press, to demonstrate that these projects are not necessary at all, and campaign to get them cancelled at the level of their conception. Several fantastically ill-conceived mega-projects in sewerage, transport and solid waste have been cancelled this way in Karachi.

2 **Option two :** In recent years, in a few cases, NGOs, concerned professionals and community organizations have proposed alternatives to these projects which do not displace people and are far cheaper and more environmentally friendly. But this requires groups around who can prepare these alternative plans and help communities lobby for them.

3 **Option three:** If the project is going to happen regardless, use information, networking and community preparation and negotiation to produce a protocol for resettling project-affected families which answers people's needs and challenges the project's ability to provide equity while they are being carried out.

The softest form of eviction yet . . .

How market forces are being used to dispose of poor people more quietly and more efficiently than any demolition squad :

It is one of the paradoxes of urban slums that a little tenure insecurity works like a charm against gentrification. And when you add a dash of environmental hazard and a pinch of poor services, you've got one of the most effective force-fields for keeping a voracious property market out of a settlement, *and keeping poor people in.* But five seconds after you make that slum more secure - by regularizing it, formalizing user rights or giving land title to its residents, richer people will be queuing up offering opulent sums to buy them out. And what sane person is going to pass up an offer to trade in a shack for more cash than they could earn in five years? But when the poor do take up these offers, as many invariably do, just listen to the chorus of accusations coming from just about every quarter: *"See what they do when you give them a secure house? They sell it off and move back to the slum!"*

Not everyone sees this as a problem, however. A growing number of *"poverty alleviation"* programs are being launched in which informal land assets already used by the poor are being formalized - ostensibly so they can be used as collateral for loans to start or expand small businesses. But alarm bells are going off for many who see this as a thinly-disguised way of using market forces to push poor people out. In this form of eviction, there are no bad guys, no messy demolitions. It happens gradually, one tiny parcel of land at a time, so hardly anybody notices until one day, *all the poor people are gone!*

The World Bank has embraced this strategy and is pushing projects around the world to convert land rights under a variety of sticky tenure systems into individual land title and get it into the market. This fits in neatly with the larger imperatives of global capitalism, for which complicated forms of land tenure have proven to be obstacles to profit-making.

The World Bank's Land Titling program in northern Thailand, for example, has issued land titles to 8.7 million poor farmers, most already deeply in debt. Twenty years later, millions of them have been driven off their land and entire belts of farmland transferred through buy-outs and foreclosures into the hands of speculators, golf-courses and agribusiness. So successful has it been that in 1997, the World Bank even gave itself an award for the program!

EVICTION IS PREVENTABLE :

In many places and in many ways, the urban poor continue to be treated like blocks of color on a development map, to be lifted up here and pasted down again there - not like human beings with real needs, real families and real aspirations, living in real communities. Needless to say, not many urban decision-makers are interested in asking them what they'd like to do or making an investment in finding solutions to their housing needs that are "win-win", because that takes a long time to do.

Development plans which decide what's going to happen where in a city are often billed as technical documents, which only technical people can understand and whose preparation is a purely technical exercise of arranging roads, zones, drainage and access with the greatest efficiency. Of course, planning a city's growth does have a technical dimension, but the fact is that development plans are *highly political* and should be treated as such. They're not engraved in stone, they're printed on paper that can be scrunched up and thrown into a wastepaper bin. Every aspect of those plans is negotiable.

Almost all the eviction happening today is preventable. None of the misery eviction brings or the wrongful planning decisions, disregard for equity or misdirected development imperatives behind it are inevitable. The solution for eviction lies in finding strategies which allow people to be part of the planning which affects their lives. This might involve legitimizing the rights of poor people to stay where they are now, or it might involve relocating them to land which allows them to continue developing their lives - or myriad other options in between.

This can happen in a thousand different ways, but it requires protracted negotiations and substantial power - or political clout - among the people's groups that are negotiating. And that only comes if people are organized. There are actually many, many intermediate options which offer alternatives to forced eviction - alternatives which work for both the city and the poor. These options are being explored, refined, added to and scaled up right now, in cities across Asia and Africa - and in this newsletter we've gathered together a whole slew of them to showcase, so don't stop reading yet!

How community organizations are taking a longer view in their search for solutions to eviction . . .

All cities go through periods of intense development, when things change rapidly and new construction displaces a lot of people. These are forces which neither history nor housing rights activism have ever been able to stop. Organizations of the poor aren't so naive as to suppose this process will ever stop for them, but if it happens in ways that bring material improvements for some, but causes impoverishment and suffering for many, something's badly wrong.

In the 1980s the movement to recognize social and cultural rights, of which the right to housing was prominent, led to a range of UN declarations being signed by governments around the world. Since then, the international development community has condemned evictions loudly and clearly, but what it hasn't done is made investments in finding workable *alternatives* to eviction.

A lot of the NGO activism back then was essentially *defensive* and took the form of organizing communities to resist specific evictions, filing court cases to stop demolitions, using those international covenants to spotlight housing rights violations or lobbying the multilaterals which were funding the projects causing evictions. These short-term, *fire-fighting* strategies scored some important victories, brought the eviction issue into the public eye and kept it there. But the violence, fear and dislocation of an eviction is not the best place for clear thinking or for negotiating alternatives. Once a crisis has erupted, communities are on the defensive and the tools available to deal with the situation reduce sharply. The reality is that most good housing solutions don't come immediately.

So the question for these embattled communities was how to create an engagement that begins with a crisis, identifies the problems and then creates a more *offensive*, longer-term process of resolving them. Instead of passively waiting for the eviction squads to come and then scurrying to stop them, what if community organizations could find the space to focus on the longer-term goal of secure housing: prepare themselves, save their money, link into networks, gather information about their settlements, find alternative land, develop alternative housing plans and negotiate with their cities with realistic housing solutions which address issues of people's basic survival and city development.

Now if you have a tradition in which communities have linked together, done all this homework and opened up this kind of dialogue with their municipal officials, then negotiations will start much earlier, at the first tremor of tenure insecurity, long before anybody even mentions eviction. If this kind of community organization and dialogue are in place, they can resolve most eviction-creating problems as a matter of course, so the dramatic cases of forced eviction will diminish. And in many cases, this is what has happened. The stories in the following pages describe a wide range of strategies communities have used to negotiate alternatives to eviction - long before the extreme event of eviction actually happens.

The word from poor communities and their supporters :

Eviction is not necessary, it's not inevitable and the work we can do to prevent it begins right now . . .

Over the past 15 or 20 years, there's been a big evolution in how many community organizations around Asia and Africa handle evictions, from being very agitational and fighting the government, to negotiating with their cities. Here are some thoughts from Celine D'Cruz, from the NGO SPARC in India, on the tangible benefits of not just looking at eviction, but making long-term investments in changing relationships in the city :

A t a certain point, instead of letting professionals fight on their behalf, some communities began going to their city governments, saying *"We are ready to move, but we want to sit and work out an alternative resettlement plan which works for us and for the city."* We've seen very clearly that it pays off when you invest this way in these changing relationships inside cities. And changing these relationships is not only about eviction and housing, but about rebuilding trust between communities and the cities they are part of. And about showing that poor communities are a resource and not an eyesore. To do that, you need a set of strategies that are very different from just combating evictions. It's like you're setting up a new banking system, where communities are investing in their city, and after a while, the city begins to invest in them. So when you have a crisis, like when the ADB walks into town and says this community needs to be cleared, the city already has a protocol for how to deal with that, working in partnership with the communities.

We start with tools which help communities stop evictions, like surveying, mapping, house numbering, model house exhibitions, negotiating with alternative plans. Now, in many cities, through the process of exchange and dialogue, government officials are making offers to the federations - in India and in other countries - for help finding solutions, saying, *"We don't want to evict these people, so if you can take over these responsibilities, it will help us."* And that is only possible because now that we have a large critical mass of people who can actually take up that challenge and do that work on the ground.

In Bangalore, for example, the Chief Minister came to the house model exhibition we organized, saw the work the communities had done and told the Mahila Milan about four slums being threatened with eviction by a private landowner. The city was ready to acquire land for resettling these people but didn't want to take responsibility for doing construction. So he offered Mahila Milan a deal: if they could organize the communities, build the houses and manage the resettlement, the city would get them the land. And in Cambodia, where the federation started savings and networking a few years ago, people in all seven districts have now linked together, surveyed all the slums and vacant land in the city. Now, they're in constant dialogue with the government, making joint plans to upgrade 100 informal settlements in the city with secure land and housing.

All this is the best kind of eviction-preventing work, and it began years ago, before any evictions happened. And we can do this same thing - start this process of preparation, dialogue and solution-building - in every city, every district and every country in the world. Because the other side of preventing eviction - the positive side - is developing secure housing in the long run.

Slum / Shack Dwellers International : How the poor are helping each other to sharpen their eviction strategies . . .

Not all strategies for avoiding eviction - or offsetting its worst effects - are transferable. Different countries have different systems of government, different degrees of political openness, different land ownership patterns, different levels of development and different maturity in their community organizations. All make for dramatically different eviction scenarios and all call for different responses. But many strategies *do* travel remarkably well. And when they're carried by the people who have been through eviction themselves, through the process of people-to-people exchange, it's powerful stuff.

For the last seven years, SDI has worked to build a strong constituency of people's organizations at the global level to develop and articulate their own pro-active strategies for dealing with eviction, and to create opportunities for these groups to share their knowledge and experiences together. The network offers a growing set of living examples, in different cities and in different parts of the world, where communities have negotiated successfully for secure land and then done infrastructure and housing. One of the biggest advantages of such large networks of grassroots groups like SDI is that they allow communities facing eviction to know :

- that they are not alone, that others are facing similar crises and finding solutions for resolving them which lead to secure land and housing.

- that governments may be beastly in general, but they're not monolithic and most can be negotiated with, if you're prepared.

- that solutions are possible: that eviction-causing projects can be altered so fewer people get displaced or reasonable resettlement packages can be negotiated for and attained.

- that they can pick from a range of solutions or strategies to help do this which may not be available in their immediate environment but have been created and tested somewhere else.

Talking to the bad guys :

As Sheela Patel at SPARC puts it, if you want to do something that's good for both communities and for the city, it takes a lot of negotiation. *To put it mildly!* In most cases, communities and the state are in no mental framework to negotiate anything, both so suspicious of each other and locked in a feudal relationship in which the state is assumed to know best. We see this in countries all over, where again and again communities say *"Why should we do that? It's the state's job to do that."* And then when the state does it, the communities aren't happy. And on it goes. NGOs get locked in a similar paradigm, insisting year after year that it's the state's duty to do this and provide that. But when the state clearly has no capacity to do this or provide that, *what do you do?* Different groups are breaking out of this paradigm in different ways, but in every case, progress only happened when everybody came to the bargaining table.

The capacity of community organizations in the SDI and ACHR networks emerges out of 20 years of crisis situations and building up of experiences, which began with defending against evictions and progressed to exploring a critical engagement with the bad guys who were perpetuating those evictions. That's not a choice that we as professionals and NGOs can easily make, but is seen as a pragmatic necessity by the poor, who feel that their cities and their governments have to change if any real change is to occur. So they're ready to speak to the very people who broke down their houses. But when that engagement begins and you start exploring the psyche of a city's administration, a funny thing happens: you discover that they've gone on evicting people in the same old way only because they've got nothing else in their repertoire of options. And in most cases, they're hungry for alternatives.

INDIA :

How Mumbai's pavement dwellers moved from invisibility to visibility . . .

Mahila Milan (which means *"women together"* in Hindi) was formed in Mumbai in 1986 in response to the constant demolitions being faced by Mumbai's 200,000 pavement dwellers at that time. Samina, one of Mahila Milan's first members, has lived on the city's footpaths for 35 years. "When we first came here," she says, "we had to rebuild our houses every 15 days. Then the municipality and police would come and remove everything - including the food as it was cooking in the pot! Children would run away to other places. For twenty years, everything we saved was taken away by the municipality."

Over the years, social workers, charities, NGOs, researchers and do-gooders came and went, offering welfare-style assistance to pavement dwellers, who were among the poorest and most vulnerable of the city's poor. Other groups encouraged them to stand up for their housing rights and resist these demolitions through mass action. But after the rallies and confrontations were over and the activists had gone home on rush of adrenalin, the demolitions continued, and the women were left feeling more vulnerable than ever.

And this pushed Mahila Milan and it's NGO partner SPARC, into finding new ways of talking to the city, not by being victims and complaining, and not by being defiant and shouting, but by articulating their aspirations and building on the pooled strength of communities working together. What began in 1984 with fear of officialdom and the power it wielded over their lives, began gradually to be replaced by confidence in being able to participate in a dialogue, and later by the power of driving real solutions to those problems - *with the city's support.*

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The Slum Redevelopment Act turns into policy a strategy for resolving the housing needs of the city's poorest that was designed not by planners or city administrators but by poor and illiterate women who faced constant eviction from the pavements upon which they lived. Their strategy subsequently inspired a whole movement of urban poor communities in India - and around the world.

. . . and from demolition to dialogue :

Landmark judgment against pavement dwellers sets off a long process of collective questioning, planning and solution-crafting :

After a major demolition in 1981, the Chief Minister ordered hundreds of pavement dwellers to be thrown outside the city amidst torrential monsoon rains. Civil rights groups were horrified and filed a court case to uphold people's right to live on the footpaths. The case went all the to the Supreme Court, which in 1985 upheld the city's right to demolish these shelters to maintain public sidewalks. It was a big blow for pavement dwellers, but the judgment brought the issue into the public eye. NGOs and CBOs planned mass actions to confront the demolitions the judgment was expected to unleash. But the women in Mahila Milan understood that until a long-term solution could be found which works for both the city and the poor, the city would keep on demolishing their houses and pavement dwellers would keep rebuilding them - *because they had no other choice.*

Later that year, SPARC's landmark survey of pavement slums, published in a document called *We the invisible*, showed that pavement dwellers were not transients or parasites, as the myth held, but people who had lived for decades in the city, who worked very hard but earned almost half the official minimum wage. They came from the poorest districts of India, victims of communal violence, floods and famines, but unlike slum dwellers, they were not a recognized "category" and were bypassed by most entitlements, so no ration cards, basic services, loans or rehabilitation schemes.

A few months later, the Mahila Milan began working with SPARC to learn more about the politics of housing in Mumbai and to develop a shelter strategy to present to the city. They located vacant land in the city and began asking why none was earmarked for the homeless. They began saving money and talking to banks about why the poor couldn't get loans. They designed house models they could build and pay for themselves and worked with professionals to reduce costs through self-management. They began looking at how they could mitigate the impact of relocation on their livelihoods. As their strategy took shape, the women talked about it with government officials, who at first agreed only to stop the evictions, but gradually began to accept the logic of the formula they proposed :

> **We are ready to move, but we want to work out a resettlement plan that works for us and for the city, in which the state provides land at subsidized costs, the city provides off-site infrastructure (as it does to all citizens), and communities design and manage their new settlements, spearheaded by the women who have built their capacity to manage savings, create a database of residents and supervise construction.**

In 1995 the government of Maharashtra enacted the *Slum Rehabilitation Act (SRA)*, which included pavement dwellers for the first time in a policy which entitles the urban poor to land for relocation. The women from Byculla who formed the core of Mahila Milan now have a piece of land on which they are building houses for the first 536 families, and the government of Maharashtra and Municipal Corporation of Mumbai have set out a special policy for planning the relocation of the 20,000 households identified through a second pavement census carried out by MM and NSDF in 1995.

Some field-tested tips from Mahila Milan about how to take control over your own demolition :

On 14 October 1986, a fleet of municipal and police vans came to demolish *Apna Zopadpatti*, a pavement settlement of 100 huts in Byculla. Demolition squads usually throw people into panic and confusion, but at Apna Street, they were stunned to find themselves coolly encircled by women and children. The police nervously announced their orders to demolish. "It's a shame the BMC won't listen to us," the women re-plied, "but since our huts must be demolished, let us do it ourselves." And that's what they did, helped by women from other pavements, so that by afternoon, all their belongings and housing materials were neatly piled along the street and the police could go home. Not a single pot was misplaced. It was still a demolition, but this one was under the women's control, from beginning to end. Then, after sitting down to a meal prepared by neighboring pavement dwellers, they all put their shelters back together and went to bed. It was a day people still remember as a turning point. For the first time, these women tasted the power of coming together as a collective and using that power to stop a demolition squad from breaking down their shelters. These unprecedented events came after a long process of preparation and rehearsal, in which the women first went around meeting with all the officials who played a role in the demolitions - in the ward office, the police, the municipality, the state. This was their own form of training - training themselves to understand the functions of all these different officials and the hierarchies they operate within - and training themselves to talk to them. And this training equipped them to plan, to strategize and to negotiate better. This collective response to demolition was Mahila Milan's first step in changing their relationship with the city.

8 Long-term eviction busting tools from India :

The 1985 supreme court judgment against pavement dwellers showed Mahila Milan that their most powerful weapon against the immediate threat of demolition was to focus on the long-term goal of secure houses. So they began using their collective planning for the future to build the skills and confidence which became trump cards in their negotiations with the state later on. And they developed some powerful tools along the way - tools which educate and mobilize while offering both practical and strategic value to communities in their struggle for land and houses. Later, in alliance with the NSDF, the women began visiting other cities around India - and around the world - to help other communities do what they had done. These tools have since been adopted in a thousand different contexts, where they have spurred housing breakthroughs for thousands of poor families.

Tool : Community enumeration

When cities do the counting, poor people are *always* under-counted, and under-counting means the poor loose. But when poor people do the counting, it can be a great community mobilization starter. 15 years ago, for example, there was no policy for pavement dwellers in Mumbai, except to keep trashing their dwellings. The first survey of pavement dwellers defined a universe whose existence nobody had acknowledged, and it started Mahila Milan, who would eventually transform their statistics and their understanding into a formal resettlement policy for pavement dwellers all over the city.

Tool : Settlement mapping

For federations across India, an important part of the data-gathering process is making settlement maps which include houses, shops, workshops, pathways, water points, electric poles, along with problem spots and features in the area, so people can get a visual fix on their physical situation. Mapping is a vital skill-builder when it comes time to plan settlement improvements and to assess development interventions. Their detailed, accurate, first-hand information make community maps powerful planning and mobilizing tools, and also effective bargaining chips in negotiations for secure tenure.

Tool : Daily saving

Instead of waiting around for the government to provide development, communities in the MM/ NSDF alliance study their own needs, look at what state policies provide and then formulate solutions that work for everyone. Communal saving is an urgent activity which binds people, teaches them to manage collective assets and helps them take control of their own development - on a daily basis. As Jockin puts it, one community dollar is equal to a thousand development dollars, because that community dollar represents the commitment of thousands of poor people to their own development.

Tool : Network building

Poor people want resources, and no matter how you look at it, resources are *political*, if you define politics as who gets access to what in a city. No community alone can negotiate with the city for these things. Only when they negotiate together, in organizations with the collective force of big numbers behind them does it work. One of the biggest lessons from India is that to make change, there needs to be a "critical mass" of people demanding change, and that critical mass creates solutions, breaks down resistance to change, and dissolves the barriers between poor people and resources.

Tool : Vacant land surveying

Cities often claim there's no land left for the poor, but they're almost always fibbing. And when poor people get to know their own cities better and educate themselves about development plans, they can challenge this bunkum. In 1985, the MM got hold of Bombay's development plan and went around the city finding every plot marked *"housing for the poor"* on that plan, most of which was actually upper-income housing, or warehouses and factories - all kinds of things! Vacant land searches in cities all over India have helped poor communities to negotiate countless resettlement deals.

Tool : Shelter planning

It's hard to fight for a decent house and a secure community if you don't have any idea what that that house and that community might look like. During Mahila Milan's first shelter training workshop in Byculla, the women used the length and width of a saree to understand room dimensions and ceiling heights that were otherwise incomprehensible to people who'd lived most of their lives in box-like huts on the pavements. The modest, one-room unit they designed, with 14-foot ceilings and an internal loft, became the template for hundreds of relocation projects in the coming years.

Tool : Community exchanges

When SPARC first began working with pavement dwellers, they found that women on one side of the street didn't know those on the other, so they initiated a process of interaction between the different pavement communities. Gradually, this extended to slums across the city, then across the country. In India, every new idea that has come into use in the federation has come out of communities doing it. A program of constant exchange visits between cities and settlements has created enough catalysts and trainers to ensure the process reaches more and more communities across India.

Tool : House model exhibitions

When communities build full-scale models of their house designs and invite government and the public to see what they've been planning, a lot of things happen: house model exhibitions "democratize " possibilities, they train people in construction, they stir up excitement, they build confidence within communities, they help people visualize affordable house designs, they show the city what the poor can do, they bring the government to people's turf, they kindle interest in the city, and they focus on precisely what it's all about: *decent, affordable, secure housing which is accessible to everyone.*

PHILIPPINES :

Payatas tragedy teaches communities that when it comes to eviction, attack is the best form of defense :

Payatas, Manila's largest slum, with 35,000 households tightly packed around a mountainous garbage dump, has become a dark symbol of the problems of poverty and landlessness in the Philippines. The pollution, disease and physical danger the dump brings make Payatas one of Manila's most hazardous places to live. But for the thousands of women, men and kids who survive by gathering and selling recyclable waste, the dump is a lifeline. In 1993, these families organized themselves into the *Payatas Scavengers Association* and have been working on many fronts to create collective solutions to their problems of land, housing, livelihood and health.

On the morning of July 10, 2000, after weeks of heavy rain, part of the garbage dump collapsed, burying hundreds of scavengers who were living and working nearby. Despite rescue efforts, the death toll climbed to 250. For a short while, the tragedy put Payatas at the center of a storm of sympathy, assistance and media attention. But when the storm withdrew, this already traumatized community was hit with the news that the dump was to be closed down and that 2,000 families were to be evicted from their homes within the 50-meter *"danger zone"* around the dump.

But this intrepid community, along with the *Philippines Homeless People's Federation*, lost no time in making strategic use of the tragedy to initiate a dialogue with the state about long-term solutions to the problems of communities living in these and other dangerous locations, around the city and around the country. Their message was clear:

"We don't want to live this way either. We are developing resettlement plans which meet our needs and which we can afford, and we are ready to work with the government to achieve its goals of providing secure housing for the poor in Payatas."

An important part of their efforts was to undertake a survey all the families living in the danger zone, to organize families and prepare for relocation - *before the government did.*

Danger zone surveys in 15 cities :

Showing that information, preparation and advance planning are the best long-term eviction avoiders . . .

For the Homeless People's Federation, the biggest lesson of the Payatas garbage slide was that with eviction, "attack is the best form of defense," that if communities can prepare themselves, and if solutions can be developed long before eviction ever happens, people will have more choices and more control. Here's the story of one of the federation's most powerful strategies for advance eviction planning, drawn from a recent conversation with Ruby Papeleras, a federation leader from Payatas.

■ **What are danger zones?** 58% of Manila's population are squatters, and urbanization is forcing more and more of these people to live in environmentally dangerous places. There are all kinds of danger zones: along river banks, railway tracks and shorelines, on eroded hill slopes, in mountain zones, near garbage dumps, under polluting expressways and traffic bridges. These are the poorest and most vulnerable of the urban poor, but they are invisible until a disaster like at Payatas happens.

■ **How did the danger zone surveys start?** We started in Payatas after the garbage slide, to help us deal with the relocation process. That was the first one, that was our pilot, and the survey process soon spread to other areas within Quezon City, and to the railway communities in the south of the city. Federations in other cities were watching all this, picked up the idea very fast and began to survey danger zones in many other cities in the Visayas and Mindanao regions.

■ **Who does the surveying?** The data-gatherers are all local federation members who live in settlements nearby. Surveying communities in danger zones has become an important entry point and a technique for mobilizing vulnerable urban communities all over the Philippines now. We use the eviction issue to organize those communities and to start a process of discussion, planning, preparation and negotiation - all to work out ways of getting secure land and avoiding evictions in the future.

■ **What happens during the survey process?** The survey triggers other activities: community saving, settlement improvements, welfare, developing alternative plans for relocation or on-site upgrading to lobby with. The survey process is actually a way of expanding and building the federation. People in a lot of cities know about the federation now, trust has been established, and many communities are calling in the federation for help. *But it is a long, hard process!* Because one thing we try to do is to unite all the people's organizations in each *barangay* and to be partners of the barangay captain. You can't do this in only one meeting - it takes a lot of work and follow-up.

■ **What do you do with the survey results?** Our friends in PACSI help put the survey data into the computer and generate summary tables, which then become a very important tool in our negotiations with the city. We've taken the survey results to cities and said, *look, all these people are living in very dangerous situations, they need immediate relocation, they can't afford to buy land in the conventional way, we need other land options* - and so far, three cities have offered us land!

> **What is the connection between danger zones and eviction?** The Payatas tragedy showed us that communities in danger zones are prime eviction targets. But if we sit around and wait for that crisis to come, we'll be in a defensive position and won't have many options. The danger zone survey is a way of dealing with eviction - *long before eviction happens.* If we can survey those areas, start savings groups, discuss and start planning alternatives, then we can go the city and negotiate for people-managed resettlement - or upgrading - from a position of strength, *on our own terms.* This way, we're showing the city that we want to improve the situation, that we really have the ability to deal with these problems. So far, in most of the cities where we're working, the government respects this position and wants to participate with us.

■ **How does the national federation help?** The federation is now working in 17 cities, and has a core group of 21 leaders who get together in a different city once a month. In these meetings, we discuss the local problems with leaders from other cities, share ideas and talk about how to strengthen that region. There are always lots of ideas, because all these cities are working very hard and all are struggling with similar problems. None of us just keep our problems alone - there is a federation to help us! If a leader in Mindanao, for example, needs some experience in surveying and federation building, she can bring a team to Payatas to learn by joining in the process there.

■ **Is the government involved?** When we start surveying in a new *barangay* (small administrative area), we first go to the barangay captain and talk to him about what we'd like to do. It's important to get the local government on your side early on, *but not controlling the process.* After giving the certification to conduct the survey in that area, these local officials often ask us to give them a copy of the survey results later on. When the survey is finished, we invite all the communities to discuss the results in a large assembly, and we invite the barangay captain to sit in on this meeting. But we meet with him beforehand and let him know what is going to happen in that meeting - we don't want him to feel he's walking into a trap, or that we're pressuring him - we are just informing him what we want to do. But this information doesn't belong to him, it's the people's information, and it has to be passed on the to barangay only after it is understood by the people.

How 3 city federations are using the danger zone survey to negotiate land and housing breakthroughs

The Homeless People's Federation has five regional offices, in Cebu (for the Central Visayas), Iloilo (for the western Visayas), Davao (for Mindanao), Payatas and Mutinlupa (for Manila). These offices play a key role in dealing with eviction and following up the danger zone surveys in several ways. Regular meetings are held with communities in high risk areas, with each region focusing on a different city each month. Federation leaders also pay regular visits to mayors of cities in their region, as a group, to build relations, and regularly invite municipal and barangay officials to come see these communities, meet the people and discuss critical issues that are vital to both the city and the urban poor. Already in nearly 40 cases around the Philippines, these measures have successfully stopped planned evictions, through negotiated alternatives. And in these ways, strong working partnerships have been built between the federations in several cities and their city governments, through which families living in danger zone communities have been resettled to safe, secure land. Here are a few notes which show the kind of tangible results the survey process has yielded so far:

1 Danger zone survey results Iloilo City :

In the coastal city of Iloilo, people keep moving closer and closer to the sea, even though they face the risk of storms and floods. *Kabalaka*, Iloilo's local chapter of the federation, has developed a very close working partnership with their Mayor and city government to relocate families in these shoreline danger zones. The city government now allocates 5% of it's total yearly budget for the urban poor. Most of this money goes into a special fund to buy land for relocation, and from the outset, the city invited the federation to participate in planning how this fund would be used. The first relocation project uses the results of Kabalaka's survey, and is perhaps the first case in the Philippines of a local government entering into a tripartite agreement with a people's organization and an NGO to manage a relocation process. The federation's role is to help prepare the affected communities by linking their savings programs to the issue of relocation and participation in the planning of their new communities. The city is now considering the federation's proposal to use a 20-hectare area of newly-reclaimed land for relocating these shoreline communities, according to layout plans the federation has prepared, using low-cost infrastructure people can build themselves.

2 Danger zone survey results in General Santos City :

The partnership between the municipal government in General Santos and the federation has grown very productive recently, especially in Barangay Lagao, where 30% of the residents live in squatter settlements beside highways and roads and where officials have allocated funds to purchase a two-hectare site within the barangay for relocating the first 150 families. It is the federation's role to identify beneficiaries, manage the relocation process and collect the land repayments, as defined in the terms of reference of the partnership. Officials predict that if they can make annual appropriations of 500,000 Pesos for land acquisition, within 10 years all residents of Barangay Lagao should be living in safe and secure environments. The process is spreading to other barangays, and the federation is also negotiating to award land parcels unnecessarily zoned as road rights-of-way to the communities which inhabit them.

3 Danger zone survey results in Quezon City :

Some of the danger zone cases in Quezon City really need to get out of there fast, especially communities along creeks prone to landslides and communities under traffic bridges, where people face the danger of land-slides, flooding and the severe pollution from the traffic overhead. It is much harder to establish partnerships and mobilize land in a mega city like Metro Manila (in which Quezon City is one of 17 municipalities) than in provincial cities. But after the surveys in Payatas, Batasan and other Quezon City areas, negotiations about relocation and improving existing settlements are going on, and a lot of relocation work is coming up. Some parcels for relocation are being offered by private donors, but the big challenge now is to work with barangay and municipal officials to find more land for relocating people from the danger zone surveys in other areas of Quezon City - all of which have been prioritized, so those living in the most dangerous areas go first.

In Payatas, work continues relocating families from the dumpsite through a process being managed by the people themselves. So far, 525 Payatas families have moved to the government's relocation colony at Kasiglahan, and 110 families have moved to the federation's relocation sites at Montalban and Bagong Silangan. Officials see these people actually moving in, building their houses and starting new lives in a secure environment, and they see a concrete solution that works - when the federation manages the relocation: no monkey business, no delays, very cheap. When there are families to be relocated, the city is increasingly asking the federation to manage the process. After being pressured by the federation, the Quezon City mayor pledged to give 10,000 Pesos each to six families evicted from the dumpsite and to assist in the relocation process. As another strategy for dealing with danger zone problems, a community in Batasan has begun cleaning the polluted creek that runs through their settlement, with good support from the barangay captain, and are planning other physical improvements, in what may be the city's first people-driven community upgrading.

When poor people demonstrate that they are not the problem, but the **solution** to the problem . . .

"In our region of Mindanao, we urban poor have also experienced many land problems, but we have organized ourselves and put up community savings. Before, the government always saw us as a problem and a burden on the city. They didn't want to negotiate with us. But through our work and our savings, we are making them feel we are not a burden after all. We are showing them that we are not the problem, *we are the solution to the problem*.

"We don't fight the government - we just demonstrate that if they include us in the planning of whatever programs they want to implement which involve the people, we know best the solutions. So with that, the government is open to us. In my city, Iloilo, the government has allocated 5% of it's total yearly budget for the urban poor. This money will be used to buy relocation sites for families living in danger zones. In other regions also, city governments are contributing land and resources and assistance to relocation by the people. We continue to engage in a dialogue with these cities because if there is no dialogue between the urban poor and the city, no solutions will come up."

Sonia Fadrigo is one of the Homeless People's Federation's national leaders.

PHILIPPINES :

Pasig River evictions update

The Pasig River flows through nine of Metro Manila's 17 municipalities, and with the *esteros* (drainage canals) which feed into it, is the city's vital drainage system, carrying out to sea the unbelievable quantities of rain that fall during the rainy season - and most of the city's untreated sewage. But every year, as the city spreads farther and farther out into the surrounding hills, and more land and more forests are getting concreted over, flooding problems in Manila are getting worse and worse.

In 1998, the Philippine Government launched the *Pasig River Rehabilitation Project (PRRP)*, with a big loan from the ADB, which aimed to clean up the river, clear ten-meter wide "Environmental Preservation Areas" (EPAs) for flood protection along its banks and stimulate urban renewal in areas up to 500 meters from the river.

Unfortunately, the Pasig River's banks are dotted with some very large and long-established informal settlements, where tens of thousands of people live, some established as government relocation colonies during the Marcos dictatorship. Between 1998 and 2000, the clearing of these ten-meter EPAs led to the eviction and relocation to remote resettlement sites of about 5,000 poor households. *The EPAs were cleared only in the 10% of river-side land under urban poor settlements*, and after much public outcry, the government acknowledged it lacked the resources to acquire the other 90% of river-side land owned by private residential, commercial and industrial concerns - which defeats the purpose for having the continuous EPA along the river. Even so, more evictions are being planned.

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Scaling up community-driven redevelopment in other river-side communities : The idea now is to replicate the project-supported, community-driven redevelopment process in Baseco and Pineda in other river-side areas. UPA is now working in the Maestranza and in many communities along the smaller canals, where the issue is the same, but the easement is only three meters, not ten.

Nixing eviction through alternative planning :

How a lot of community organizing and a little planning adjustment accommodated the Rehabilitation Project while making room for two of Manila's vibrant river-side communities to stay where they are . . .

As the opposition grew to the large and sometimes violent evictions taking place along the Pasig River, more and more voices in the city began to question the need for the huge displacement of people and deepening of poverty the project was causing. As a result of strong resistance to the evictions by the communities and by committed support from organizations like Urban Poor Associates (UPA), COPE, CO Multiversity and FDUP, the PRRP and the ADB were eventually persuaded to identify 30 areas along the river for *on-site* urban renewal. The message coming from the river-side communities was clear: we are ready to cooperate with the city's flood protection project and work together to clear the EPAs, as long as nobody gets evicted, and we can develop our own plans for making room for everyone who was displaced within the same area, with secure tenure and ADB project funds. Here is a brief update from Ted Anana at UPA on two of those urban renewal areas:

1 **Baseco** is an enormous settlement of about 6,000 households built on low-lying land at the mouth of the Pasig River and extending out into the Manila Bay. The views are spectacular from out there, but at high tide, the water comes right up to the floors of any houses that aren't built on stilts. In 2001, Baseco was identified as one of the high-priority areas to be upgraded on-site under the Pasig River project. But since secure land tenure was a precondition for accessing upgrading funds from the project, Baseco's community organization, *Kabalikat*, lobbied hard for the land to be given to them. And on February 2002, the land was proclaimed by President Arroyo as a residential site for the people who lived there. The plan the communities developed in Baseco keeps the 10-meter easement required by the project, which becomes usable public open space, and makes room through reblocking and readjustment of the community plan for all the families who lived in that easement.

2 **Pineda** is another river-side community of 500 houses, but here the 10-meter EPA had already been cleared, through a violent forced eviction, after a long, bitter and highly publicized resistance struggle, and those people were already gone, so the work there is community improvement. In both Pineda and Baseco, the redevelopment include schools, basketball courts, markets, clinics, and will involve negotiating low-interest CMP loans for redevelopment on site. *(For detailed notes on the history of Baseco and Pineda, contact UPA)*

TAO-Pilipinas : New NGO helps Pasig River communities bring their ideas into the planning process . . .

An important ally to the Baseco and Pineda communities in their struggle to win the right to stay beside the Pasig River was a new NGO called *TAO-Pilipinas (Technical Assistance Organization)*, which brings together several young architects and engineers committed to supporting a more participatory style of community planning in the Philippines - and particularly in the Pasig River project. Through a series of orientation sessions which explain the mechanics of the Pasig River Rehabilitation Project, and community design workshops with different zones of these large settlements, these young women help the communities to bring out their ideas about housing, infrastructure and community spaces, and transform those ideas into several redevelopment plan options, which then become important tools for the communities in their negotiations with the city and the ADB. Mind you, the job of squeezing 500 families into an area that used to accommodate 350 is no small task! Decisions involving demolishing certain houses, shifting certain lanes, reblocking whole areas of the settlement and laying new infrastructure lines involve a lot of delicate mediating, facilitating of meetings and drawing up of endless ideas and design options to build consensus. In the case of Baseco and Pineda, the efforts paid off, though, and the redevelopment plans the communities drafted in collaboration with TAO-Pilipinas are now officially part of the Pasig River Rehabilitation Project's master plan.

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INDONESIA :

The tide of eviction swells as Jakarta's governor declares war on the city's 4 million poor citizens :

Jakarta's daytime population of 12 million people goes down to 9 million at night, when floods of workers make their long way home to *kampungs* outside the city boundaries. Of the 9 million who stay in the city, about 40% live in informal settlements, without secure land tenure or adequate services, along riverbanks, railway tracks and on leftover bits of swampy or flood-prone land, much of it under public ownership.

The city's governor Sutiyoso, who in Indonesia's system is not elected by the citizens but appointed by the national government, has made it his personal crusade to clear Jakarta of these informal *kampungs*, as well as it's vendors, street musicians, homeless people and pedicabs. In a city with such a huge population of poor people, this is no small task. In recent months, evictions across Jakarta, which were already bad, have increased in frequency, scale and brutality to the point where an atmosphere of siege reigns. Eviction has become front-page news, and graphic footage of violent evictions play almost nightly on TV news. To give you a sense of the scale, during 2001 and 2003 :

- 10,321 families (50,000 people) have been evicted
- 24,748 street vendors and street stalls have been evicted and had their carts and stalls smashed
- 550 street musicians have been arrested
- 17,103 *becaks* (pedicabs) have been confiscated or destroyed, rendering 34,000 men jobless.

Why this upsurge? The city's poor have found their homes and livelihoods increasingly threatened by a government which is bent on transforming Jakarta into another Singapore. Many of the evictions are happening in the name of city beautification and urban renewal, while others are to clear land for some major flood control and reclamation projects. But already-occupied land is also being seized for commercial redevelopment by persons in power, through violent and illegal means, using private and government militias, a leftover from the dark days of the Suharto dictatorship.

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Making the best of a really rotten situation :

How activists and professionals in Jakarta are working with poor communities to deal with the ongoing evictions . . .

*Ever since the **Urban Poor Consortium** was set up in 1997 by activists, professionals, academics and artists, it has placed itself squarely in the eye of this storm. Using a variety of organizational and advocacy strategies, the UPC has struggled to bring together poor communities and support organizations in this notoriously difficult city into a movement with enough creativity and critical mass to resist this onslaught of evictions in the short term, and to find viable ways of addressing the long-term housing and livelihood needs of the city's poor. What strategies has the UPC used to fight evictions in Jakarta?*

1 Using crises to organize people :

Sometimes a crisis can bring about a turning point and give people a push to challenge the wrong practices which cause problems in their lives. To develop trust within poor communities, and to strengthen solidarity and participation, the UPC uses the momentum of crises such as evictions and floods to organize people to address the larger issues behind the crisis.

2 Organizing people through settlement upgrading :

The government often justifies evicting people because their settlements are dirty or unsafe or a taint on the city's image. So when communities make physical improvements in their settlements - toilets, drainage, access lanes, water supply, solid-waste management, canal-cleaning - it strengthens their argument to stay. The UPC's environmental improvement programs have been an important negotiation tool for stopping evictions.

3 Organizing people through savings and credit :

The UPC helps start women's savings and credit groups as a strategy for bringing them together and sharpening their collective management skills. There is also an urban poor network fund, which is managed by the people themselves.

4 Community radio stations :

The UPC has provided equipment and technical advice to several communities to set up their own community radio stations, which broadcast within a 10 - 20 km radius. These stations are run by community people and have become a powerful tool for broadcasting information about evictions and other issues of concern to the urban poor.

5 Organizing people through land negotiations :

Since most of Jakarta's squatters are on public land, the UPC helps communities apply to the National Land Office for the formal right to stay. Where communities are on private land, they help organize the people to have more power in their negotiations with landowners to either buy the land or to get a better compensation package.

6 Buying time by going the legal route :

When communities face eviction on private land, the UPC often helps communities go to court. These cases are almost always lost, in a country where land ownership rights are stronger than housing rights, but it can be a time-buying strategy. In cases of settlements on public land, they organize class action suits against various public bodies. The UPC links with a team of young lawyers who help train community leaders to represent themselves in civil cases, such as the case of the pedicab drivers and street vendors.

7 Mobilizing support from other sectors :

UPC is part of a large and well-connected network of NGOs, lawyers, university people, journalists, professionals - even some members of parliament. This network makes it possible to tap human resources from the middle class to help deal with eviction problems and to bridge the gap between middle class and the poor.

Urban poor videos :

Part of UPC's strategy of bringing the issues behind eviction into the public discourse - and keeping them there - is to be high-profile in whatever they do. Part of this involves building strong links with friends in the media to cover issues of urban poverty and eviction. A series of powerful video films on issues of urban poverty have also been produced by Afrizal, the UPC's in-house film-maker, artist and poet and shown on television, in communities and in development meetings around the world.

BEIJING :

Evicting an entire city for the 2008 Olympics :

When Beijing was chosen to host the 2008 Olympic Games, people were up all night in spontaneous street celebrations. For cities like Beijing, Seoul and Mexico City, the Olympics bring prestige, investment and tourism, but for the poor who come in the way of the new stadiums, hotels, parks, and infrastructure, they bring only suffering and dispossession. It didn't take long for people living in Beijing's old city to realize the Olympics would only speed up the process which since the 1990s had been rapidly replacing their city (and almost everyone in it) with an ill-planned patchwork of office blocks, hotels, upscale apartments and freeways for China's new urban elite.

All land in China technically belongs to the state, but long-term land-use rights can be sold off to developers and real estate companies, at the government's whim. When Beijing's Planning Department made public its master plan for the city, with all the projects and changes to be implemented by 2008, it was a first in China, where such plans are usually top secret. But the plan was made without consulting any of the people now occupying the land and divides the city into bits (all densely occupied), giving some chunks to the Construction Department for its projects and other chunks to the developers.

While evictions in other Asian cities usually happen bit by bit, over time, the evictions in Beijing to make way for this reconstruction are more like a juggernaut which rolls across the city, district by district, demolishing everything in its path - houses, shops, parks, lanes, streets, squares - displacing virtually all the original Beijing residents, rich and poor alike, and reducing an urban fabric that goes back 1,000 years to rubble. It is eviction on a scale the likes of which no Asian city has ever seen before. 350,000 people will be resettled to make way for stadium construction alone. So how can this tremendous force be confronted, in a place where there are almost no NGOs or civil society organizations, and where protests from international human rights groups seem to fall on deaf ears?

A lot of governments are watching the big changes in China which have produced such amazing economic growth rates over the past decade. But they are reluctant to look at the heavy price ordinary people are paying for this economic progress or the way it has affected cities, where the whole urban community - the rich, the poor, the intellectuals, the middle class - have almost no say at all in what happens in their cities.

Saving Beijing's last traditional housing stock :
Using quiet diplomacy, cooperation and planning micro-surgery to show new ways of rejuvenating the city - without destroying it . . .

Over the last two years, *International Tibet Heritage Fund* team members have spent a lot of time in Beijing trying to keep their project in Lhasa alive (*See ACHR Newsletter no.12*). For their headquarters, they rented part of an old courtyard house on one of the city's ancient *hutongs* (narrow lanes). They found themselves in a city in the grip of modernization fever where old neighborhoods were being demolished all around them. When they weren't negotiating with Chinese officialdom or working on their Lhasa plans, they began exploring the city on bicycles and talking to their new neighbors, who were heartsick about what was happening to the city. Nobody knew what area would be bulldozed next, and people lived in fear of the white-brush marks which meant you had two weeks to pack up and leave.

In principal, people evicted from houses in the old city are entitled to flats in remote government-built highrises, but they have to pay for these flats, and the cost is much more than the paltry compensation most get from the developers. The ordinary people who live in these old neighborhoods are not the ones who've made a lot of money in China's bursting economy, but they feel it's their city all the same and there's no reason they should have to give up their lives and jobs and social supports here in the center of the city.

So the ITHF decided to get involved. First they made a formal agreement to collaborate with Tsinghua University's Architecture School, which the government had already approached for suggestions about what to do with Beijing's remaining old residential areas. On a map of the area within the old city walls (now the "*Second Ring Road*"), they marked what was still old and began tracking demolitions and surveying houses in affected areas. With this information, they drafted a formal proposal to link 25 *hutongs* into a conservation district of about six square kilometers, north of the Forbidden City, where there should be no new development or demolitions. This is the last major area of old Beijing where the whole fabric of houses, roads, lanes and public open spaces hasn't been pocked by evictions or cut up by highways. The area cuts across two wards, one of which has already approved the project. Using donor funds, the team will work with residents to repair a pilot cluster of several houses, making small spatial adjustments to make room for shared latrines and bathrooms, where people now must use smelly public toilets out in the lanes.

Everyone realizes that a whim of the government could destroy these plans and wipe away the entire area in a moment; that's how things work in China, where preserving heritage is still seen as a money spinner and not a social issue. But that makes the team all the more determined to demonstrate that rejuvenating the city's traditional neighborhoods - with the people in them - is a winner for Beijing.

"A city which was once like no other in the world is fast becoming just like everywhere else."

Architects dream of being able to redesign entire cities, but in the real world, there are always interest groups, preservationists and politicians to thwart such egocentric fantasies. But in China, where ordinary people have no say in how their cities develop, where they aren't even allowed to gather or form associations, monster plans are not only being drawn-up but getting built all the time. Here are just two examples of what's in store for the "new" Beijing :

A French architect's "Great National Theater" is supposed to become a major landmark in the Chinese capitol, but residents hate the thing and agree it looks more like a "duck egg" than a theater.
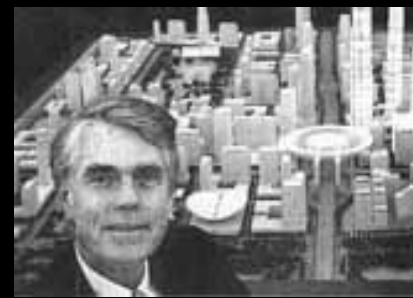
An American architect's "Commercial Park" in east Beijing will replace 4 sq. kms. of traditional neighborhood with glass towers, plazas, and a gate that looks like a flying saucer.

Hutongs : where Beijing's history lives . . .

What are hutong houses and why have people found them nicer to live in than duck eggs or flying saucers for the last 1,000 years?

Beijing is one of the oldest centrally planned cities in the world. The network of bustling cross-streets and narrow lanes (*hutongs*) which form the city's skeleton were laid out according to ancient *feng shui* principles during the Yuan Dynasty, in the 13th Century. To prevent anyone looking over the walls of the Forbidden City, where the Emperor lived, nobody was allowed to build higher than a single story. These imperial planning controls lasted for centuries and created one of the most beautiful and sophisticated and unique cities in the world.

The conservation district which the *International Tibet Heritage Fund* has identified lies to the north of the vermilion walls of the Forbidden City. At the center of this neighborhood is a beautiful and much-used public square, watched over at one end by an ancient bell tower (whose bell was once sounded 108 times at dusk) and at the other by a drum tower (whose drum was once beaten on two-hourly night watches). The hutong houses in this richer part of town were larger and more elaborately detailed, with two or three courtyards and were originally owned by families of aristocrats and doctors. The smaller hutong houses (sometimes with only one or two courtyards) where the city's workers, tradesmen, shopkeepers immigrants and lower classes lived in other parts of the city, have now almost all disappeared.

Most of the city's remaining hutong houses date from the Qing Dynasty (17th - 20th centuries). Most of them were occupied by single families, but during the revolution which began in 1949, the original owners were kicked out or consigned to a few rooms of the house, and the rest of the house was divided up and allotted to people who moved in with the communists, mostly from the army and from places outside Beijing. Later, during the Cultural Revolution, the government squeezed more people into the hutong houses, so even some rooms got subdivided with partition walls and the courtyards started getting broken up by fences and outbuildings. As the hutongs got more crowded and conditions deteriorated, tempers flared and disputes about space or access to common taps and latrines were common. This process of forced resettlement and densification hasn't done wonders for neighborly relations, and it's not uncommon to find hutong families who have shared a courtyard for 30 years but never spoken to each other. But despite the crowded and run-down conditions, almost all of these families would rather stay in the hutongs than resettle at the outer edges of the city, and the THF team sees this fierce desire to stay as the greatest potential ice-breaker, and the grease that will keep the wheels of this very complex, very human renovation process going.

This turbulent and complex history means that hutongs today are home to an astonishing cross-section of Chinese society, with rich people, intellectuals, illiterate workers, aristocrats and all kinds of people living crowded together. The city's newly rich seem to be the only ones who don't like the narrow hutongs because they're hard to reach by car and there's no place to park. Because most have very small flats and the internal courtyards are blocked with extensions and garbage, there are always lots of people sitting out in the lanes, where a vivid street life still exists. A lot of commerce also takes place in the hutongs and cross-streets. In a city with a long tradition of mixing living and earning, specialization is the rule. Many hutongs were named after the markets or trades practiced in them, so a stroll through the preservation area reveals lanes named for hats, bowstrings, trousers, birdcages, fish, rice, sheep, armor, granaries, red lacquer, cotton jacket padding or taxi sign repair.
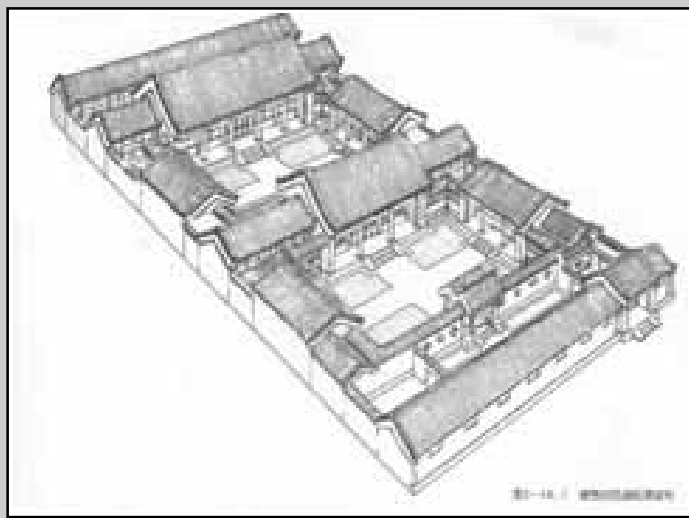
Beijing's ancient courtyard houses :
The single-story courtyard houses which line the hutongs are called siheyuan, and no two are alike. The courtyards provide light and ventilation, and their size and number originally depended on the owner's status. They too were built according to plans and principles which go back thousands of years.

First-ever public discussion on the fate of hutongs held in Beijing in October 2002 :

Last October, Andre's group teamed up with Tsinghua University School of Architecture, UNESCO, and several key local and international institutions to organize the first-ever public symposium on the preservation of old Beijing. The meeting brought together Chinese and foreign specialists with practical experience dealing with the contradictory relationship between requirements of modernizing cities and cultural need to preserve traditional urban habitat. There are growing voices in China speaking out for more protection of traditional forms of habitat, and looking for ways to open up the process of urban rehabilitation in Chinese cities to public discussion, to protect the interests of residents, in the same way as historic buildings need to be protected.

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STREET VENDORS AND EVICTION :

It's almost impossible to imagine Asian cities without the hawkers, street-sellers and informal transporters which service them, providing for their every need with such resourcefulness and in such opulent variety. These informal-sector entrepreneurs are one of the wonders of Asia's long urban history, offering just what you need, when and where you need it, at rock-bottom prices which no 7-11 or discount superstore can ever beat. Besides providing flexible, lucrative self-employment for a huge portion of Asia's urban poor, these informal businesses constitute a huge chunk of urban economies.

However, in the sanitized version of urbanism that's been absorbed by many Asian decision-makers, hawkers are an eyesore, a hindrance to traffic and a nuisance to pedestrians. So they're being evicted by the thousands from their places of work, and most are being evicted *legally*. The issue of housing eviction gets a lot of attention in the human rights arena, but if a person is doing a small business to support her family as best she can, and you chuck her out so she can't earn, that's a human rights issue too.

You don't need an MBA to know that if you want to sell something, you need to set up shop where and when your goods are likely to be in greatest demand. Some cities have tried to regulate street vendors by restricting their activities to designated areas away from busy thoroughfares and limiting their operating schedules to off-hour times. Because these rules are usually drafted by bureaucrats, with no input from the informal entrepreneurs they affect, and because they run contrary to business sense, most vendors have no choice but to break them. As a result, evictions, arrests and confiscation of their carts and stock are increasing, all in the name of city beautification or maintaining law and order!

But some groups of informal entrepreneurs around the region are finding that some of the same tools which help communities find alternatives to eviction can be very useful in defending their right to earn a living and creating *win-win* solutions in the process.

In many Indonesian cities, "accidental" fires in public markets are a dirty but common technique for pushing out small vendors and turning over these amenities to private developers. This "backdoor" privatization may increase revenues for the city and fill a few official pockets in the process, but it destroys the livelihood of thousands of poor entrepreneurs and robs the city of a vibrant source of affordable local goods and fresh produce . . .

Keeping Palu's public markets public . . .

How Indonesian market vendors used the power of numbers and clever alternative planning to protect their right to do business :

The Palu municipality quietly signed a deal in 1997 to turn over the city's main public market, *Pasar Manonda*, to a private company on a 25-year lease, to redevelop as a high-rent "shopping arcade". The market's 1,000 vendors found themselves being pushed out of the place they'd worked in for decades. With help from a young activist named Jumadi, they came together to talk about how to defend their position and formed the *Manonda Market Vendors Union*. In the coming months, there were clashes, demonstrations, protest marches and broken bones.

Meanwhile, Indonesia's political and economic situation had plunged into chaos after Suharto's fall, and prices of rice, fish, vegetables and cooking oil were shooting up out of most people's reach - forget about luxury goods in a shopping arcade! The vendors organized a big march to parliament to ask to stay. Their plea was ignored, but the march made headlines and was a milestone because it included not only the Manonda vendors, but also large numbers of supporters from associations of pedicab drivers and urban farmers, whose livelihoods were also being threatened by city policies.

Eventually, the vendors persuaded the government to accept a compromise plan they had conceived themselves. The new shopping arcade was built as planned, but a decree from the mayor allowed the vendors to design and construct their own wooden market enclosure around the arcade, with places for all 1,000 original vendors. This *win-win* solution turned out to be very profitable for both the original vendors and for the stall-holders in the new arcade, as custom in the market has doubled. The vendors meet every Saturday night and make monthly deposits into a cooperative fund, which acts as a welfare fund when emergencies arise, and as a micro-credit fund offering low-interest loans without collateral. The union also organized a special committee which works closely with the Mayor's office to manage security, sanitation and orderliness in and around the market.

Another market turnaround :   Later, after a suspicious fire burned down Palu's other public market, *Pasar Masomba*, the city tried the same trick to evict the old vendors and lease the market to another shopping arcade developer. After a pep-talk with the Manonda vendors, the 300 Masomba vendors decided to publicize their situation by setting up a full-scale fresh market - complete with banners, 300 stalls and thousands of supporters with shopping baskets - right on the lawn in front of City Hall. This time, it took less than a week to strike a bargain between the vendors, the city and the developer, where all 300 vendors would be given spaces in the new market, in exchange for a monthly payment of 10,000 Rupiah (US$ 1.20) for security.

A few tricks from Palu about how to keep Indonesia's pedicabs on the street :

There are over 3,000 *becak* (pedicab) drivers in Palu. Besides providing a much-needed source of employment in a city where half the population falls under the poverty line, *becaks* offer a cheap and environmentally friendly form of public transport. While vendors were being pushed out of the Manonda market, a regional ordinance to ban becaks was under consideration. Arguing that slow-moving *becaks* were causing traffic jams and congestion in busy areas of the city, officials started confiscating *becaks*. With help from Jumadi, *becak* drivers around the Manonda market gathered in 1997 to discuss the crisis and to voice their concerns as a group. The *Union of Becak Drivers of the Manonda Market*, which now includes 700 drivers, campaigned to lift the ban and eventually won revisions to the ordinance, allowing 500 *becaks* to operate, but

still banning them from certain busy streets. The union pressured the municipal government to set up a multi-sectoral committee to work on the issue and drafted its own alternative *becak* ordinance (allowing *becaks* as a legitimate, legal form of public transport and acknowledging their right to earn a living in the city) and in January 2002 submitted it to the city council, where it was finally accepted. Meanwhile, the drivers have worked out systems for regulating their work around the market, with drivers assigned to manage queues at all the market entrances.

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Street vendors in Karachi's Saddar Bazaar :

Forestalling eviction in a conjested area by developing hawker rehabilitation plans before the city does . . .


Once upon a time, the Saddar Bazaar was Karachi's cultural and commercial hub. The area is still studded with important institutional buildings, but Saddar has become a giant bus terminal, its streets and open spaces swarming with unregulated traffic, choked with pollution and encroached upon by thousands of hawkers, calling their wares over the din of traffic. Successive governments have tried to improve things by removing the hawkers by force, but they just keep coming back.

The *Urban Resource Centre (URC)* has always felt that these hawkers were part of the city, and that it would be possible to rehabilitate them in the same area if solutions to traffic and pedestrian problems could be found. The URC began studying this problem in 1992, and in 2002 assembled a small team of architects, planners and researchers to draw up a detailed plan for the rehabilitation of hawkers. The team first undertook a detailed study of these hawkers - in physical, social and economic terms - and a comprehensive study of traffic flows, land-use and encroachments in Saddar Bazaar area. Then they used this information to develop a rehabilitation plan which involved urban design, community organizing and delicate negotiation with the city and hawkers.

The team's first step, with guidance and support from the URC, was to establish a relationship with the hawkers themselves, through meetings and discussions, to try to understand their point of view. Detailed street-wise surveys were carried out to map the existing situation and to understand where various kinds of hawkers sit and why. There are many hawkers organizations in the Saddar area, which worked closely with the project. They operate like trade unions, collecting small monthly fees from their members and use the money to hire guards to look after carts at night, to pay sweepers to keep the place clean, or to give welfare loans to members.

Only 5% of Saddar's hawkers have permits, and the rest operate under the *bhatta* (bribe) system. Every now and then, the city throws them out, but each time, they come right back, not legally, but because they've paid slightly higher *bhattas* than before. The bribe system is a model of efficiency: vendors pay their *bhattas* (calculated according to the size and nature of their businesses) individually or through their associations, daily or monthly, to middle men called "beaters" who divide the take between the police, traffic police and city government. On average, Saddar hawkers pay 50 Rupees per day in bribes, which multiplied by 3,800 hawkers amounts to a staggering 5.7 million rupees per month! If this sum were channeled into a formal rehabilitation scheme, it would generate revenue for the state while paying for itself and for the area's upkeep. It's no surprise that the hawkers were the biggest supporters of any rehabilitation plan which provides them some sort of permit, lease or document granting them security of tenure - *and they'd happily pay for it!*

What did they propose? The *"Revitalization and Rehabilitation"* plan for Saddar Bazaar, which the team developed with the hawkers, is a comprehensive and realistic development plan which treats much more than just the hawker issue, and involves segregation vehicular and pedestrian traffic, re-routing of fast moving traffic and slow-moving traffic, constructing a new bus terminal, adding parking lots and providing basic amenities for shoppers and businesses and pedestrianizing certain streets. In many cities, when streets are pedestrianized, the hawkers get thrown out, but in the Saddar plan, the hawkers are relocated permanently to those areas, in stalls built along the center of the streets, with wide areas for pedestrians and street trees along both sides.
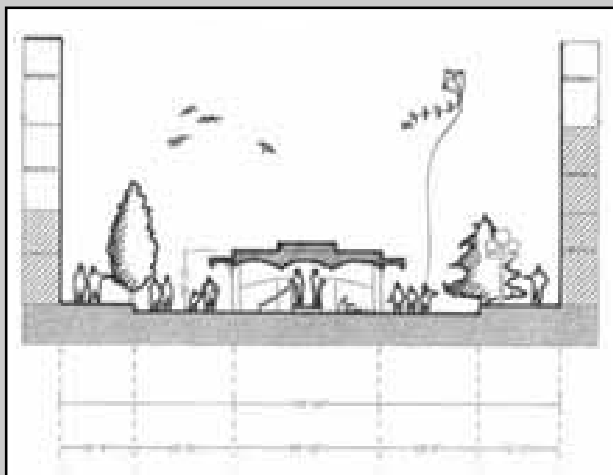
Scaling up Saddar :

The research and revitalization planning carried out in the Saddar Bazaar (like the proposed vendor stalls along the center of pedestrianized streets, at right) lays the foundation for similar projects in other parts of the city, which have already been identified, where another 9,000 vendors are under threat of losing their livelihoods through forced eviction.

No small number . . .
3,800 hawkers in 18 distinct categories :

In many parts of the world, environmentalists are crying dire warnings about the diminishment of natural habitats and the consequent loss of animal and plant species. But the good news is that in the rich eco-system of informal sector commerce in Karachi, vigorous new species are popping up all the time and appearing in the Saddar Bazaar - a natural habitat for hawkers which is very likely going to be preserved!

The study found a total of 3,800 hawkers of various sorts plying their wares and services along Saddar's crowded streets. Some are permanent, some temporary, some mobile, some static. Some have been vending in the area for generations, others are more recent entrants. The study makes a distinction between hawkers (informal seller which are mobile), encroachers (who stay in a single location), and leased stall holders (who have some kind of documents).

The study observed and meticulously divided this bewilderingly varied entrepreneurial activity into 18 categories which include: big stalls, small stalls, three-legged stands, showcase sellers, cabin sellers, hand sellers, open-umbrella sellers, box sellers, along-the-wall sellers, scooter sellers, water sellers, weighers, fortune tellers, dry-fruit sellers and hand-carts in four, three and two-wheeled varieties.

CONTACT : For more information on the Saddar Hawkers Rehabilitation Project, contact the Urban Resource Centre, Karachi *(For contact details please see page 37)*

MORE VENDORS . . .

Street vendors in Hanoi :

Last March, the Vietnamese Government launched a controversial clean-up campaign in Hanoi to sanitize the city's teeming street life, in preparation for the Southeast Asian Games in December. It's proving to be even harsher than a 1996 crackdown on *"social evils"* which banished thousands of street vendors. In addition to collecting fines, police are confiscating scales, barber's tools and the long bamboo poles and baskets vendors use to transport their wares. The crackdown has taken a big toll on Hanoi's crucial informal economy and proven extremely unpopular with Hanoians, who 've watched their favorite hawkers of tea, bread, noodles and snacks disappear, taking a vital element of the city's character with them. Enforcement remains spotty, however, as payoffs to police and ward officials continue as before. Vendors are moving off main streets into side alleys, though, and more and more hawkers are moving around on bicycles to avoid the pavements. Some street barbers leave clues for their regular customers by scrawling their new locations on walls where they used to work, while trash recyclers have resorted to working at night to avoid police.

Street vendors in Poipet :

In the border town of Poipet, the Cambodian government has been forcefully appropriating already-occupied urban land and giving it on concession to private sector operators to set up lucrative casinos, hotels or shipping concerns. This state-sponsored land-grab has dispossessed thousands of families and small businesses and created squatter settlements which rival Phnom Penh's in size and squalor, while the influx of gambling money has brought gangsters, prostitution and trafficking in women. In these unhappy conditions, street vending has been latched onto as a solution to at least some of the problems the casinos are generating. The *Urban Poor Development Fund* and its CO partner *SUPF* have been working with the Ministry of Women's Affairs, the YMCA and local NGOs to help poor women set up vending businesses along designated streets around the casinos and in a newly set up market bazaar. The pilot project is part employment creation, part social crusade, and so far, the queues of interested women are longer than the program can handle, and business is reported to be brisk.

Unfortunately, decision-makers in Metro Manila aren't the only ones in Asia who think removing street vendors is the best way to make it easier for cars to move around the city. At a time when the Philippine economy is sinking and unemployment is soaring, the MMDA's chairman has declared war on one of the city's chief sources of employment for the poor and most vital sources of affordable goods and services.

For Metro Manila's 150,000 street vendors :

Municipal crack-down on street sellers turns the job of earning a living into a daily game of cat and mouse . . .

Over the past year, the Metro Manila Development Authority (MMDA) has been carrying out an aggressive drive to clear roadsides and market areas, to ease Manila's notorious traffic congestion, and there have been sweeping - and sometimes violent - evictions of hawkers and street vendors from the city's streets and market-places. Behind this campaign is MMDA's chief, Bayani Fernando, a powerful bureaucrat who has made erasing informal vendors from Metro Manila streets a personal crusade, and whose suggestion that vendors' carts be *"doused with petrol and set on fire"* is frequently quoted in the press. The MMDA handles issues common to all of Metro Manila's 17 municipalities like traffic, garbage and flooding. When it was set up under the Marcos dictatorship, the MMDA was a powerful and much-feared force in the city, but nowadays, the mayors of these constituent municipalities are stronger. As a result, vendors in different municipalities have been affected by the MMDA crackdown in dramatically different ways.

■ **In Makati City**, for instance, vendor federations meet regularly with the city's market administration office, and hawkers on side streets and around markets continue to be tolerated, as long as they don't obstruct traffic and follow municipal cleanliness regulations.

■ **In Manila**, which has an estimated 50,000 hawkers, there have been big evictions under the MMDA crackdown, but the municipal government isn't offering vendors many alternatives: the city's 14 dilapidated government markets have only 14,777 available stalls, and its "Organized Vending Scheme" is open only to the tiny fraction of "legal" vendors and offers stalls only in designated vending areas, on streets closed to vehicular traffic, where business is sparse.

■ **In Quezon City**, thousands of vendors have been forcibly evicted from the city's main roads and market areas, under Bayani's campaign, and a siege-like atmosphere looms over the city's 15,000 hawkers. The Balintawak Market is one of Metro Manila's largest wholesale fresh markets and a goldmine for both the "legal" stall holders inside and "Illegal" street vendors outside. When the police and MMDA eviction squads began evicting vendors there and confiscating their carts and goods, the livelihood of thousands of informal entrepreneurs - and the survival of their families - was destroyed in a matter of days.

The high price of legal vending : In theory, the MMDA campaign is intended to persuade "illegal" street vendors to become "legal" market stall-holders, but in reality, street vendors earning an average of 300 Pesos a day can never dream of this. Renting a stall inside the Balintawak Market, or in Quezon City's seven other private markets, costs about 250 pesos per day, plus monthly "stall rights" payments of between 5,000 and 50,000 Pesos. Anyway, the streets outside these markets are often much better places for business, since many buyers haven't time to go inside the market. Rates for stalls in Quezon City's only public market are much lower (135 - 210 Pesos per month), and the city's Market Development Department has tried unsuccessfully to lure hawkers there. To get these stalls, vendors have to pay an application fee, secure a Mayor's permit, a health certificate and police clearance, pay garbage fees, sanitary inspection fees and occupational fees. It's not surprising that many of these stalls - both private and public - have no takers, and that most vendors at Balintawak, and around other markets, have continued to sell in the area, despite continuous and unexpected raids by the police and the MMDA. As one Balintawak vendor described the new order around the market, *"Selling in the streets has become a daily cat and mouse game during raids."*

Dark times for street vendors in Kolkota :
State government's "Operation Sunshine" is a wake-up call for the city's street sellers and hawkers . . .

The footpaths of Kolkota *(formerly Calcutta)*, like all Indian cities, teem with life and informal commerce around the clock. But they teem a lot less since 1996, when the state of West Bengal launched the country's largest-ever campaign to clear the city's streets of informal street sellers. The campaign was spearheaded by the state's transport minister, who vowed to evict all of Kolkota's hawkers or leave office. The Calcutta Municipal Corporation Act was subsequently amended to make encroaching on public spaces by any hawkers *a criminal and non-bailable offence, punishable by imprisonment.* The mayor tried to soften this by proposing to "rehabilitate" hawkers to specially-built market stalls, but that never happened. *"Operation Sunshine"* began in earnest on the night of November 24, 1996, when 10,000 policemen, party leaders and hired thugs bulldozed 1,640 stalls and arrested 102 hawkers at the Shyam Bazaar. In the years since then, tens of thousands of hawkers have been evicted, hundreds arrested and many driven to suicide.

At the center of the movement to oppose this campaign was the **Hawker Sangram Committee**, which was formed in 1996, right after the campaign was announced. To help educate the public and build opposition, the committee organized public meetings, protest marches, demonstrations, strikes, signature campaigns, road and railway blockades - even Gandhian-style civil disobedience in which hawkers set up impromptu markets in already-cleared streets. They also produced video films on the hawker issue which were aired in mass meetings and on TV. As a result, public opposition to *Operation Sunshine* grew rapidly in this highly political city, with Kolkota's press and intellectuals coming out firmly on the hawkers' side. In 2001, West Bengal's Chief Minister, railway minister and several dissident legislative assembly members publicly announced their support for the hawkers.

Meanwhile, similar clashes were occurring in other Indian cities between formal urban development policies and the survival of millions of informal vendors. In response to the growing crisis, the Indian Government's Ministry of Urban Development and Poverty Alleviation set up a special task force in 2001 to look into the issue on a national scale. The task force, which included ministry officials, members of hawkers associations and NGOs, looked at cities like Kolkota, Ahmedabad, Delhi and Mumbai, where restrictive vendor licensing systems, eviction from places of work and confiscation of wares was compromising the survival of the poorest sections of urban society, in violation of Supreme Court judgments which guarantee the fundamental right to livelihood to all Indian citizens. The task force also looked into the issues of street congestion, hygiene, security and informal economies. The work culminated in a national policy forum held in New Delhi in May 2001.

This national forum made little difference to hawkers in Kolkota, where "Operation Sunshine" continues today. But it was an important milestone for India's informal sellers and transporters - an acknowledgement from the highest level of government that hawking and cycle rickshaws are legitimate occupations which provide low-cost and easily accessible retail and transportation to urban households, while they also provide easy-to-enter employment for the urban poor. By providing employment and low-cost goods and services, they enhance social welfare, reduce poverty and should be encouraged as a matter of public policy. The task force called for reform in the policies and systems for licensing hawkers and cycle rickshaws, in order to eliminate rent seeking, extortion and harassment by enforcement officials through the recognition of street hawking and cycle rickshaw peddaling as legitimate occupations. These recommendations were subsequently endorsed by India's prime minister.

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All-Asia hawkers conference held in Kolkota :

In May 2002, the Hawker Sangram Committee organized an all-Asian conference on street vendors in Kolkota, with support from ACHR, which brought together street vendors, informal transporters and their supporters from all over India, Thailand, Indonesia, Bangladesh, Sri Lanka and Nepal, to compare ideas and to refine their strategies for dealing with evictions.

Street vendors in Bangkok :
Good reasons why informal entrepreneurs are informal…

Bangkok is famous for its street food, but official attitudes towards this glorious urban asset waver between grudging tolerance and outright hostility. The Bangkok Metropolitan Authority now allows 280 "lenient" areas around the city where 15,000 street vendors can pay a monthly fee to do business "legally". But the other 260,000 "illegal" vendors of papaya salads, spicy soups and everything else find their existence continually under threat, for all the usual reasons: "beautifying" the city, decongesting traffic, maintaining law and order.

The latest threat comes in the guise of a benefit. As part of the Thai government's *Assets Capitalization* program, vendors will be able to use their market stalls or vending licenses as collateral to get bank loans. The theory behind the program argues that poverty results when people can't access capital, and that if the poor could "unlock the potential" in their informal assets (like shacks or market stalls) to get loans, they'd invest, create new wealth, join the formal sector and generate tax revenues.

It sounds great, but the program has plenty of skeptics. Not all street vendors are latent tycoons, and many are already deeply in debt to informal money-lenders, who may charge extortionate interest, but would never dream of taking away the square of sidewalk that enables their clients to keep paying. Under the program, defaulting on a bank loan would mean losing the means to survive. Some worry that by formalizing these informal assets and making them sellable, the program will facilitate the transfer of these assets out of poor people's hands and into the formal market sector. Others see it as a way to squeeze greater tax revenues from society's poorest earners.

There's another catch: before vendors can take advantage of the scheme, the city first has to ensure they're selling goods "legally". Initially, only vendors at markets supervised by the city will be eligible, but the idea is to eventually include roadside vendors, who could obtain loans only if they "regularize" their vending businesses under a licensing system which requires that they move to designated areas, away from human and automobile congestion - *in other words, where there's no business.* So far, not a single vendor has "capitalized" her assets, but the program has unleashed a dramatic upturn in vendor evictions.

CONTACT :   *For a file of newspaper clippings on the street vendor and assets capitalization issue in Bangkok, contact ACHR.*

MALAYSIA :

The high cost of making Kuala Lumpur a "squatter free" city by 2005 :

By keeping a tight leash on the bureaucracy, legal system and media, Malaysia's uncompromising government has pushed forward with little opposition a market-oriented model of development which has sent the economic indicators zooming in recent decades, but at great cost to the environment and to the poor. Transforming its capitol city Kuala Lumpur into a *"world class city"* of gleaming towers and state-of-the-art infrastructure has been the cornerstone of this effort. Needless to say, there's no room in this gleaming vision of Malaysia's urban future for traditional *kampungs* or informal settlements, whose land has been deemed too commercially valuable to be left alone, and has been seized through a campaign of eviction which has displaced over one third of the city's poor over the last 20 years, and threatens the lives of nearly 150,000 people now.

Because important policy decisions are made behind closed doors and information about government programs is tightly controlled, NGOs, civil society and communities are out of the loop. Without information about policies which affect their future, people are on the defensive. It's no surprise that given the government's strong-arm policies on urban land and eviction and the culture of fear and mistrust those policies have created, there are big obstacles to building a strong community movement in Malaysia.

The space for organizing communities has gotten more and more tight in Malaysia, and the few NGOs working with poor communities have channeled most of their energy into resisting these policies through confrontation, legal action or negotiation. PERMAS, an association of urban poor communities, has been working in KL and the surrounding Selangor State for the past 20 years to build a non-political movement which represents needs of the urban poor and to create pockets of alternative leadership in poor communities. In the following stories, its president Jo Hann Tan gives us a short tour of Malaysia's eviction history and of the work they're doing to bring change.

Says who? *Malaysia's prime minister heads a new committee set up to tackle the squatter problem. "While the country is fast developing with tall, wonderful buildings, there are still squatter areas in the background," he said. "It is not as if the people cannot afford to own proper homes. We have made a lot of effort, but if there is still no cooperation from the squatters, we will not be able to relocate them to a proper area."*

Eviction in Malaysia : A brief chronology . . .

■ **Early 1900s :** English-style town planning principles and land laws are imposed in British Malaya, replacing centuries-old indigenous land systems (based on occupation, with no notion of ownership) and providing the legal basis for redefining most traditional housing as illegal *squatters* henceforth.

■ **1950s - 70s :** First large-scale forced evictions of mostly Chinese "squatter" communities, thought to be hot-beds of communists and anti-British agitators and whose crowded settlements make police supervision difficult and interfere with public and private development. The city's squatter population rises again quickly, but its demographics change to more ethnic Malays. The *New Economic Policy (1971)* promoted the migration of ethnic Malays, as "princes of the soil" to the city in an attempt to balance the predominance of ethnic Chinese and Indians in Kuala Lumpur.

■ **1980s and 90s :** The country's economy begins its meteoric climb. Jobs in booming export industries attract thousands of rural migrants to cities, including at least a million migrant workers from Indonesia, Pakistan, Burma and Bangladesh. Government and private sector can't provide affordable housing for all these migrants. Squatter settlements swell in number and size, most on government land. The *Kuala Lumpur Structure Plan (1984)* sets out to reduce squatters within a "comprehensive, integrated and rationalized" master plan for the city, and stipulates that private housing developers set aside 30% of their projects for low-cost housing, at a fixed unit price of RM25,000. A special city government unit is set up to monitor and control expansion of squatter settlements. The *Amended Land Acquisition Act (1991)* and the cancellation of *Malay Reservation Land* in selected parts of Selangor allow the state to compulsorily acquire land for any purpose that is deemed to be economically beneficial to the country's development and become instruments for legally imposing eviction all over the city. Any resistance is dealt with immediately and often violently, using newly-imposed anti-subversion and anti-communist security acts. By 1998, half the city's squatters have been evicted, leaving 129,000 people living in squalor and fear in 220 settlements.

■ **2000s :** The government acknowledges its system of developer-driven social housing isn't working. To speed up the clearance of urban squatters, it launches the *People's Rental Housing Program*, in which squatters and long-house dwellers officially identified on the 1998 census are to be relocated to government-built high-rise flats in the same locality, on renewable five-year leases, at a subsidized monthly rent of RM124 (US$ 33). The first block is inaugurated in 2001. The Ministry of Housing appropriates the UN Habitat *"Cities without Slums"* campaign, renames it *"Squatter-free City"* and vows to clear all squatters and long houses from KL by 2005, primarily through relocation to central government-built high-rise blocks of subsidized rental flats. The government announces it will evict any squatter areas erected after 1997 without notice. Evictions increase: some go to low-cost housing, some to long-houses, some are evicted from one long house and dumped in another.
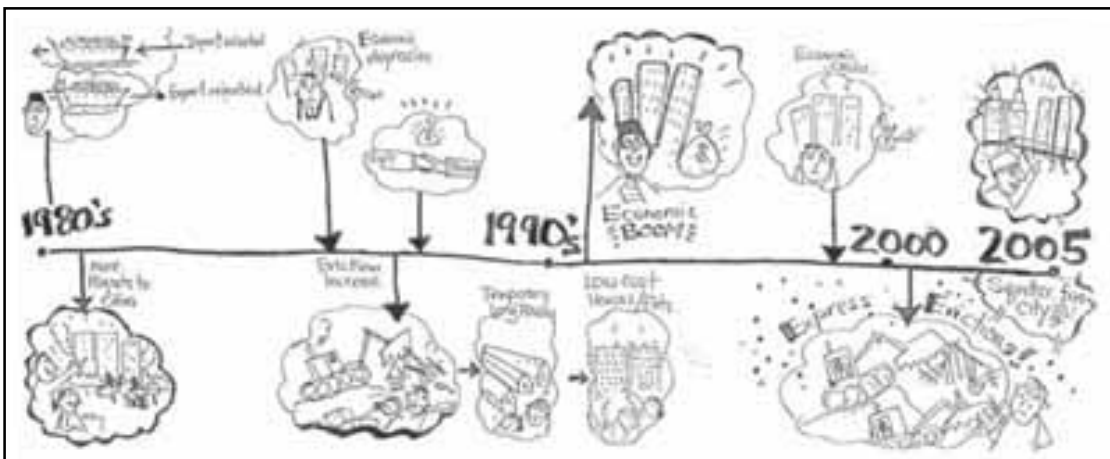
The two-decades-long government land grab :

Here is Jo Hann's no-spin rendition of recent developments in Malaysia, the country which boasts the world's tallest building and an opulent new US$45 million government complex at Putrajaya, but has been unable to answer the housing needs of its half-million-strong urban workforce still living in fear in and uncertainty in squatter settlements and long houses.

Long houses in Malaysia :

The government's "temporary" solution that turned into long-term squalor and insecurity for the poor . . .

Since the 1980s, when Malaysia's era of big evictions began, thousands of families have accepted eviction from squatter settlements and traditional *kampungs* and agreed to move to temporary, state-built "long houses" only because they were promised they'd eventually be eligible to move into subsidized rental flats or to buy subsidized low-income housing being constructed by the developers under the government's 30% scheme (*see box below*).

The term *long house* (*rumah panjang* in Bahasa Malay) conjures up comfortable images of some long-ago form of Malay vernacular housing, but the reality of these transit camps is quite different. These long houses are bleak lines of flimsy plywood and asbestos shacks, attached at the sides and facing across unpaved and treeless lanes onto more shacks opposite, with spotty basic services, if any. And these long houses have turned out to be not so temporary after all. Many evictees are still there, twenty years later, still waiting for the government to realize its promise of low-income housing, knowing nothing of what this housing will be like or where it will be. PERMAS estimates that about 10,000 households (50,000 people) are still living in long houses in KL and in surrounding Selangor State, in uncertain and dilapidated conditions, with little incentive to invest in improvements.

The long house has been the government's chief tool in the massive and corrupt land-grab it has carried out in league with developers across urban Malaysia over the last 20 years. In many cases, politicians use promises of low-cost houses to buy votes in long houses and then grab and sell off what few low-cost units the developers actually build, in exchange for favors like signing their building permits. There is an increasing trend to evict people from one long house for commercial developments and dump them in another. These second-time evictions are done by developers or town councils, sometimes using legal means, sometimes using "extra legal measures" if people resist such as arson, intimidation by hired thugs, political manipulation or ethnic hate-mongering. In some cases, developers begin demolishing units which have been abandoned, leaving still-occupied units standing, so communities begin looking like war zones of rubble, stones, garbage and broken pipes.

A robust spirit of resistance survives in these long houses, though, and in 2000, with support from PERMAS and ACHR, 1,000 community leaders from 25 long house communities from KL and Selangor State gathered for the first time to talk about their common predicament, to formulate strategies and to begin negotiating as a united front. At the meeting, the *Alliance of Long Houses* was formed, and representatives from the Ministry of Housing were invited to listen and to enter into a dialogue on the long house issue. The alliance now meets every month to share news of evictions, discuss problems and plan collective negotiations for basic services, compensation and secure housing. A group of long house community leaders and PERMAS committee members have since come to Thailand to see how communities there have dealt with eviction.

What is the alliance negotiating for? They want the government to make good the promise it made 20 years ago to provide subsidized housing at the original price of RM25,000, which is affordable to them. They want to be involved in selecting the location, determining the design and managing the allocation of these houses. People should no longer have to move into temporary long houses at all, but should be relocated from their squatter settlements only when formal social housing is ready for them to move into. In the mean time, good sanitation, water supply, electricity, waste disposal and transport services should be provided in the existing long house communities.

PERMAS and the Long House Alliance only rarely use the tactic of public demonstrations, where protesters are usually outnumbered five to one by riot police and army enforcement units with submachine guns! Filing court cases is another tactic they use strategically, but only to buy time for negotiation or to expose some of the developers' dirty linen, since the courts in Malaysia almost always rule in favor of the government or developers in land disputes.

The inside scoop on Malaysia's much-touted "public - private" social housing policy . . .

Since 1982, the government's policy has been to privatize the provision of low-income housing by requiring developers to devote 30% of their projects to low-income residents, as a social obligation. The idea is that profits from selling commercial space and upper-income houses cross-subsidize the cost of building low-income units, which are then sold at fixed rates to evictees waiting in long houses. The government chips in with tax breaks, fee reductions and sometimes even provides government land. It sounds good on paper, but in practice, it's been very hard for the poor to access this housing, since the process of designing, producing, locating and allotting it are totally controlled by the cozy alliance of developers and government officials, without any participation from poor communities.

In 1984, people evicted to long houses were promised 60 sq.mt. houses at RM25,000 (US$ 7,000), but the developers started squawking right away: *the land is too expensive, material costs keep going up, our profits are draining away, we just can't deliver at that price.* So to sweeten the deal, the government arbitrarily jacked up the rate to RM35 - 42,000 (US$9,200-11,000) in the mid 90s. This sell-out to the developers didn't do much for the morale of the urban poor, who could barely afford the original rates, and it didn't do much to boost output either. Since the policy was launched, less than a quarter of the target number of units has been built, and many of those have been grabbed by politicians or sold off at higher prices with the connivance of government officials and the exchange of "coffee money." Only a few groups of evictees have gotten subsidized houses through the scheme. The rest either rent houses in other squatter areas or continue living "temporarily" in long houses far from the city.

Versions of this same policy have been adopted in Pakistan, Korea and the Philippines, where they have also flopped spectacularly, the units proving to be far too costly for the poor. But that hasn't stopped the UNDP, UNCHS and World Bank from aggressively promoting the concept, hell-bent on convincing the world that *public-private partnership* is the development paradigm of choice.

GRAVEYARDS AND EVICTION :

How people and cities are dealing with the conflicting space demands of the living and the dead . . .

As if it they didn't have enough to worry about trying to defend their settlements against the onslaught of shopping malls, highways, speculation, upscale housing and World Bank-financed infrastructure boondoggles! Poor people in some Asian cities also find themselves having to compete for space *with the dead!* In places where there is hardly enough room for living breathing human beings to find space to live and work and eke out their survival, the practice of preserving large tracks of prime urban land for dead ones becomes harder and harder to justify.

In countries which have large populations belonging to religions which forbid cremation, such as Muslims, Jews and Parsis, the problem is much worse. This is no small issue, for if you think the population of living people in Asian cities is staggering, imagine the populations of the people who have died! But in the natural couse of things, more and more dead keep coming, a never-ending procession of them, and space for burying them all is getting so cramped that the bones already lying there are having to be dug up to accommodate new ones. Or the dead, like the living, are being forced to move out into less densely populated districts, where they can rest at a decent distance from each other.

Communities and local governments in many cities are approaching the conflicting space needs of the living and the dead in very different ways. The poor find themselves in the middle of a tug-of-war between the very powerful forces of religious faith and traditional burial customs and the very real demands of demographic squeeze. Urban graveyards play a central role in several hot eviction stories in the region - here are a few from the file.

> "My wooden house was very old and had a leaky roof. When I went to school, my grandfather walked with me, while my rich friends rode in big cars and lived in concrete houses. I was always embarrassed about this. But when we were about to be evicted, I began to learn about our community, our ancestors. We never realized how precious our community and our roots are until we were about to lose them."
> - Ban Khrua leader Saroj Phuaksamlee

Ban Krua's long struggle ends in triumph :
How their ancestors helped the people to keep the expressway out of their 200-year old community in central Bangkok . . .

One of Bangkok's longest and most celebrated eviction struggles ended in May 2001 when the *Expressway and Transit Authority (ETA)* announced it was finally abandoning plans to build a controversial expressway on-ramp through Ban Khrua, a historic community of 1,200 wooden houses, built along one of Bangkok's last navigable *klongs*, surrounded by skyscrapers and roaring expressways. The announcement brought to a triumphant end a battle that had raged since 1987, when a decision was announced to construct the ramp to ease traffic congestion. Besides expropriating half the community and bulldozing the mosque and cemetery at its center, the expressway would cover what was left with ten lanes of roaring traffic. The spiritual life of this Cham Muslim community is closely attached to this land, which was granted by the King to their ancestors, who now rest in the two-centuries old graveyard in the heart of Ban Khrua.

As soon as they learned of the plan, the people took to the streets in outraged but peaceful protest. The complex dispute dragged on ever since, with public hearings, cabinet resolutions, canceling and resurrecting of the project at various times. The long battle with ETA created an almost unbreachable resistance to the forces which threatened this remarkable community and made Ban Khrua an object lesson in community mobilization. Ban Khrua's highly-organized fight against the expressway included meetings, protest marches, sit-ins, rallies, symposiums, exhibitions and behind-the-scenes detective work. To counter the threat of arson, which in Bangkok is a dirty but common strategy for clearing old settlements, the community maintains three fire stations, each with 20 trained volunteers operating in shifts 24 hours a day, and eight motor boats fitted with sophisticated fire-fighting equipment. There have been no fires in Ban Khrua, and the community's fire-fighting unit has become famous for it's readiness to help put out fires in areas where municipal fire-trucks can't reach.

From the beginning, community members attended all ETA meetings and equipped themselves with information. They knew projects like the expressway give the city a legal way of eliminating "under-developed" settlements like Ban Khrua. Two public hearings determined the on-ramp was unnecessary, but powerful retailers kept pushing the project to improve parking access to nearby shopping malls. Ban Khrua's sustained resistance touched a deep chord in Bangkok, a city increasingly aware of all it has sacrificed in the name of *development*. Academics, historians, journalists, neighborhood groups, human rights activists, senior officers at NHA and UCDO placed themselves squarely behind the community from the beginning.

For a copy of ACHR's detailed case-study on Ban Khrua's long struggle against the ETA or for a photocopy of our file of local press clippings on the case, please contact ACHR.

SINGAPORE :
New policy calls for evicting the dead to make room for the living

In the past two decades, the tiny and crowded island nation of Singapore (where 4 million people share 650 square kilometers of land, at four times the density of Manhattan) has exhumed 36 cemeteries of different races and religions in an ongoing government project to make room for housing *living* Singaporeans. The project is fueled by a hunger for land and a new policy which limits the tenure of graves to no more than 15 years. In the sprawling 26-hectare Bidadari Cemetery, one of S.E. Asia's largest Christian graveyards, 58,000 dead are now being gently evicted to make way for a centrally-located neighborhood of 12,000 high-rise flats, subway stations, parks and shops.

Another 68,000 bodies will be exhumed from a neighboring Muslim section and reburied elsewhere. Because this is Singapore, you can be certain all this digging up of bodies is being carried out in an extremely orderly fashion, with all respect for the dead, the living and the intricate funerary customs which link them. After publishing notices of the exhumation in newspapers, the bodies are dug up, using only hand tools, out of respect for the dead. All unclaimed bodies are cremated by the government, and ashes that are not reclaimed by relatives within three years are scattered at sea. Bodies from faiths which ban cremation, including Muslims, Jews and Parsis, are reburied elsewhere.

A tale of two Indonesian graveyards :

Indonesia's two largest cities, both with about 60% of their citizens living in kampungs (informal settlements), have taken dramatically different positions with respect to the conflicting land rights of the living and the dead. In Surabaya, where over 90% of the city's kampungs have been upgraded in situ and given secure land tenure, a sensible and humane tradition of evicting the dead to make room for the living has been firmly established. But in Jakarta, which has a notorious record of violent dispossession of the urban poor, most of the city's 2,500 kampungs are neither secure nor improved, and the living are even being evicted to make room for the dead!

1. Pondok Kopi :

The community in Jakarta where 1,600 living people were violently evicted from their 20-year old settlement to make it over as a public cemetary for 500 dead ones . . .

Since the mid 1980s, the Kampung Rawadas community, at Pondok Kopi in East Jakarta, has been gradually transformed by the poor laborers who live there from a swamp nobody wanted into a shady and bustling *kampong* of 400 wooden and bamboo houses. A few years back, stories began circulating that the DTPU (the provincial agency in charge of public graveyards) had claimed the land and was planning to turn it into a graveyard. With support from the *Urban Poor Consortium*, the people joined a network of *kampongs* facing land conflicts and began negotiating with the BPN (National Board of Land), which certifies who owns what land in Indonesia. After sending in a team to inspect the *kampong* in January 2001 and researching the ownership, the BPN could find no record of DTPU's owning the land, and so agreed to facilitate a meeting between the community people and the DTPU, promising to issue no ownership certificates until the dispute was settled.

During these negotiations, however, guys with clipboards and surveying equipment began appearing in the community. The climate of fear increased when the local government began harassing the people to leave the disputed land. Then, on 29 October 2003, with no prior notice, the community was razed, in a violent demolition by a force of 900 armed security guards, policemen, soldiers and hired thugs, who employed the full range of eviction equipment: bulldozers, tear-gas, rubber bullets and truncheons. 400 houses were reduced to splinters, 21 people were badly injured and seven were jailed for resisting. Some families improvised temporary shelters from whatever materials they could find, some went to stay with relatives and many just disappeared.

Even after a court case was filed, negotiations were reopened and a high-profile international fact-finding mission was organized by UPC and ACHR which highlighted publicly the plight of victims of this other evictions happening in Jakarta, the outlook for the 150 families who are still camping out on the land is bleak. And even though the land dispute hasn't been officially settled, the DTPU has already begun burying corpses in the one area of the settlement. Meanwhile, the people have organized a savings group and, having conceded that the dead won this fight, are now negotiating with the Ministry of Settlement for resettlement under one of two government alternatives: a scheme offering ready-made flats on a rent-to-own basis at a distant site, or another scheme offering small house-building grants to people who manage to find their own alternative land.

CONTACT : *For more information on Pondok Kopi, and evictions in Jakarta, contact the Urban Poor Consortium (contact details page 11)*

2. Banyu Urip :

The graveyard in Surabaya which was decommissioned so that a community of 40,000 squatters could upgrade and get full land tenure under the KIP program . . .

The story of this graveyard in Surabaya could not be more different. The Banyu Urip community is located in the center of Surabaya, on what used to be a very large Chinese cemetery. In the 1950s, when poor migrants, refugees and "freedom fighters" began pouring into Surabaya, there wasn't enough housing available for them, and many had to improvise their own housing solutions by squatting on whatever land they could find. At Banu Urip, there had been only a few houses to accommodate the graveyard's caretakers, but during this period, a lot of these pioneering families (including many prostitutes) began using the vacant space between the grave-mounds to build houses. By the late 1960s, the graveyard had become a vast and densely-crowded informal settlement with more than 3,000 households -- over 40,000 people -- carried on their lives.

But instead of evicting these squatters, the government of Surabaya made a bold decision to evict the dead and to support the efforts and investment these living people had already made to house themselves in a difficult and crowded city. In 1967 the government officially closed the graveyard, asked the relatives to move the graves to a new area and gave the residents the green light to stay and develop proper housing and infrastructure through small scale improvements. In 1979, Banyu Urip was included in the *Kampung Improvement Program (KIP)* and upgraded over the next few years with paved lanes, sewers, storm drains, tree-planting and garbage disposal, making as few changes as possible to the settlement plan that was already in place. All the residents of Banyu Urip now have full tenure certificates and direct water and electricity connections.

At a time when most Asian governments were evicting inner-city slums or pretending they didn't exist, KIP was one of the first large-scale, government programs to demonstrate that upgrading poor settlements is in the best interests of the poor and the city, and that when people have secure tenure and basic services, slums very quickly turn into clean, healthy and beautiful neighborhoods. The official status KIP brought to Banyu Urip encouraged the development of many other kinds of social infrastructure such as mosques, meeting halls, schools and guard-houses at the gates. Secure tenure also encouraged an explosion of home industries as well as a thriving market of cheap rental houses and rooms in the community. Squatter settlements in several other old graveyards have been similarly transformed through KIP into beautiful neighborhoods with full tenure.

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EVICTION AND LAW :

Why aren't the poor getting more excited about this critical aspect of eviction?

Many reason that the poor get evicted in a city because the laws there aren't *pro-poor*, and if they were, things would be better. In many countries, the laws regarding eviction are truly rotten, but in others, the laws are much more *pro-poor*. But even the best laws are only as good as the power structures which implement - or don't implement - them. All laws can be manipulated to work against the poor when they are controlled by governments whose interests may not line up with the poor's.

> Some housing activists make it their work to fight against bad laws, promote better laws and monitor compliance with laws that do exist in order to protect people's right to housing. In this line of advocacy, laws, regulations, legal precedents and covenants can be extremely important tools for preventing forced eviction and helping people secure decent housing.

Other activists who give short shrift to laws argue that the right to live, to work, to survive and to pursue your life is something that no government has the right to bestow or withhold. To them, pushing for laws which determine where and how the poor can live and work - no matter how enlightened - is like voluntarily handing over control of your life and your needs to the government, whose job is then to guarantee those needs are satisfied. For many of the poor, on the other hand, just about everything in their lives is outside the formal system - their jobs, their houses, their water, their electricity, their sources of credit. For them, being outside the formal system and therefore *illegal* has its hazards, of course, but also provides the freedom from external control which is an important precondition for their ability to survive.

In India, where the courts play a big role in the urban development game, Jockin has seen a well-meaning public litigation backfire on Bombay's pavement dwellers and watched decisions about the lives of the poor in cities all over the country being handed over to the courts and then bringing more harm than good. Through this experience, the women living on those footpaths in Byculla found out that good intentions can be just as complicated as bad ones, and just as hard to deal with.

The courts : fair weather friends to Asia's poor

But how far do these laws and litigations affect the poor when they're actually being evicted? That's the big question. Jockin Arputham, the president of India's National Slum Dwellers Federation, is a veteran of evictions, demolitions and court cases too numerous to count and no great believer in legalistic solutions to eviction. Here are a few of his comments on the subject of the courts :

Before the 1970s, the courts used to protect the poor - not just in India but in many other Asian countries. It used to be that if we had an eviction crisis and had to rush to the court, at least we could buy time. Then, by the time your court hearing comes up - ten or twenty years later - you're already an old man, *you're dying*, so who is going to file a case against you? Some cases from 1994 are still there in the high court! So looking at the court and taking shelter under the law - it used to be something we did just to buy some time in order to organize ourselves.

But these days, politicians are more and more using the courts to play their power politics, and day by day the courts are turning against the poor. Most of the evictions happening in India today are coming out of judgments made by the supreme court or the high court or the lower courts. In Bombay, 35,000 families were evicted in just two months after the high court gave a judgment allowing that to happen.

Sometimes the courts try to be very progressive. For example all the judges want a good environment, so under the name of cleaning up the environment, the poor are being thrown out! They have a project to clean up the banks of the Jumuna River in Delhi, for example, and the courts gave the green light to relocate 100,000 poor families. That means they are creating a whole city of evictees, without any understanding of why they are doing this, where these people will go, what kind of infrastructure they need, what will happen to their lives - *no consideration at all.*

Then you have cases where there are court decisions which say no evictions should happen, and in spite of these decisions, evictions are being carried out. This is happening in Jakarta, where the local government is evicting thousands, and never mind what the court says. The people there are trying to negotiate, but in the process of organizing themselves, they have become vulnerable to attacks by hired gangs and private militias. And in Manila, the people along the Pasig River were given the land they occupy by a presidential proclamation, but the next week, the military was evicting them! It's nothing to do with justice or laws or doing what's right.

A legal lesson, courtesy of the British Empire . . .

A notice board put up by local people in protest against the invasion of multinational superstores in Thailand which are not only killing local businesses, but causing huge evictions of poor land tenants.

Laws have been used to fleece the poor for centuries - especially laws about land. The British, for example, who made lawfulness the hallmark of their empire-building in the 18th and 19th centuries, set up legal systems and passed laws which made perfectly legal their project of appropriating half the globe. Essential to their building of a global market whose wealth was funneled into England was a system for controlling land ownership and land use by legal and economic means. And so one of the first things they'd do was to pass laws to appropriate land under indigenous tenure systems, a system that was essential to the cash-based market colonies they set up, and laws that made land not a common resource you use or occupy, but a commodity you buy and sell, like tea or umbrellas. It was all very civilized, mind you: the judges wore wigs, the lawyers wore cravats and everyone spoke in ringing English, but it was a kind of robbery all the same.

More recently, the march of global capitalism has pushed energetically to make individual land title the primary form of land ownership and to enshrine the rights of private property ownership above any housing or land rights. Messy and ambiguous land tenure systems such as user rights or communal ownership have proven to be obstacles to speculation and the making of profit. So these are being systematically chucked out around the world, along with the people whose shelter and livelihood and survival they protected.

4 takes on the connection between law and eviction . . .

From four people deeply involved in supporting national people's housing movements

The last brainstorming session about the new Eviction Task Force was held at IIED's office in London last October 2002, and brought together a room-full of committed, experienced senior community leaders, housing rights activists, NGOs, professionals, government officials and representatives from donor agencies and international organizations. The following comments were drawn from transcripts of the fascinating discussions on eviction which took place at that meeting, of which the role of laws and the courts in stopping eviction was central.

1 Jane Weru, from the NGO Pamoja Trust in Nairobi, Kenya

I'm a lawyer and I know that the written law is an end product of a political and social negotiation. If a law is not negotiated in that country and is written as a resource for a negotiation between the competing parties in that country, that law is worth nothing. It's not about writing beautiful laws on paper, it's about *power*. And that power can only come if the poor are organized. If you go to a court of law and you're not organized, you do not get anything. And I've gone to court 24 times in eviction cases and *I've never won a single case!* But in all those 24 lost court cases, *we never lost a single piece of ground. Nobody was evicted, because we said to hell with those written laws, we do not accept a law that is not just, and we shall turn this land into our home*. We refused to move, and we changed the power politics that way. And in time, the practice that we developed of refusing to move eventually changed the political power game within the city.

When you develop a practice that is so broadly accepted in a society, it becomes a custom that is a way of life. And it is that custom which is eventually legislated and turned into written law. For a law to be internalized and to be really effective, it must go through that progression. I would like to ask that we look at law that way, as the development of practices that can be turned into customs, that can be turned into ways of life that are so broadly accepted and so internalized that for each one of our cities, it says that *forced eviction is a no-no*, because it is a custom that has been accepted by that city. We have a formal, written policy of non-eviction in Nairobi, but there are clearly evictions going on - very big ones. So the work of preventing eviction and creating secure housing for people in our cities is not about written law, it's constantly about changing the power politics. And that comes from the practices and the customs in development on the ground. And the rules that we ourselves make.

2 Somsook Boonyabancha, from CODI in Thailand

In many of our cities, eviction problems come from problems of *power* - from the huge differences in power between the state and the people on the ground. When we emphasize laws in solving these problems, we are emphasizing the same group of people who hold power. The power of the poor as scattered families or scattered communities is very weak. But the power of broadly linked community groups is strong enough that they have a stronger position in the negotiation - as a group. When people link together this way - and especially when they link through concrete development activities - it is a way of adjusting that power. And this is what makes change.

3 Joel Bolnick, from the NGO People's Dialogue in South Africa

I think those customs and practices which lead to alternatives to eviction change only when the power relationships in cities change. As long as those power relationships are unequal, those customs and practices will not change. Legal and institutional arrangements are important, but it's also important to find ways to support and promote the building of networks of community organizations who play a role around proactive strategies to avoid evictions, and by creating a much stronger constituency of people's organizations at the global level, who are able to articulate their own strategies for dealing with forced evictions. And to create opportunities for these groups to share their knowledge and experiences together.

4 Sheela Patel, from the Mumbai-based NGO SPARC in India

The legal process can be very powerful at the intellectual and conceptual level, but a lot of us who are working on the ground have realized that ultimately it does very little for the lives of the people that we are all having this discussion for. At the end of the day, those poor people's houses are still being demolished, their belongings still being confiscated, their jobs still being lost and their lives are still being turned upside down.

Yes, it is important to catch the government and market institutions on the havoc they're causing in people's lives, because that gives you a moral or a constitutional or a legal framework within which you can say to the state that they are doing something that is morally or legally wrong. The things that organizations like SPARC are doing to create some commitment at the international level about evictions are important, but as far as the poor are concerned, those things don't bring them any relief.

The real crisis in this situation is that even if all this hot air leads to some policy or other, it never gets enacted. I think that where we have failed in the last 25 years - those of us who are involved in all this - is that there isn't a strong, parallel, grassroots ground-swell, which is being empowered to challenge this process and say, *"The city belongs to us as much as it belongs to you!"*

EVICTION : LOCAL LAW AND PRACTICE

Big gaps between what is supposed to happen and what actually happens . . .

Besides the international legal instruments to protect people from eviction, there are all kinds of local and national legal instruments which affect the eviction situation in Asia. The constitutions of various countries, urban development acts, resettlement and community regularization policies, land laws, rent control and tenancy acts - all these local legal instruments can be used to protect - or to compromise - the rights of poorer citizens to secure housing.

If you ask any housing activist in the USA what are the laws relating to eviction or housing rights, chances are she'll be able to rattle off every point, chapter, sub-clause and amendment - on the spot. In a highly litigious society like America, where the courts determine just about everything (even who the president will be!), laws are the bread and butter of a lot of a lot of activism, and if you want to help protect people's right to housing, you've got to know your laws.

In a lot of Asian countries, though, just try extracting this kind of information, and a lot of deeply committed housing activists will scratch their heads and offer, *"Must be, I'm not too sure."* This isn't because they're sloppy or haven't done their homework, but because in their countries, the juggernaut of legalization hasn't co-opted grassroots movements yet, and often times, it is far older, deeply established social customs and unwritten codes of behavior which determine what happens around eviction and how well housing practices do or don't work.

Even so, we decided to give it a try, and sent out a questionnaire to friends working in cities around the region, asking them to tell us more about how well their local laws and legal instruments are working to protect the poor from the worst effects of eviction. In these two pages, we present a short-hand version of the wonderfully rich and detailed information we got back.

For the full, unabridged version of these charts, please contact ACHR or visit our website. (www.achr.net)

THE RULES : How eviction is *SUPPOSED* to happen . . .

		How / when eviction notice is given	Any process of negotiating options beforehand	How demolition is carried out
1	**Cambodia**	Not specified or regulated by law or government regulations yet.	Not specified or regulated by law or government regulations yet.	Demolition procedure... lated by law or gov. r...
2	**India** (Mumbai)	Supposed to issue legal notice.	NSDF and Mahila Milan use survey info to negotiate planned relocation.	By contractors hired... ity, with state police...
3	**India** (Kolkota)	Supposed to issue legal notice, time varies according to court order.	Scope for negotiation is always there, but not usually fruitful.	No specific municipa... ing demolition proce...
4	**Indonesia**	Gov. gives notice 3 times. 3rd notice means bulldozers in 24 hrs.	Evicting agency must negotiate compensation with affected people.	Court-ordered evicti... out by state workers...
5	**Japan**	Notice given to individuals in "sufficient period" (usually 1 month).	Homeless evictees should be introduced to "self-support" program.	Demolitions to be ca... public officials with...
6	**Korea**	Court-ordered notice is to be given 1 - 6 months before eviction.	Renters have no right to redevelopment negotiation; home-owners do.	The court appoints a... take responsibility fo...
7	**Malaysia**	Written notice given to individual families 15 days -1 month before.	Government or developer is to negotiate compensation with people.	Supposed to be done... municipal enforceme...
8	**Nepal**	No laws or constitutional provisions regarding notice of eviction.	In one case, eviction was voluntary after resettlement was negotiated.	There are no rules re... demolition in Nepal.
9	**Pakistan**	3 months advance notice must be given by hand to each household.	Resettlement plan should be prepared with community involvement.	Use of force forbidd... to be given if people...
10	**Philippines**	One 30-day advance written notice to be given to affected families.	4 resettlement consultations to be conducted with affected families.	Only in presence of g... during office hours, in...
11	**Sri Lanka**	A single 2-week written notice to be given for court-ordered evictions.	No laws and very few agencies have clear policies on negotiation.	Families advised to r... things before demo a...
12	**Thailand**	State agency evictions must be given 15 day advance notice.	Compensation or relocation usually settled by long negotiation, not law.	No laws and few age... specifically deal with...
13	**Vietnam**	No laws about notice, but eviction-causing plans to be announced.	Extensive legal procedures are defined for negotiating compensation.	Families to receive f... port to remove their...

THE REALITY : How eviction *ACTUALLY* happens . . .

		How / when eviction notice is given	Any process of negotiating options beforehand	How demolition is carried out
1	**Cambodia**	In most cases, people get a advance written warning, 4-days - 3 weeks.	Some communities have negotiated relocation or land-sharing options.	By arson or by gangs... with police protection...
2	**India** (Mumbai)	Most get written notice, but demos and negotiations usually can stop it.	Some negotiations do occur, but with little result in the poor's favor.	Most demolitions no... by communities, with...
3	**India** (Kolkota)	In most cases, only verbal notice is given to avoid court cases.	Very little negotiation with any concrete benefit for the poor.	No rules are followe... and brutal tactics are...
4	**Indonesia**	Gov. gives notice 3 times. 3rd notice means bulldozers in 24 hrs.	Terror and militias used to force acceptance of compensation offer.	By police, military, p... tias, often extremely...
5	**Japan**	Public notices posted 2 weeks before. Recently, no notice at all.	No negotiation except when supporters notice and help mediate.	Demolitions carried... officials, police & pa...
6	**Korea**	Court-ordered notice is to usually given 1 - 6 months before eviction.	Many groups of renters have forced negotiations through resistance.	Developers hire spec... agencies, officials pl...
7	**Malaysia**	Written notice given to individual families 15 days -1 month before.	Negotiation only happens where people are strong and pressure gov.	Demolition mostly do... and goons hired by th...
8	**Nepal**	Usually, advance written notices are given, at least 15 days before.	In few eviction cases so far, considerable negotiatons occured before.	No forceful demoliti... taken place in Kathm...
9	**Pakistan**	No notice. Loud speaker announcement few hours before demolition.	Most plans are never made public and communities never consulted.	By police and para-mil... hold goods smashed, p...
10	**Philippines**	Most agencies give 30-day notice. Courts often give only 3 - 7 days.	"Consultations" are usually only to inform about set relocation offer.	Mostly by municipal... crews with police pro...
11	**Sri Lanka**	For political reasons, most agencies follow court-ordered 2-week notice.	Negotiations done according to laws, but sometimes take longer.	Frequent forced dem... local government and...
12	**Thailand**	Eviction seldom happens without numerous notices and negotiations.	Compensation or relocation usually settled by long negotiation, not law.	By police; usually us... tactic, and not a real...
13	**Vietnam**	Varies according to project, but notice is always given in advance.	Strict steps of negotiation are followed to determine compensation.	Most families take t... and let authorities de...

	Whether any kind of compensation is given	Whether any resettlement is provided	Any rules about how relocation happens	Physical, social, occupational support at relocation site	Terms of tenure at relocation site
…es not regu-regulations.	Not specified by law; only talks about "equitable compensation."	Not specified by any law or formal government policy.	Not specified by law. Draft resettlement policy not yet approved.	Nothing specified by law as yet.	Not specified by law as yet.
…d by municipal-…e protection.	If can prove residence before 1995, they get 225 sq.ft units.	Resettlement guaranteed to all who can prove residence prior to 1995.	People get 225 sq. ft. units free and have some choice of area.	NSDF / Mahila Milan now supporting 12,000 relocated households.	35-year lease as part of a registered cooperative society.
…al rules regard-…dures.	No laws regarding compensation for loss of housing or resettlement.	No resettlement provision for urban poor in "unauthorized" settlements.	No resettlement for evictees from "unauthorized" settlements.	Laws only apply to "authorized" settlements (i.e. very few).	Lease rights or tenure given only to migrants from East Pakistan.
…ons carried …s and police.	Law doesn't specify, but says compensation must be agreed to.	National eviction law does not guarantee evictees any resettlement.	No laws regarding resettlement for evictees.	No laws regarding support of any sort for evicted families.	No laws regarding resettlement or tenure terms for resettlement.
…rried out by …policemen.	No compensation after demolition is required in new homeless law.	Homeless law only provides for 1 or 2 months temporary accommodation.	No rules of any sort regarding resettlement.	Only those in temporary shelters receive social/employment support.	Relocation plots on long-term lease and can be "regularized" later.
…n official to …r demolition.	Renters can get cash compensation equal to 3 month's living espenses.	Resettlement either to public rental housing or market housing (with loans)	Evictees have choice to rent public housing or buy market units.	All public rental housing in Seoul is provided with good urban services.	Public rental units are long-term, but rent can go up 5% every 2 years.
…by various …t officers.	Government always claims it's not bound to give any compensation.	Resettlement to gov. low-cost housing, by rental or hire-purchase.	Temporary long-house dwellers should be resettled in same vicinity.	Gov. and developers must provide full services at relocation sites.	Low cost relocation units are on standard ownership basis.
…garding	There is no rule regarding compensation for lost housing.	There is so far no resettlement policy in Nepal.	Relocation rules not standardized of legislated yet in Nepal.	There is no policy for providing support at relocation sites.	There is no policy for terms of tenure at any resettlement site.
…en; extra time …aren't ready.	Relocation or cash compensation based on land and structure value.	Government is to provide alternative land at resettlement site.	Gov. can select land, but is supposed to provide fully-serviced plots.	No policy specified for supporting relocatees.	Government will provide long-term land lease or ownership rights.
…gov. officials, …good weather.	In private evictions, gov. gives cash compenstaion equal to 60 day's pay.	Government is to provide "adequate" relocation, temporary or permanent.	Local gov. or NHA to provide resettlement; no rules on distance.	Basic services, schools, health care to be provided at relocation sites.	Always full ownership, usually with 25-year land repayment.
…emove their …agency comes.	Government gives replacement cost of house, livelihood and land.	Alternative land provided for resettlement, or in redeveloped existing site.	Procedures spelled out in National Resettlement policy guidelines.	By law, support only covers resettlement cost and compensation.	For urban poor, initially user permit. Later lease or freehold title.
…ency policies …n demolition.	No laws and few agency policies specifically about compensation.	No formal mechanisms or policies to provide for resettlement.	No rules or standard procedures for how resettlement happens.	No rules or standard procedures about supporting relocatees.	No rules or policies for land tenure in resettlement situations.
…inancial sup-…own houses.	Compensation calculated on value of land and lost housing investment.	New laws require that development projects provide resettlement plan.	Development plans must draft resettlement strategy.	Registration fee waivers, subsidized services, vocational training.	Varies: rental, or ownership of house with land use rights.

…s	Whether any kind of compensation is given	Whether any resettlement is provided	Any rules about how relocation happens	Physical, social, occupational support at relocation site	Terms of tenure at relocation site
…s hired by city, …n.	Varies accd. to people's strength from small cash to resettlement plots.	Most evictees in past 5 years have been offered free resettlement plots.	Most gov. relocations unserviced and in very remote locations.	If any, NGOs provide most social and occupational support.	Usually free individual land title, after five years of occupation.
…w managed …h state help.	50,000 evicted families have gotten free apartments under SRA scheme.	Most evictees now being resettled, many with federation assistance.	People get 225 sq. ft. units free and have some choice of area.	NSDF / Mahila Milan now supporting 12,000 relocated households.	35-year renewable lease as part of a registered cooperative society.
…d; ruthless …e common.	In some cases, Rs. 2,000 (US$50) is paid towards moving costs.	Most people being evicted in Kolkota today are not being resettled.	No resettlement for evictees, in law or in practice.	No relocation so the question of support does not arise.	Lease rights or tenure given only to migrants from East Pakistan.
…rivate mili-…violent.	The going rate in Jakarta is US$60 (about 3 month's room-rent in slum)	Some strong communities have negotiated resettlement; most not.	Very few communities have been able to negotiate resettlement.	Only some welfare-style support from NGOs at the resettlement sites.	In few cases where resettlement was possible, mostly land ownership.
…ut by public …rk sweepers.	No compensation for demolished shanty or lost shelter materials.	Only a few park evictees have been allotted temporary living space nearby.	In practice, evictees are not relocated or given any choices.	For those few placed in temporary shelters, support is minimal.	No resettlement, no terms of tenure.
…ial eviction …ay little role.	Homeowners get loans or temp. housing; most renters get small cash.	Most resettled to public rental housing or market housing (with soft loans).	Renters have struggled to choose location of public rental housing.	All public rental housing in Seoul is provided with good urban services.	Some renters are forced out of public housing because of rent increases.
…one by thugs …e developer.	Varies accd. to developer whim, but can get cash up to US$260/family.	Some communities with political links get alternative land; most not.	Many low-cost resettlement units contactors provide are substandard.	No gov. help finding new jobs or ensuring access to transport.	Families often moved from temporary housing to other temp. housing.
…ns have yet …handu.	5 evicted communities got Rs. 2,000/month for rent support.	In one case, an evicted community was given alternative land for resettlement.	Some low-cost houses promised to evictees were not provided.	No support provided at relocation sites, only 3 months cash.	In few cases, communities left without any formal tenure.
…itary; house-…people injured.	Compensation according to land value isn't paid if communities are weak.	In some cases, gov. provides resettlement, but too far away to survive.	Gov. relocation sites in very remote areas, or sometimes in other cities!	No support or any sort provided by government.	In many cases, land documents given to people have no legal value.
…demolition …otection.	Varies, small cash assistance or relocation package, negotiable.	Structure-owners usually get relocation packages, but not renters or "sharers."	Relocation plots are 30 - 50 kms. from city and often unserviced.	In all government resettlement sites, services are inadequate.	Usually full ownership, but recently more "rent-to-own" options.
…olitions by …d police.	Government usually gives proper compensation, but it takes ages.	In most cases, evictees are given alternative land in resettlement sites.	They follow the rules: people get at least 50 s.m. resettlement plots.	Loan facilities and other support are sometimes negotiated.	For urban poor, initially user permit. Later lease or freehold title.
…d as a scare-…demolition.	Compensation almost always paid; higher the longer people hold on.	In most cases, evictees are now able to negotiate for alternative land.	Land for resettlement is often provided by old landlord.	Most relocatees have access to housing loans and network support.	Varies: long-term lease, cooperative ownership or individual title.
…heir valuables …emolish house.	Compensation varies greatly for "legal" and "illegal" land status.	Resettlement offered is usually market rate and unaffordable to the poor.	Poorer evictees cannot afford nearby relocation options.	Poor families have trouble finding new work, no loans available.	In practice, it is very expensive and difficult to get resettlement units.

THAILAND :

Thailand's fast-growing community movement takes full advantage of a long lull in evictions :

It usually happens that evictions follow the ups and downs of a country's larger economic fortunes, going up in times of boom and slowing down in times of bust. Thailand is a textbook example of this see-saw rhythm. When the 1997 economic crisis hit, it brought 30 years of growth to a crashing halt: the Baht lost half its value over night, banks collapsed, building stopped, unemployment skyrocketed and millionaires started selling sandwiches on the pavement. The crisis hit the urban poor as well with lost jobs and dwindling incomes, but it also meant that evictions almost completely stopped.

But even though the juggernaut of market forces has slowed down a little, it hasn't stopped. The construction industry is regrouping, its bad debts are being restructured and to prime the economy, the government is bullying nervous bankers into financing a new generation of mega construction projects. At the same time, it is shamelessly enriching state coffers by pawning off public land - much of it occupied by informal settlements - to the highest bidder, and forget about planning or the common good! There are clearly a lot more displacements to come.

But Thailand has a deeply entrenched culture which prizes conflict avoidance and compromise. This has made the practice of negotiating compensation or resettlement a much commoner way of resolving land conflicts than forced eviction - which happens far less frequently these days. Thailand also has a national community movement which is growing in strength, scale and sophistication, and it has made good use of this long lull in evictions to save, to gather information, to experiment, to strengthen its networks and to expand its repetoire of viable, long-term alternatives to eviction. There are also many more tools available to poor communities now to back up these efforts, in the form of cheap loans, development funds and institutional support.

In the following pages, we'll take a look at the eviction situation in Thailand and see how poor people's organizations and their NGO and government supporters are taking big steps towards making Thai cities eviction-free.

When countries like India, Sri Lanka and Indonesia won the struggle against their European colonizers and became independent states, vast areas of land in their cities which had been appropriated by the colonial administrations became public land in these newly independent states. Thailand managed to remain independent during Asia's long colonial era, and as a result, most urban land still tends to be under private ownership, with public land in relatively short supply.

Diminishing tenure options for the urban poor :
The life and death of Thailand's land rent system . . .

The pattern of land ownership in Thai cities comes out of a long feudal tradition in which aristocratic families and a wide spectrum of smaller land-owners - and not the state - owned most urban land. The common practice was to subdivide and rent out unused land to people to build houses on. The land rent system allowed land-owners to earn a modest income on property which wasn't otherwise in great demand, while it created a wide range of affordable housing options for the urban poor. There were no regulations governing how you could or couldn't subdivide land, and so land-rent communities were often crowded, badly serviced and decidedly slummish.

> **But in this case, the lack of standards worked in the poor's favor and made for a rich, flexible market of affordable housing in which almost everyone - no matter how poor - could find some kind of room or shack or bit of land to rent.**

Land rent continued to be the chief housing supply system for the urban poor right up to the 1970s, when the economic boom began changing the land supply and demand equation for ever. This was the era of big real estate projects, when all that land which had been available to rent cheaply started shooting up in value. An upcoming generation of land-owners, who had no relationship with these old tenents and were more profit-minded than their parents, were eager to cash in on their newly valuable land assets and wasted no time in throwing out tenant families that had been living there for generations, to make way for hotels, shopping malls and up-market housing estates.

In the absence of any rent control laws or legal protections, evictions started happening on a large scale in Thai cities. When one land-owner would put up a condominium tower, land all around it would shoot up in value over night, and neighboring land-owners would catch the development bug and begin evicting the low-income tenants on their land as well. In these ways, instances of eviction spread out around the nodes of intense development. At the same time this traditional system of affordable, inner-city housing was being wiped out by market forces, huge numbers of poor migrants were flooding into the city to fill the exploding demand for cheap labor in the factories and shops, on the construction sites and in the hotels. All these jobs were the upbeat side of the boom, but these new economic migrants, whose hard work underpinned the country's growing prosperity, were finding fewer and fewer affordable housing options. More and more people began to make shelters for their families in squatter settlements, where they found themselves increasingly vulnerable to eviction.

Squatting gradually began to replace the land rent system as the prevailing housing supply system for the urban poor. In this system, first the brave ones would come and settle on a piece of land - sometimes public, sometimes private land. If nobody chased them away, they'd call friends and relatives to come stay with them, or even subdivide the land and sell off plots or finished shacks to incoming migrants. The entrepreneurial spirit reigned and these mini-land-grabbers learned how to pay off the police and to finagle electric and water connections from nearby buildings.

What was the government's response to this growing crisis? Many government agencies became energetic speculators themselves and began evicting poor land-renters and squatters by the thousands to make way for commercial developments on the public land they occupied. When communities fought hard enough to win relocation packages, the government would channel subsidies to the National Housing Authority to construct blocks of rental flats or to acquire peri-urban land and develop fully-serviced relocation colonies. The NHA also received government subsidies to upgrade informal communities *in situ*, on a relatively small scale, but was not able to slow down the large-scale evictions going on or to affect the underlying land-use conflicts which caused them. But while macro-economic changes were heaping troubles on the urban poor, a new atmosphere of democratic openness was replacing the dark era of military dictatorships in Thailand. Poor people in cities were linking with each other like never before, forming organizations and forging alliances with NGOs, local authorities and supporting organizations to develop innovative approaches to securing shelter for the urban poor.

Eviction protocol in Thailand . . .

How different kinds of land-owners do their dirty work and how poor communities deal with it :

Nearly a third of Thailand's urban population of 22.3 million people live in the country's 5,500 informal communities, some as lend-renters and increasing numbers as squatters. 3,750 of these communities (of which about 60% are on private and 40% on public land) are facing some threat of eviction. It isn't easy to evict poor families in Thailand, though. For both private and government land-owners, eviction is messy, time-consuming, expensive, bad for the conscience and bad for the image. Communities understand this very well, and so when eviction situations arise, their first tactic is to delay (to buy time to prepare themselves, to negotiate, to rally assistance and to explore other options) and their second is to appeal to the land-owner's conscience (to strengthen their negotiating position).

1   Eviction of communities on private land . . .

Eviction on private land often comes up when land prices go up or land rights are transferred to a younger generation more likely to kick people out to develop or sell their land. The first steps are to issue eviction notices - to individual families or by public notice - and to stop collecting rent, which ends the legal relationship. These formalities make people uneasy, but very few will actually move at this stage. The next step is for the land-owner or his lawyer to offer some cash compensation to individual families to leave. Everyone knows the longer you hold out, the higher the compensation will go, or the readier the land-owner will be to negotiate, so it's usually only the softest people or those with no other options who take the money at this stage and leave.

To intimidate families who hang on, landlords will then resort to stronger tactics - using black magic on the community or starting rumors of ghosts to scare them away. They may try to buy-off a few community leaders to help divide the community, send in thugs to threaten people or even start clandestine fires - or rumors of fires. A combination of continuing intimidation and increasing offers of compensation are usually enough to persuade more people to go at this stage. Some landlords may eventually file a court case against the really tough families who still refuse to leave. There's a strong reluctance to resort to this extreme tactic in Thai culture, though. If a landlord wins the case - and they usually do - there will be more eviction notices, and the court can send police to demolish the houses by force or to back up the hired thugs from private eviction firms.

But when the rare demolition does happen, it's usually just another scare tactic. A team of reluctant officers may pry off a few roofing sheets or dismantle a token house, but an angry mob of community people will be there crying, *"Why are you doing this to poor people who have nowhere to go?"* The law will usually retreat, warning *"Next time, it'll be a REAL demolition."* It's not clear whether this is evidence of inefficiency or some vestigial human kindness, but in the end, communities are almost *never* forcefully demolished, and negotiations go on.

Wimps, hesitators and fighters . . .

In most evictions, about a third of the people will move out early, with or without compensation. They're too honorable to stay, too thin-skinned to fight or too poor to say no to the cash. Another third will be worried but stay and see what happens, on principle or in desperation because they've got nowhere else to go. The remaining third are the difficult lot who aren't easy to budge or buy off. These fighters will see the problem through to some resolution. These proportions vary from place to place and are a good indicator of how well organized a community is. Stronger ones will have more fighters, while the weaker ones will have more early-movers.

2   Eviction of communities on public land . . .

Different government agencies have different procedures for evicting people from land under their control, but they all share an increasing aspiration to "improve the value of state assets" by replacing slums with commercial developments which generate much bigger revenues. In these cases, people have a strong set of moral arguments on their side: *Public land is supposed to be for solving problems and answering the needs of the larger society! How can the government profit from land taken from poor workers who have lived here for so long and who cannot afford formal housing in the city?* It's trickier when people are being evicted to make way for public works projects like expressways, power plants or hospitals. In these cases, its easy to cast poor communities trying to stay as selfish obstructors of the public good. But these are also the projects which usually come with built-in budgets for compensating or relocating displaced people.

Most state agencies with big landholdings under informal settlement (both land renters or squatters) such as the Crown Property Bureau, the Port Authority, the State Railways or Treasury Department - like to avoid getting their hands dirty pushing poor people out. To save face, they'll often lease out already-occupied land to developers and let the developers handle the eviction. Then, when angry communities come demonstrating against the eviction, the government agency can protest innocence - *it's not our project, go talk to the developer.* But savvy communities aren't so easily put off and know to keep pressing the government at the same time they organize themselves to push for resettlement. Developers use all the same eviction techniques as private landlords, but they have bigger eviction agencies and larger compensation purses at their disposal. Unorganized communities will usually get only cash compensation and will have to find their own new housing, but organized communities will almost always be able to negotiate for alternative housing in resettlement sites or subsidized rental apartments, organized by the NHA, using government subsidies.

Choose your foe : eviction by lawyers vs. eviction by developers

Private land-owners who are squeamish about doing the deed themselves often hire expensive lawyers specializing in eviction to send notices, file court cases and handle the compensation process. Negotiations about compensation are usually carried out in secrecy with individual families, and this gives the lawyer ample room to cheat everybody. He may tell the land-owner that one family is demanding 10,000 Baht, take the money, then give the family only 3,000 Baht and pocket the rest. The longer an eviction takes, the higher the compensation goes and the more the lawyer stands to earn in fees and "cuts" from these transactions. So he's got an incentive to drag the process out, and there's also no guarantee he'll ever be able to hand his employer a cleared site.

It's very different when a developer does the evicting, as often happens on government-owned land. Since he's paying a hefty rent for the land, a developer's got a big incentive to resolve the eviction issue quickly, so he can clear the site and go ahead with his project. Plus, developers may be a ruthless lot with links to gangsters and crooked politicians behind the scenes, but they've also got a public image to maintain. All this makes them readier to compromise. Communities with no organization may still get a bad deal, but when communities are noisy, well-organized and the process is transparent, people are are more likely to win a reasonable compensation or relocation package.

THAILAND :

Eviction in a context where the culture of negotiation and compromise is far more powerful than any written law . . .

No community in its right mind would ever dream of going to court to protect their right to stay on land they've been renting or squatting on. They'd find no help in Thailand's land laws, which have almost nothing to do with how land-use systems have developed historically or how land is used now. A community might have occupied land for 200 years, but because they don't "own" it, by current legal definitions, some guy can suddenly show up with a piece of paper which gives him the legal right to throw 500 families off that land. In Thailand, squatting is not only illegal, it's a criminal offence, and there are no laws protecting squatters (or land renters whose contracts have expired) from eviction. Nor does Thailand's constitution contain any articles relating to the right to housing.

But even though the laws in Thailand are stacked in favor of private and state land owners, and even though court judgments almost ways go in their favor, the legal avenue almost *NEVER* resolves an eviction situation alone. If anything, it prolongs the conflict, and costs everyone dearly in time, energy, money and peace of mind. People know this, landlords know this, and that's why the pragmatic Thais are more inclined to negotiate a compromise solution than enter what can become a very long battle of attrition. The following story makes a good example of how even after the court affirmed a landlord's right to evict, it was the strength of community networks and the culture of negotiating compromise which finally resolved the problem.

The moral of the story : Tepsita's 10-year long eviction conflict certainly wasn't resolved by legalistic means. But once this small, isolated, battered community linked to the city and regional community networks, it became part of a much larger whole and could draw on a broad range of assistance and eviction experience to help find a practical solution to problems laws alone could not solve.

The case of the Tepsita community :
How networking, negotiation and planning could accomplish what 10 years of legal stand-off couldn't . . .

Tepsita is an informal settlement in Nakhon Pathom, just outside Bangkok, where 45 families lived for over 25 years on land owned by a temple. In 1991, the temple's abbot asked the people to leave. He claimed the land was needed to expand the temple school, but community members suspected plans to develop it commercially and asked to be allowed to stay. To strengthen his case, the abbot called the community a hot-bed of drug-addicts and anti-social elements and posted eviction notices. When the people still refused to leave, the monks went to court - an almost unheard of step for a Buddhist temple to take - and won the case. But still the people held on, and eventually the police came in to demolish the settlement. Like most demolitions in Thailand, this was a half-hearted affair, and only a few symbolic planks and roofing sheets were pried off some houses. In the coming years, community leaders at Tepsita appealed to several organizations for help, but remained on their own, locked in bitter combat with the temple.

Then in 2001, Nakhon Pathom's newly-constituted Urban Community Network was surveying all the poor communities in the city, with the Bangkok Regional Community Network. When the survey team came to Tepsita, they found a weary and seriously demoralized community. The city network immediately launched a savings group, surveyed the settlement and with support from CODI, rallied the resources of the national community movement to help Tepsita resolve its long eviction struggle. Letters were sent to the provincial governor, who set up a committee to look into the problem and arranged a stay on the court-ordered eviction, which was still in place after all these years! A group of tough women on the *National Eviction Task Force*, veterans of eviction battles themselves, were called in to help re-open negotiations with the monks and persuade them to give the community time to explore resettlement options. Tepsita community members traveled to Bangkok and Ayutthaya to meet with other communities who had dealt with eviction crises and had used planning, preparation and network assistance to negotiate secure housing for themselves.

Meanwhile, the people began searching for alternative land, identified nine potential sites and finally chose a 1-hectare resettlement site 10 kilometers away, which they purchased themselves for a haggled-down price of 900,000 Baht, with their savings and a loan from CODI. One community leader who'd become paralyzed during the long struggle found the strength to get out of bed again, and after visiting the new site, declared, *"The air is so sweet here! We are free!"* and moved onto his plot the very next day!

Transforming Tepsita from an eviction basket case into a showcase of resettlement innovation :

The people from Tepsita have now moved to their new community, which has become a much-visited pilot project in self-sustaining settlement planning, one of the first urban communities in Thailand to try to produce most of its food and treat all its waste on site. The people worked out a plan in which half the land is used for houses and half is kept for vegetable gardens and fish ponds. Rashid Khatri, a community sanitation technician from the *Orangi Pilot Project (OPP)* in Pakistan, has worked with the people to design an inexpensive, underground sewer system with an organic sewage treatment system, which is now in op-eration. Toilet waste is collected first in individual 2-pit septic tanks behind the houses. The partially-treated waste then drains into a network of underground sewer pipes, along with waste water from bathing and kitchen use, and drains into an oxidation pond planted with papyrus reeds and other naturally water-purifying plants. From the oxidation pond, the water then flows into fish-growing ponds, which in turn irrigate surrounding garden plots, where organic vegetables and medicinal herbs are being cultivated. This admirable system is up and running now. In the mean time, several young architects from Bangkok have helped the people to design inexpensive house types which make use of materials recycled from their old houses.

The case of the homeless :

How a high-profile eviction from Bangkok's historic parade ground became a launching pad for a homeless people's movement in the city

For two centuries, the *Sanam Luang* (parade ground) in front of Bangkok's Grand Palace has been Thailand's premier public space, the venue for coronations, royal funerals, festivals, democracy demonstrations. For the city's homeless, this vast expanse of turf has offered a safe shelter in an increasingly hostile concrete mega-city. But in August, 2001, the city announced plans to close *Sanam Luang* from 11 PM to 5 AM, effectively evicting hundreds of homeless people and vendors. The closing was part of a much larger plan to clear the entire historic center of Bangkok of virtually everything built since 1910, and turning the area into a kind of tourist park. If this mad scheme ever actually happens, it will mean the eviction of slums, housing colonies, ministries, universities, theaters, public buildings and entire neighborhoods (*but that's another eviction story...*). Over the past few years, the *Human Settlements Foundation (HSF)*, a Bangkok-based NGO, has worked with the *Four Regions Slum Network* to use eviction crises to organize large numbers of communities living along the railway tracks and under traffic bridges to come together, form networks and develop their own on-site and resettlement housing programs with which to negotiate long-term secure housing solutions. When plans of the *Sanam Luan* closure were made public, they decided to try using the same networking techniques with Bangkok's homeless groups.

1 **MAKING CONTACT :** The first step was to make contact with homeless groups in different parts of the city. This was no easy task, since most have had bad experiences on the streets, are reluctant to trust anybody and quick to move on. The only contact most homeless people have with officialdom is with the police, who hassle them, or with staff from the Social Welfare Department, who herd them into vans and transport them to *rehabilitation centers*. So they were understandably wary when some young activists began coming around to talk about the government's plans to close *Sanam Luang*.

2 **SURVEYING :** Once they'd made some friends among the homeless groups, the next step for the HSF was to carry out a survey, which they had to conduct in a single night, so nobody was counted twice, using several teams to cover 13 inner-city locations where groups of homeless people congregate. They counted 630 people, which they estimate represents about half the homeless people in Bangkok.

3 **MEETING :** In July, 2001, before the planned closure of *Sanam Luang*, the HSF organized a public seminar to discuss the issue. Sirinanad, a homeless woman leader, presented the survey information to an audience of academics, officials from the Bangkok Metropolitan Authority (BMA), media people, activists and homeless people. *"Homeless people are not criminals,"* was her message to this historic meeting, *"We want to have a better life, but what we are lacking is opportunities."*

4 **NEGOTIATIONS WITH BMA :** The HSF and the newly-formed homeless network were unable to persuade the city to postpone the closing of *Sanam Luang*, but they were able to get the city to provide a temporary homeless shelter, first in a tent close to *Sanam Luang*, later in a space offered by community people in a railway settlement at Talingchan. The streets and open grounds offer little in terms of safety or amenities - especially for women and kids. So the first task was to set up a shelter for the homeless. The city also agreed to construct the city's first permanent homeless shelter on a piece of railway land at Bangkok Noi, which the people found and negotiated for themselves. The HSF is now working to strengthen the homeless network, expand the savings groups, and begin exploring longer-term shelter options which work for this extremely poor and vulnerable group, such as subsidized rental rooms or transitional housing in vacant buildings.

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The prevailing myth is that Bangkok's homeless people are drug addicts, beggars or mental cases. In fact, most are workers from Bangkok who've lost their jobs during the economic crisis, but because they lack family or support networks end up becoming homeless and isolated. Some earn their living collecting recyclable waste, some are daily laborers, some are vendors. Most are working-age men, but the survey also revealed that there are homeless families, whose children, as they grow up, become vulnerable to the drug scene and prostitution.

The case of fires :

How fast-thinking communities sidestep legally-sanctioned eviction after fires ravage their settlements . . .

In 1994, a devastating fire leveled the community at Rom Klao, part of the sprawling Klong Toey settlement, on Port Authority land. Thai law stipulates that land leases cease to be valid after a fire, so it's no surprise that arson is often used to remove unwanted tenants. But after decades of eviction and arson, Klong Toey residents have found ways around this rule: build a new house, *FAST*, right over the ashes of your old house, so the next morning, when the authorities show up, you can say *"What fire?"*

Rom Klao residents used the crisis as an opportunity to negotiate a more secure future for their community. In the subsequent months, the community worked with the *Human Development Center (HDC)* and National Housing Authority to negotiate a land-sharing agreement with the Port.

In exchange for giving back some of the land to the port, the community got a long-term land-lease (without payment) to redevelop their community. After long negotiations with HDC, NHA and the Port, they came up with a "re-blocking" plan, with equal plot sizes a neat grid of lanes, a community center and pre-school. NHA used its 17,000 Baht-per-family subsidy to build raised concrete walkways and drains and bring in electricity and water supply, according to the community's layout plan (but using NHA's contractors).

The Port continues to try to clear various portions of Klong Toey of its settlers, and the battle against eviction persists. But when you ask any of the people in Rom Klao what is the length of their lease, they'll smile and say, *"As long as we are strong!"*

THAILAND :

10 Eviction Busters :

Ten ways poor community organizations in Thailand are using information, network-building and long-term planning to carve out "win-win" alternatives to eviction . . .

It's certainly possible to negotiate after eviction conflicts have already begun: some of Bangkok's ground-breaking land-sharing agreements have been thrashed out under the red-hot pressures of messy, dramatic eviction stand-offs. But situations of crisis are never the best time to think, to forumlate plans or to negotiate with a cool heart. Once the fire has broken out, poor communities targeted for eviction are forced into the defensive position. If they're not prepared, if they don't have information or alternative ideas, and if they haven't rallied allies or started a dialogue with the authorities, the tools available to them to deal with the situation will be very limited. It's always, *always* much better and much easier to deal with eviction *before* eviction actually starts - the longer in advance the better - when communities can develop their own proposals, bring them to the table and push for them from a position of strength and preparedness.

Experience in Thailand has also shown that tackling the housing crisis of a single individual or community is a waste of time. But when communities with specific housing problems in common link with each other and start looking at those problems together – in a systematic way - it's a completely different story. From linking and recognizing commonality, the next step is analyzing those problems and working on resolving them as a group, at large scale and as a united force. With this kind of networking, no community needs to struggle on its own and the collective scale and expertise of all those linked communities becomes a powerful bargaining chip in the process of negotiating common solutions.

As such community networks gain in strength and numbers, their activities become *visible, unignorable* parts of the city, and it becomes much easier for them to find solutions to *invisible* problems, like eviction. In the next few pages, we'll take a look at how different community networks in Thailand are showing that linking, planning, saving, discussing, preparing, negotiating and generally doing lots and lots of hard work – long before the fire breaks out - are the most effective eviction busters.

1 Use surveys to find out who's who and what's what, long before anybody starts talking eviction.

Surveying has become the Thai community movement's number one tool for creating a collective understanding of who the poor are, how they live and what are their problems. If poor communities are to formulate collective solutions to those problems and negotiate for them from a position of knowledge and preparedness, there are many things they need to know about their settlements, their population, their problems and their tenure situation - who owns the land and what is their policy, what are the future plans for the land. Accurate, detailed, up-to-date information is a community's trump card in negotiations with land-owners, formal agencies and city governments, which are notoriously ill-informed about the poor. In some cases, a survey of all the settlements in a city or a particular district might be needed. In others, a survey might cover settlements living under the same land-owner or sharing a common tenure problem. Besides gathering crucial data, the survey process is a powerful way for communities to meet each other, to understand their constituency and to kick off a process of linking and preparation which grabs the initiative long before eviction problems come up at all.

EXAMPLE : Nakhon Sawan

The city of Nakhon Sawan makes a good example of how a survey can push community networks and cities into tackling the larger structural problems which force people to live in squatter settlements. In 1999, an eviction sparked the city's new community network to survey and map all 53 slums in the city, identify tenure conditions and land-owners and group communities according to land-owner, to negotiate in blocks. Before the survey, the municipality officially recognized only 19 of the 53 slums, and the survey was the first step in creating a common understanding about the slum situation. Using this information, the network began a collaborative process to create a city-wide master plan for providing secure housing and improved living conditions for all 10,030 poor households in Nakhon Sawan, in which settlements without land problems get secure tenure and redevelop *in situ*, and settlements in flood areas or in the path of development projects relocate to a "People's Town," which the network is now designing and developing themselves, on public land they chose and negotiated to use.

2 Keep busy with a constant stream of preparations and activities which generate alternative solutions.

If poor communities want to take the offensive position and put forward their own proposals to make their living situation more secure, they've got lots of homework to do. The survey is just the beginning: once the information is in their hands, they need to analyze their situation, forge links with other communities and with allies in other sectors, save their money and plan alternatives. There's no short-cut for all this vital preparation, but there's a lot of help available within a network process. Through direct, community-to-community exchange, people can learn how other groups have managed to transform eviction crises into secure shelter solutions. If it's possible to stay in the same place, how have other squatter groups regularized their status by obtaining land-lease contracts or bargaining to buy or to share the land they occupy? And if it's not possible to stay, how have other communities negotiated compensation or resettlement packages which meet their location and budget needs? There is a wealth of experience and planning options and negotiating tricks to be drawn from, around the country, as communities begin making their own plans to make their own housing situation more secure.

EXAMPLE : Uttaradit

During the process of making it's first survey of poor settlements, the new community network in the provincial city of Uttaradit used one map to mark all the slums and pockets of squatters and identify land owners, and another map to indicate slums that can stay where they are and slums that need to relocate. With support from two young Bangkok architects and an enthusiastic mayor, they then set out to find sustainable solutions for the 1,000 families in the city (10% of the population) who were living in insecure and degraded environments. Instead of thinking in small bits, they developed a comprehensive, city-wide plan which made room for all those families, within the fabric of the city, using a range of planning techniques in a kind of planning micro-surgery : land-sharing in one area, reblocking in another, relocation here and *in-situ* upgradation there. Plans are ambitious and include infrastructure improvements, urban regeneration, canal-cleaning, wasteland reclamation, park development, the creation of amenities to be enjoyed by the whole city and - most important of all - *an eviction-free Uttaradit.*

3 Create a network which links communities under some kind of common threat of eviction.

The immediate threat of eviction can be one of the most powerful bonding forces between communities. Usually, the more dire the problem, the greater the incentive is to seek help, and in the case of eviction, horizontal links between similarly vulnerable and traumatized people can be an enormous source of mutual support and encouragement. Networks of communities threatened by eviction (or having already been evicted) such as the *United Slum Dwellers Association (USDA)*, and the *Four Regions Slum Network* were some of the earliest community networks in Thailand, and some of the first examples of how dealing with a shared problem can be transformed into a national movement. Having such a fundamental problem in common and knowing each other allows communities to put their heads together to craft better solutions. This way, when one community faces an eviction crisis, they're not alone: another 20 communities who've faced similar crises can come back them up in their negotiations or add bulk to their demonstrations. Everyone learns in the process, each community's armory of stratagems and negotiation tricks for dealing with eviction is enlarged.

EXAMPLE : Underbridge slums

Over 800 families once lived in damp, squalid conditions under 68 traffic bridges in Bangkok, in constant fear of eviction by administrations unhappy with this highly visible manifestation of poverty in Thailand's capitol city. They worked as laborers, vendors, junk collectors and were among the city's poorest. Seven years ago, these communities joined forces and formed the Under-bridge Community Network, with support from two NGOs, the *People's Organization for Participation* and *Human Settlements Foundation*, started savings groups, surveyed all the city's under-bridge settlements and negotiated first for electricity and water connections and then for resettlement. As part of the landmark agreement, the network selected three resettlement sites, the government bought the land, NHA provided infrastructure, CODI provided housing loans and families built their own houses using cost-saving building ideas they showcased at a model house exhibition in 1999. With support from UCEA, these new communities have now become living labratories of experiments in sustainable community development.

4 Break the "my rights your rights" impasse by compromising and haggling with pragmatic solutions.

Most eviction cases in which people fight for their *right* to housing, while land-owners fight for their *right* to benefit from the land they own end up in a stalemate. Poor communities adopting that legalistic line of defense don't stand a chance in Thailand, where the rights of property owners are *always* held above any abstract right to shelter, no matter how many UN declarations the government signs. Poor communities have found it much more effective to forget about the legal and moral currency of "housing rights" and haggle instead with the more pragmatic currency of *compromise*. What kind of alternatives allow both land-owner and the people who have lived there for so long to benefit? Forging this kind of *middle path* is made easier by the Thai inclination to ignore inconvenient and hard-edged laws and to barter on practical terms to find solutions which allow everyone to benefit. Such solutions call for a finer grain of planning and professionalism and might involve a community's purchasing some or all of the land they occupy, working out a land-sharing scheme, or agreeing to relocate to land the people choose, with compensation or land purchase assistance from the land-owner.

EXAMPLE : Klong Toey

With over 12,000 families, Klong Toey is Bangkok's largest slum and its most notorious symbol of urban squalor and poverty. But Klong Toey is also the source of some of the most innovative answers to how the *"illegal"* poor and the *"official"* city can find terms which allow both to benefit. After years of eviction, arson and violence, the community began organizing in the 1970s. With help from several voluntary agencies, the people learned to counter eviction threats by the Port Authority, which wanted the land for expansion, and began negotiating a variety of options for their own rehabilitation in:
● **NHA-built rental flats** on one edge of Klong Toey for resettling 1,440 families (1981).
● **Serviced plots on long-term lease** for 1,300 families in a "land-sharing" agreement in the center of Klong Toey (1983).
● **In situ "reblocking"** projects for 950 families who adjust their houses a little to make way for drains, sewers, water supply and footpaths in the same place (1986-2003).
● **Free serviced plots** with land title for 400 families in resettlement sites 20 kms away.

5 Create a network of communities living on land owned by the same land-owner or government agency.

Having the same landlord can be another powerful organizing point when communities face eviction. When communities on land belonging to the same government agency link together into networks, they can negotiate as a large and noisy block for individual communities which could be easily thrown out if they were alone. Such networks can also be powerful conduits for sharing news about development plans or passing on strategies for dealing with eviction policies that are specific to their land-owning agency. But most importantly, they can put their heads together to analyze tenure problems they share, develop resettlement or on-site redevelopment housing options which cover large numbers of communities and then negotiate for those options as a package, all at one go. For land-owners interested in reducing their headaches and preserving their public image, this can be a welcome means of resolving land conflicts (and a difficult force to ignore!). Such networks can stretch across the country, across a city or involve a cluster of communities in a single district, and they can choose to develop and lobby for solutions in discrete pieces or on a very large national scale.

EXAMPLE : Railway slums

Over 20,000 families in 190 informal settlements live in danger, uncertainty and squalor along Thailand's State Railway tracks. In the past few years, as networks of communities with common problems have mushroomed all over Thailand, the National Railway Community Network has become the largest. With support from the NGO *COPA* and the *Four Regions Slum Network*, the network's negotiations with the Transport Ministry have yielded big breakthroughs. In 1998, 10,000 railway families in Bangkok won a landmark relocation package to make way for the Hopewell Elevated Rail project, and others lobbied to get house registration certificates, to get water and electricity connections and enroll their children in public schools. Recently, the network won the biggest prize yet when it negotiated a package of relocation and on-site redevelopment agreements for 6,000 households in 61 railway communities in 13 provinces. As part of the deal, communities within 20 meters of the tracks will resettle on railway land within 5 kms, on low nominal rent, while communities beyond 20 meters can stay on long-term lease contracts.

6 Create a network of communities living alongside a common civic or geographic feature of the city.

Another powerful strategy for consolidating the right to stay is when communities living close to some important civic amenity (like canals, riversides, beaches, historic monuments, traditional market quarters) collectively maintain or make physical improvements to that amenity. This might involve cleaning up a drainage canal which runs alongside several communities, constructing a nicely-landscaped public walkway for tourists along sections of a historic city wall which borders a string of informal settlements, or maintaining a river-side park that is surrounded by communities. When communities plan and undertake such developments, which improve both the community's and the larger city's environment, they are dismantling the old myth that poor settlements are a problem, an eyesore and a drain on city resources. They are demonstrating that the organized poor can be the city's allies in maintaining - and even creating - public amenities which make the city a better place for everyone to live in. This "win-win" proposition pays dividends for everyone. By showing the benefits of having poor people stay where they are, it is in effect a powerful long-term *tenure-consolidator* and *eviction-preventer*.

Example : Canal slums

As in other Thai cities, Chiang Mai's once-vital waterways have become open sewers filled with garbage and pollutants. Poor settlements beside them are often blamed for causing the problem and threatened with eviction. Six years ago, eight informal settlements along the *Klong Mekhaa* linked into a network, started savings groups and organized themselves around solving the problems which united them: the canal, housing and land security. With a small UCEA grant, they initiated a long-term canal improvement process in which people have voluntarily moved their houses back from the canal edge to make room for the city's de-silting barges, developed canal edges as playgrounds and walkways, employed *green* water-filtering systems, reduced pollution through negotiations with municipal and private-sector polluters upstream, gathered ideas from canal networks in other cities and completely redeveloped one community which abuts the historic city wall. Through all these activities, they have shown they are the city's best allies in maintaining the canals and have secured the tenure of over 1,200 households in the process.

7 Create a network of poor communities within the same city to counteract any eviction threats locally.

City-wide networks of poor communities can deal with a big range of issues at the same time: savings and credit, livelihood, basic services, environmental improvement, welfare, housing. Because they are grounded in specific, local political realities and encompass the interests of the whole city's poor people, they can get involved in structural issues of how the city is managed and forge alliances with other actors through collaboration. For most city networks, tenure insecurity is at the top of the agenda, and many have developed short and long-term strategies to address the problem. City networks can rally support for communities under eviction by negotiating with officials or summoning crowds for a demonstration. Some city networks have surveyed their constituent communities, grouped them by landowners and negotiated with those different landowners for more secure tenure arrangements - in blocks and long before any eviction. Other networks have developed comprehensive city-wide plans for improving all poor communities, where communities which can rent or purchase the land they occupy upgrade *in-situ*, and land is identified for communities which must relocate.

Example : Ayutthaya

When UNESCO designated the old Thai capital city of Ayutthaya a *World Heritage Site*, it was good news for historic preservation, but a big problem for the city's poor, who were now in danger of being evicted from their city. In the oldest part of Ayutthaya, where the monuments are and where the tourists go, most land is government-owned and the poor's only housing option is in squatter settlements. The Ayutthaya network linked communities around the idea that poor people and historical monuments *can* cohabit in mutually beneficial ways. After surveying the city's 53 informal communities, the network held a seminar to present their findings and began exploring collaborative, city-wide solutions which make room in the historical city for housing the poor. The process of promoting this idea and translating it into several landmark community upgrading projects involved working very closely with young architects, CODI (which provided housing loans), NHA (which provided infrastructure), the Municipality (which provided long-term leases) and the Department of Fine Arts (which looks after the historical monuments).

8 Build alliances with other non-poor groups to back up the poor's long-term struggles against eviction.

Making the very complex and very dirty politics of urban land more democratic is something neither cities nor poor communities can do by themselves. To make change, lots of people need to have their vision of what's possible expanded. Even very strong community networks need like-minded allies among NGOs, civil society organizations, academic institutions, technicians, the media and government agencies. But the issue of alliances goes deeper: we tend to think that problems of the urban poor concern the poor only, but issues of poverty, basic services and eviction are issues which affect everyone in the city vitally. The larger development paradigm which is causing evictions and marginalizing the poor is also heaping problems on the middle classes, who are increasingly unhappy with the bad political systems, bad planning and bad participation that are wrecking their cities. All these problems are interconnected and it's important to undertake collective activities on a variety of issues which link the urban poor's process with these other groups. This is one way to build the alliances and supportive relationships which are crucial in times of crisis - as with evictions.

Example : Udon Thani

As part of the *Baan Mankong Program*, a local committee was set up in the city of Udon Thani comprising community leaders, municipal officials, academics and NGOs. The idea of this multi-stakeholder process, which is a key element in *Baan Mankong*, is to create an ongoing, local mechanism for resolving whatever housing problems arise, as a matter of course. Udon Thani makes a good example of how support from other sectors within a city can help *un-stick* land problems communities couldn't resolve alone. After surveying the city's 56 informal settlements, the committee launched land negotiations in three under immediate threat of eviction. In one community on temple land, the mayor played a key role in persuading the monks to allow the people to stay and reblock their settlement under a long-term lease. Another community, on Transport Department land, was being threatened with eviction, and the local authority agreed to purchase a piece of adjacent land to give to the community on long-term lease for redeveloping their housing. The mayor again played a key role in personally persuading reluctant families to join the move.

9 Create a task-force of community leaders with first-hand experience dealing with eviction to play the "fire fighting" role.

Even with all these long-term eviction-avoiding strategies, there will still be communities facing eviction. For *fire-fighting* situations, Thailand's community movement has a special team of very tough, very experienced community leaders (mostly women) who have experienced first hand the trauma of eviction. When evictions happen, these leaders are often the first to arrive, bearing the most important message, *"Don't be afraid, you are not alone!"* In such situations, people-to-people support is extremely important. NGOs and support agencies like CODI can boost, mobilize and assist, but when it is other poor people coming to help, it's very powerful. The task force can advise communities how to organize, how to talk with officials, how to negotiate with the police, how to present alternatives, how to understand the legal steps and how to play various roles in the eviction drama effectively. The task force can also summon considerable legal and political assistance at a moment's notice, if need be, getting local politicians to help bring the issue to the national level or coordinating with national network leaders who can negotiate directly at ministry level in Bangkok. The task force collaborates closely with NGOs, CODI and key officials, and in eviction crises, support to communities in trouble can be launched at several different levels at the same time.

Example : Klong Lamnoon

Klong Lamnoon is a small canal-side squatter community in suburban Bangkok. It was far from everything when the people moved there in 1983, but by 1997, the area was gentrifying and the land-owner decided to evict them. Some accepted the cash compensation he offered and moved away, but 49 poor families who worked nearby and had no alternative shelter held on. In 2000, the eviction struggle got very hot - two community members were thrown in jail and the others filed a court case against the land owner, which they lost. Finally, some leaders from the eviction task-force helped the community negotiate to buy a small part of the land, at the below-market rate of 750 Baht per square meter. They also persuaded the landlord to provide 200,000 Baht to build an access road! This wasn't any heavy, institutional intervention, though - just the very quiet, very personal involvement of a few community leaders who had some practical strategies for turning Klong Lamnoon's crisis into an opportunity. The community formed a cooperative, took a loan from CODI to buy the land, using their collective savings for downpayment and are now building infrastructure and semi-detached "core houses" on the new land, with an infrastructure subsidy as one of the ten *"Baan Mankong"* pilot projects.

NEWS FLASH: The Baan Mankong Program : Thailand's biggest eviction buster yet

*Ten years of hard work by Thailand's community networks, exploring collaborative, city-wide strategies for solving urban housing problems, has paid off in the biggest breakthrough yet for the urban poor, and a massive scaling up of all these eviction-busting strategies. Upgrading informal communities and negotiating secure tenure in the place they are now, as much as possible, is now not just a sensible idea but a national policy. The **Baan Mankong** ("Secure house") Program, launched in 2003, aims to assist communities and community networks to improve the living conditions and secure the tenure of 280,000 households (about half the country's urban poor population) within five years through three components :*

● **Infrastructure subsidy :** which allows communities to upgrade their infrastructure and environment according to priorities they set and using budgets they manage themselves.
● **Low-interest housing loans :** To households wishing to improve existing houses or to build new houses after reblocking their settlements or relocating to nearby land.
● **Secure tenure :** Through a range of options, including long-term leases, cooperative land purchase or long-term user rights.

10 Use the process of undertaking small, physical improvements to instill an "attitude" of land security before land is actually secure, and to begin building the collective energy people need to fight their larger eviction fight.

One of the worst things that can grip communities living in extremely precarious tenure circumstances is a belief that their case is hopeless, that there's nothing they can do, no point going through the motions of planning, saving, surveying, preparing. In these cases, the message from the Thai networks is loud and clear: *there's no such thing as a community that is too insecure to take steps - right now - to improve its situation.* No need to set any long-term plans or get into any theoretical discussions about empowerment, the idea is to start some immediate action - painting, cleaning, planting, decorating, improving, *anything* - as a stasis-breaker. Doing something physical like this may not solve the big problems, but it can energize dispirited community members, get people involved, get them talking and scheming, build solidarity and send a message to the world outside that *this is not a dead community*. These are conditions a community needs to create in order to fight the bigger fight together, with energy.

There's no underestimating the power the environment we live in holds over us. When people live in communities that are very dilapidated, outsiders are apt to think the people living there are likewise dilapidated! Such conditions can make community members begin to feel as run-down as their houses. These kinds of communities practically beg to be evicted. Making some improvements in those physical conditions, no matter how small, is an immediate way to change the chemistry, to begin building confidence and hopefulness inside the community and respect from people outside the community. In this sense, tenure security is a frame of mind.

Example : Klong Hualamphong

Under the roaring expressways beside Bangkok's sprawling Klong Toey slum, six densely-crowded squatter settlements are ranged along the Hualamphong Canal. The tenure of these extremely poor households couldn't possibly be more flimsy: they had no legal right to the public land they occupy, no rental contracts, and to district authorities, the untidy backsides of their tin and plywood shacks, hung with laundry and battered cooking pots, were an eyesore.

But neither eviction threats nor offers of remote resettlement plots could persuade people to leave the settlements they'd built and lived in for decades, close to the markets, factories, building sites and loading docks where they work. Then two years back, CODI teamed up with the *Thai Community Foundation* to convince a reluctant BMA and Klong Toey District to allow the people to give their settlements a face-lift, using a 1 million Baht (US$ 22,000) grant from the *Urban Community Environmental Activities Fund*. Once a simple walkway was built along the canal, those unsightly back-sides became proud frontages and were painted, trimmed and festooned with potted flowers. To skeptics, this primarily cosmetic intervention seemed a waste of money, but the idea was to use the process to kick-start a deeper change process in the neighborhood: from resignation to pride, from insecurity to greater security, and from disfavor to acceptance by the authorities. And indeed, what began with a simple coat of paint has lead to housing improvements, innovative water treatment systems, walkways, tree-planting and canal cleaning. There's still a long way to go, but the process has galvanized 6 communities, transformed their relationship with the formal city around them and put 1,300 households many steps closer to tenure security.

EVICTION BACK-UP

In the 1980s there was a flurry of international attention focused for the first time on the social and cultural rights of people around the world, among which the right to housing was prominent. Several high-profile United Nations declarations were drafted during this period and signed with a fanfare by countries around the world, their leaders promising to protect these rights of their citizens. But here's how one community leader describes what happened afterwards:

> **"Back then, everybody was signing these agreements to give this and protect that. The problem is, they didn't know what is housing rights, all these big shots, but they happily wrote it down in their books! They signed and promised something, but demolitions continued to happen - it didn't get translated into action. We couldn't hold them accountable."**

In response to the eviction crises around the world, which by no means went away after all this top-level declaring, NGOs, housing rights activists, lawyers, professionals and academics who wanted to help responded by developing a range of tools for crisis intervention. Their work in community organizing, advocacy and eviction monitoring was extremely important in helping quantify and publicize these housing rights violations and bringing city-level, national or international attention to a very local phenomenon. These strategies were also important in helping people who didn't have any networks or connections to link with people and groups who could help them in their struggles against eviction. And the task forces, eviction watch programs, legal-aid cells and international networks they set up continue to be crucial allies to communities struggling to protect their housing rights.

For these groups, fax machines, and later e-mail and internet, proved to be powerful tools for global networking, information-sharing and advocacy about evictions. Now someone sitting in Melbourne or Geneva or Manila could write 200 people about an eviction crisis happening somewhere, and within hours, information and hundreds of protest letters could be flying around the world. As a result of all this work, there is now an international machinery around the issue of human and housing rights, to which NGOs and CBOs can link when there is a crisis.

How outside organizations are backing up communities in their struggles against eviction :

There continues to be a crucial role in the struggle against eviction for activists working in other spheres of development, at national, regional and international levels, using a variety of key strategies. Sometimes these strategies work, sometimes they don't. As one jaded northern activist put it, "A lot depends on how guilty the agency or the city or the bilateral funder behind the evictions can be made to feel, and who ultimately makes them feel accountable for what they are doing."

1 Monitoring and documenting evictions :

It's hard to sweep cases of eviction under the carpet when somebody's keeping track of them, documenting them in nicely-produced reports, newsletters and videos, and mailing these out, showing them at international meetings, posting them on internet sites and passing them on to allies in the media. Well-publicized documentation of evictions can be a potent political tool for communities and their supporters when they negotiate to find alternatives to eviction. It can also get civil society, human rights groups, NGOs and the media to join the opposition to eviction.

2 Organizing high-profile fact-finding missions :

When communities and NGOs can't stop evictions locally through negotiation or resistance, sometimes a team of outside observers on a fact-finding mission can alter the playing field, especially when the visiting team includes prominent and respected professionals from academia and the judiciary, and when the mission is carefully organized and well publicized. Fact-finding missions can help stop forced evictions by showing governments that the things they do which violate the human rights of their own citizens are being watched by the outside world. They can also give a big solidarity boost to stressed-out local groups on the front lines. Since 1988, ACHR, COHRE and other groups have organized fact-finding missions in Seoul (1988), Kuala Lumpur (1995), East Timor (2000), Bangladesh (2000), Jakarta (2001), Fiji (2001), Manila (2001) and Karachi (2003). Some of these missions have slowed down or stopped evictions, others have had little impact and evictions kept right on happening.

3 Publicizing evictions and bringing in the press :

There is a perpetual problem getting the press to cover housing issues. No matter what country, you find journalists are bored with housing issues, which have to be made to sound incredibly sexy or lurid to get them interested at all. And then when they do come and write something, they often get it all wrong. Even so, cultivating a strategic relationship with the press is worth the effort and is an important aspect of the fight against eviction. Why? Because a lot of the agencies which cause eviction, and most of the big multilateral institutions like World Bank and ADB, which finance the projects which displace people, are very vulnerable to public opinion created by the press.

4 Letter, fax and e-mail protest campaigns :

If a state doesn't feel accountable to its own civil society, sometimes it will feel accountable to an international community, if a barrage of indignant faxes from around the world makes it clear that their actions are being watched and deplored from afar. A few examples :

- **South Africa 1993 :** In Cato Crest, a few letters from COHRE to open-minded municipal officials stopped a big eviction and opened a dialogue which eventually led to secure housing.
- **Zimbabwe 2000 :** In Harare, a fax campaign organized by the SDI network (which included a fax from the Mayor of Munich!) helped stop the eviction of shack-dwellers in Mbare.
- **Pakistan 2002 :** A well-timed fax campaign organized by COHRE and ACHR jammed the fax machine at the Advocate General of Sindh's office, and helped slow down evictions in the Lyari corridor in Karachi. They paid no attention to all the letters pouring in from Asia, apparently, but when faxes started arriving from *Paris France*, those officials sat up and took note!
- **Japan 2003 :** Over the past year, three attempts by local authorities to evict homeless people in Japan were stopped because of letters of appeal from organizations outside Japan.

5 Invoking international human rights laws and covenants :

There are all sorts of international laws, declarations, agendas, covenants and resettlement guidelines to protect people's human and housing rights, which most countries signed, but very few are very meticulous about following. So another important strategy is putting the spotlight on violations of these agreed-upon rights, and shaming governments into following them.

6 International anti-eviction campaigns :

In Istanbul in 1996, 171 governments agreed to strive towards fulfilling the goal of providing adequate shelter for all. Later, the *Global Campaign for Secure Tenure* was initiated by UNCHS to help translate this agreement into action, and to spearhead a sustainable, city-based shelter strategy, in which the poor are active participants. To this end, the UNCHS formed an alliance with Slum/Shack Dwellers International (SDI) to help launch the campaign throughout Asia and Africa. For those groups, the campaign has been a chance to showcase and expand partnerships that poor communities and cities have developed which yield a range of housing alternatives to eviction.

The "yin and yang" of eviction advocacy :
A note from the COHRE on how "top-down" and "bottom-up" eviction-stopping strategies can complement each other . . .

There is a very big range of things that can be done at the international level to stop evictions. There are things that can be done bilaterally as well: why not take up contact with the chief donor nation of the country in which the evictions are occurring. So if a big eviction is going to happen in Ghana, for example, and the UK happens to be the primary donor there, someone working at the international level can call up DFID that very day, talk to the Ghana person and say, *do you know what's going on here?* Obviously a lot of the people working at the grassroots level don't think much about all these international procedures and covenants and bilateral aid arrangements. And they shouldn't be expected to - that's not really their role, to understand and manipulate all these boring legal procedures that can be invoked to stop an eviction. But they are important tools, even so. We should always look at all of the tools at our disposal, and see how to maximize their use, in different situations, in the most effective and efficient ways.

It's like the Chinese concept of *yin and yang*: the best way to stop evictions is when people at the grassroots level and people at the international level work together. You can't have your *yin* without your *yang*, right? Sometimes the totally *bottom-up* strategies to stop forced eviction yield results, the ones which local communities and NGOs negotiate and push for themselves. And sometimes these other more *top-down* strategies which regional and international groups can use yield results. Most of the time, it is the *sideways* strategies that work best - the ones which combine the best efforts of local groups working on the ground and international groups working at the upper levels. Those are the sort of strategies we should work towards. We just need to systematize these strategies and sharpen the interaction between all these various entities working against eviction, so that we are like an army and we use our arms in the most effective ways possible, knowing that it's not always going to work. *But sometimes it will work!*   *(Comments by Scott Leckie)*

CONTACT : *COHRE monitors evictions and housing rights violations around the world and employs a wide range of advocacy tools to help publicize and stop them. For a list of the many publications, videos, reports, newsletters and special campaign materials COHRE produces, contact Scott Leckie at COHRE :*

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Reports about cases of forced eviction, past or present, can be sent to :   **evictions@cohre.org**

OOPS!

The sloganeering international insti-tutions employ in their campaigns to stop evictions can sometimes backfire. When Jakarta's notoriously anti-poor governor, for example, got wind of the "Cities Without Slums" campaign, he took up the cause with gusto and set demolition squads on informal settle-ments across the city, under the World Bank banner. It wasn't until thousands of people had been violently displaced and an international outcry had been raised that a formal rebuke was issued from the local World Bank office, *"That wasn't quite what we meant."*

Another eviction task force in the making :

During the Cities Alliance Public Policy Forum in Kolkota, in December 2001, a special sub-committee was formed to look at eviction and secure tenure. That session brought together senior community leaders from the SDI net-work, professionals and activists from ACHR, NGOs, donors and international organizations. It was a room-full of action-oriented people who know from experience that communities, cities and professionals *can* work together to create long-term alternatives to eviction. The idea was floated of setting up an independent, international, "multi-stakeholder" process to address issues of eviction too hot and too con-troversial for multilateral institutions like the UN or World Bank to handle effectively.

The idea came up again in May 2002 at the UN-Habitat's Urban Forum in Nairobi, and meetings in India and London followed. Almost everyone agreed that this new process, which would be a joint effort of UN's Secure Tenure Campaign, Cities Alliance, SDI, ACHR and sev-eral other groups working on the eviction is-sue, should emphasize long term, process-ori-ented ways of preventing eviction - not just crisis intervention. *But how to do this?* The most important role of the task force will be to support the development of creative, proac-tive alternatives to eviction - alternatives which can transform eviction crises into opportuni-ties to build (or *re-build*) a people's housing pro-cess in cities around the world. Nobody imagines that a small task force like this - no matter how capable or visionary - can run helter-skelter around the globe dealing with every eviction crisis that comes up. So the idea is to use the task force to open up space for grassroots groups, community networks, federations, NGOs and professionals who are already innovating around eviction pre-vention to develop and link up with other groups in their regions, to share ideas and learn from each other's experiences in developing workable alter-natives to eviction - in the long term and the short term. This is a way of using successful experi-ences and cross-pollenation of strategies to pro-mote "win-win" options that preserve people's shelter rights while also supporting essential ur-ban development.

Then, when these alternative strategies fail, and forced evictions do take place, the task force can play different roles in counter actions: fostering partnerships, proposing alternative plans, negoti-ating at the upper levels and mobilizing experi-enced people who know how to intervene in cities where eviction problems are looming. An impor-tant part of this is exploring new ways to deal with institutions like the WB and ADB which are actually causing a lot of the evictions in the world today, not just by screaming and shouting at them, but in proactive ways which build new practices.

❝   I think the task force is like a box full of tools. We should all come to-gether and make one big, strong tool box. Inside that box we put all the dif-ferent tools all of us have developed in our different countries and our differ-ent sectors to fight eviction. And then we close that tool box and carry it to-gether to repair the damage. And I am one of the tools to be put in that box! So when the government comes to us and says, "OK, you say you have ideas about how we should not evict these people - what are your alternatives?" Out comes this big tool box. ❞

Rose Maloquene, Task Force member from the South African Homeless People's Federation. For more information on this new international eviction task force, which is still in the process of forming itself, please contact ACHR.

PAKISTAN :

The urban land grab is now off and running . . .

Since Pakistan was formed in 1947, the government has had a relatively tolerant attitude towards squatters. It had little choice, since half the country's urban population came in a massive tide of refugees from India during partition, and half had no choice but to shelter themselves in *katchi abadis* ("squatter settlements") on government land. Because these settlements were left alone, rural migrants began coming to live in them also, and their numbers swelled.

Then, during the 1960s, the military government began bulldozing inner-city settlements and pushing people into remote townships. But in the 1970s, a series of "socialist" legislations were enacted to "regularize" these *katchi abadis,* which continue to today and which have allowed some of Asia's largest informal settlements to gradually become established neighborhoods. In Karachi, 5.5 million people live in *katchi abadis*.

But a new development paradigm based on market economics is emerging in Pakistan, and land - whether private or public - is increasingly perceived not so much as a *public asset* but as a *commodity* to be sold to the highest bidder. As a result, big evictions on the horizon.

Pakistan's cities are developing all kinds of mega urban development projects which in the coming decades will displace hundreds of thousands of families. A powerful developer-politician-bureaucrat nexus has subverted the city planning and investment processes behind these projects in order to evict more families than is actually necessary, as a sneaky way of grabbing valuable but already-occupied land for lucrative developments. Affected residents often don't know what they're entitled to and often are unable to furnish the proofs of residence which protect them from eviction or entitle them to compensation. There are some very good laws in Pakistan to protect people in these cases, but their procedures are vague and difficult to apply. And finally, even government programs to upgrade informal settlements have ended up causing the demolition and eviction of thousands of homes and businesses in order to maintain irrational bye-laws and inappropriately high standards in those settlements being upgraded.

Tackling the eviction problem at its roots :

How public dialogue on the badly-planned projects which cause eviction has created a powerful and broad-based lobby for change . . .

The Urban Resource Centre in Karachi has become one of the most important nodes of support for groups in Karachi struggling to forestall or find alternatives to eviction. Here, Arif Hasan, one of the URC's founders, gives a run-down on the URC's work on the front-line of the country's eviction battles:

There isn't much point fighting evictions without understanding the deeper forces which cause them. Land hunger and money are a big part of it, of course, but governments also have strong ideas about the image of the city and what is beneficial for the city, and these play a role in evictions. In Karachi, we also have a whole range of parallel aid and development projects that don't meet each other, run by different agencies, each doing their separate work according to their separate agendas, creating a very fractured development. They are all very *"pro poor,"* of course, but these projects manage to get taken over by the very powerful nexus between developers, politicians and bureaucrats and turned into projects which are disastrous for the poor - *and for the rest of the city as well.*

In all this, poor communities, which are the weakest actors, just get pushed around, unless they can link themselves to some political process. When poor community organizations or citizens groups try to involve themselves in this planning process, they come up against big gaps - in the city's understanding of urban realities, and in citizens' awareness about what officials are up to. And about that you need discussion and debate, and a place where these things can be argued between the different actors.

Since 1989, the URC has worked to fill these gaps in many ways, supporting active community and civic involvement in all facets of Karachi's development, to bring it closer to ground realities. In Pakistan, that developer-politician-bureaucrat nexus has been somewhat curtailed by the powerful community lobby, and by the now well-established practice of communities and various interest groups meeting with government, which the URC has helped to institutionalize through public forums on all the big issues which affect the city and which cause eviction. Facilitating these kinds of public discussions (and making sure the media covers them so the larger public can also learn) has proven to be an effective technique for creating a common understanding of what is happening in the city and a very powerful, broad-based lobby that wants change. In the same way, the URC has helped to create a large, anti-eviction network which encompasses community organizations, academics, professionals, women's groups, informal sector operators, prominent citizens, media and political leaders.

Another important part of URC's work supporting communities under threat of eviction has been in tapping the skills and ideas of professionals, academics and NGOs to develop and promote alternatives to the insensitive development plans which cause evictions. With these alternative plans as ammunition, community groups and their supporters have been successful in getting altered or completely cancelled a number of mega projects in Karachi which would have caused massive evictions. The Lyari Expressway story, on the following pages, is a good illustration of the power of alternative plans in fighting eviction.

Grim facts : evictions in Karachi, 1992 - 2002

Evictions of poor households in Karachi have increased dramatically in recent years. Since the URC began monitoring evictions in the city in 1992, over 17,728 houses and shops have been bulldozed by various government agencies and 3,830 houses burned down. Since it's difficult to do legally, eviction is increasingly carried out illegally and brutally by the developer-politician-bureaucrat nexus. Another 50,000 houses are under immediate threat of eviction, mostly along railway tracks and in the Lyari River bed. Besides keeping detailed records of these evictions, the URC has stocked community organizations with information about the projects which cause dislocation, the resettlement laws and possible relocation sites, to strengthen their negotiations with government authorities to prevent evictions, or to get better resettlement deals if the evictions do happen.

In the past, badly planned development projects could usually be changed because the elected politicians who had some control over them were worried about votes. But the generals, who control Pakistan now, and the military, who are the direct beneficiaries of many of these mega projects, aren't worried about anything. They can decide to go ahead with any project they want, and there's not much anybody can do about it.

How do Karachi's poor deal with eviction?

Often times, people in informal settlements don't believe they'll really be evicted until the demolition crews show up and start knocking things down. But when the threat - or the awful moment - of demolition does come, poor communities in Karachi have a growing set of strategies to fight back, some more successful than others. Some communities will petition their national or provincial assembly members or elected government representatives to intervene. Some will collect money and go to court, but often with insufficient documentation. Many communities will hold demonstrations at the press club, or contact NGOs to get them to take up the issue at various national and international forums. Well-organized community networks might hold all-party conferences, in which they invite representatives of political parties to listen to their concerns, state their party's point of view on the subject to determine a future course of action. In many cases, beleaguered communities organize "people's assemblies" - large gatherings of affected people and their sympathizers from other informal settlements. When these assemblies are large enough, they get reported in the media. And finally, there is the strategy of physically resisting the demolition, for which people have many tactics, such as putting the elderly women and children in the front lines. Here's the URC's assessment of what has worked and what hasn't :

What strategies have helped?

1 **Negotiating with alternative plans :** In eviction-causing development projects, where strong community organizations have been supported by alternative plans (prepared by respected NGOs and professionals), changes to those projects which benefit communities have taken place. When communities bring constructive alternatives like this to the bargaining table - alternatives which are good for everyone in the city - it becomes difficult to accuse them of being trouble-makers or anti-development nay-sayers.

2 **Creating city-wide networks :** When the interests of the urban poor are linked with the interests of other groups, their position is strengthened considerably. Creating city-level networks of affected communities, academics, support organizations, NGOs and other stakeholders, to share information and support each other, has helped to open up the eviction-causing planning that happens in secret. People's assemblies - when they are large enough - have also helped generate awareness of eviction issues.

3 **Gathering information and organizing documents :** In *katchi abadi* upgrading programs, evictions and corruption have been curtailed where organized communities have developed their own surveys, maps, ownership lists and proof-of-residence documents - and strengthened their collective skills in the process.

4 **Winning political support :** Support from political representatives has been crucial in stopping many evictions, as long as the affected settlements are large enough and as long as the central government isn't pushing the project. A lot depends of the relationship between local, provincial and federal governments at the moment. "All party conferences" are one way of winning over and broadening this political support.

5 **Getting media support :** Support from the media has helped a lot in changing perceptions among the government and civil society about the development projects which cause eviction.

6 **Involving the big finance institutions** which fund the large eviction-causing development projects has sometimes helped, but only when knowledgeable and resourceful persons or NGO have been involved, to help navigate the complex structures of these institutions, which can be incomprehensible to outsiders.

7 **Tapping international support :** In some cases, some well-timed support from international anti-eviction and housing rights groups (through fax campaigns, fact-finding missions and international pressure) has boosted morale, pressured government and helped people win better rehabilitation packages.

8 **Physical resistance to demolition :** In some cases, people have been successful in physically resisting the bulldozers and keeping the demolition crews from destroying their communities, or at least delaying the demolitions. But this has only worked when the resistance is large and very well organized.

What strategies have bombed?

1 **Court cases :** Court cases have helped some communities delay demolitions with temporary stay orders, but the courts have helped little to stop evictions or cancel the projects which cause large evictions.

2 **Protests :** Protests and demonstrations which aren't large enough or supported by the media have helped very little to stop evictions or affect the projects which cause eviction.

3 **Petitioning government agencies** for changes in plans without properly developed alternatives, estimates and procedures for their implementation have also been largely unsuccessful.

4 **Support from NGOs** who are looked upon by the government as "trouble makers" by government agencies can backfire, when they are seen to support communities resisting eviction.

5 **Holding "all party conferences"** in which ineffective representatives or political parties participate has not been very helpful, nor has seeking political support when the communities are politically weak.

6 **Badly organized opposition to demolition**, through protest marches, barricades or physical resistance, has also been unsuccessful when the scale is too small.

The history that can never be given back :

A while back, the URC arranged visits by NGO representatives, media persons and prominent citizens to communities being demolished along the Lyari River *(see next page)*. An old women came up to them and with withering looks said, "From this house I went to hear Mahatma Gandhi and Jinnah speak and to bury Liaquat Ali Khan (Pakistan's first prime minister). Now this shameless man (i.e. President Musharraf) wants to destroy this house. He has no mother, no grandmother." "Mother" said a pro-government official "we are shifting you to a settlement with better living conditions." "Never mind living conditions, can you give me back my life, which I have handed over to my children and to their children?"

The URC's extensive documentation of evictions - *and solutions to eviction* - in Karachi and in Pakistan includes numerous reports, monographs, press-cutting sets, CDs and documentary video films. For copies of these, or for some special materials the URC has produced on the Lyari Expressway case, please contact the URC.

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PAKISTAN :

CASE IN POINT :

Karachi's long struggle against the Lyari Expressway rages on . . .

Ever since the 1980s, when the international finance institutions began extending limitless credit to countries in the region, no matter how poor or how corrupt, the engineers and consultants have been having a field day drawing up the mega development projects which have by now displaced millions and heaped inappropriate planning and massive debt on most of Asia's cities.

Karachi has been waging a valiant and relatively successful battle against one ill-conceived mega project after another. But the forces of thrift and common sense have really met their match in the **Lyari Expressway**, a project being as aggressively pushed by the military government as it is being opposed by citizens. This 16.5 km highway, which the city neither needs nor wants, typifies the worst excesses of the multilateral funding racket and the think-big fiascos it spawns. The project, as planned, will cause the city's largest-ever evictions of old communities and businesses, bring pollution and environmental destruction into the city center, worsen traffic problems and bankrupt the province in the bargain. For students of eviction avoidance, the Lyari story offers many important lessons.

In violation of the government's own policies, no public hearings were held and no environmental impact assessments were carried out on the Lyari Expressway project. Even the city government was kept out of the project's planning stages, and when President Musharraf flew in to inaugurate the expressway project, the event was held in secret, under cover of night.

A short history of the "Highway to Hell" . . .

The government's plan to build an elevated expressway (later converted to an "at-grade" expressway) along the Lyari River has a long history of being proposed, opposed, cancelled and resurrected. The original idea was to improve access to and from the Karachi Port at the western edge of town, but almost everyone agreed that eight lanes of roaring traffic along the river would be an environmental disaster for the city. Not only would the project plunge the province into debt for decades, but it would cause the city's largest-ever evictions. 25,400 houses, 600 industrial units, 3,600 small businesses, 20 schools and 146 places of worship along the river bed would be demolished, and billions of rupees worth of civic infrastructure would be destroyed.

After vigorous opposition, public hearings and discussions on proposed alternatives, it was decided in 1998 that the Northern Bypass was a better solution and the project was cancelled. But then in June 2000, the new military government decided to build both the Northern Bypass *AND* the Lyari Expressway. At a time when most cities have stopped building expressways like this through city centers, the government is plowing ahead with plans to build what the National Highway Authority's brochures call *"the gift of the 21st Century to Karachites"* but the press calls *"the Highway to Hell."* Despite huge public outcry, the government began bulldozing in January 2002.

The growing list of opponents to this "gift" now includes political leaders, members of parliament, almost all major political parties, NGOs, civic activists, human rights activists and all the municipalities the Lyari expressway will go through. But still it is being pushed by the center. Why? This inner-city land may be flood-prone, but it has a very high market value - up to 15,000 Rupees per square yard, even for informal possession. Multiply that by the 1.5 million square yards being acquired for the project - far more than is actually needed - and you've got tens of billions of rupees worth of real-estate. Few are fooled by this elaborate land grabbing, in the name of "progress".

About 3,375 houses and 2,384 informal businesses have been demolished so far, and work has begun on only a small stretch of the expressway. To do so, the NHA has bypassed all state regulations governing relocation of affected people and rules of land acquisition. Some of these evictees have fought for and been allotted plots in remote resettlement sites at Hawks Bay, where services are nonexistent. But about half of the river-side settlements still in the way are legally protected old tenants who will have to be compensated, and the courts are so far upholding their tenancy rights. The price of properly relocating all these families, according to current laws, would cost many times more than the expressway itself. The government hasn't got the financial or technical capacity to manage a relocation project of that scale, nor does it have developed land at appropriate places for resettlement. So for the time being, the project is more-less stalled.

The latest lesson in sensible and non-sensible urban planning :

Fighting stupid planning with sensible planning has proven to be one of the most effective strategies in the battle against many of Karachi's mega-boondoggles. In the case of the Lyari Expressway, though, one alternative plan wasn't enough: so far, the URC, OPP and friends have prepared and costed no less than three complete alternatives to the disastrous expressway.

	Government's original plan	URC's first alternative (with KDA)	URC's second alternative	Local engineer's third alternative
Plan	Lyari Expressway	Northern Bypass	Redeveloping existing access roads	Alterations to Lyari expressway plan
Cost	US$ 80 million, plus resettlement costs	US$ 45 million	US$ 25 million	US$ 25 million
Completion	4 years	1 year	2 years	2 years
Evictions	25,400 houses	None	None	None
Outcome	Increases traffic congestion, pollution	Decreases traffic congestion	Removes existing traffic congestion	Increases traffic congestion, pollution
Loan required	Over US$ 80 million	None, but gov. has taken US$158 million ADB loan already	No loan required	No loan required

Five strategies that helped fight Lyari :

There is very strong opposition to the Lyari project from the city of Karachi as a whole. Both the public and the media have understood that the Lyari Expressway is not a priority for the city, that the six billion rupees going into it - which the province's taxpayers will have to repay - is more urgently needed for improving existing road networks, completing missing road links or constructing the circular railway. As a result, there is swelling resentment against this project, which is being imposed on the city from the center. But this understanding didn't come out of the blue - it is the result of hard work and careful planning. So what strategies were the most successful in organizing opposition to this unnecessary and unpopular mega project?

1 Strong, organized and large-scale community resistance :

At the front line of the expressway struggle have been the *Action Committee for Civic Problems (ACCP)* and the *Lyari Nadi Welfare Association*, an association of 46 affected settlements along the river-bed (some over 200 years old) which linked together to fight the project from a position of strength and scale. The ACCP, along with organizations which encompass a population of over 200,000 people, has carried out demonstrations, lobbied, negotiated tirelessly with the city and even organized *curse days to stop these ruthless leaders and give light to the NHA and government to take the right decisions.*

2 Challenging the project with alternative plans :

One of the URC's most important contributions to the campaign against the expressway has been to carefully analyze the proposed project - in technical and planning terms - and to facilitate the development of a series of fully-worked out alternative plans, which have been very powerful ammunition in efforts to get the project scrapped or altered. The first two alternatives involved re-routing the expressway through a northern bypass, which would avoid the river entirely, entail less environmental destruction and no evictions at al, while dramatically lowering costs for the city. The most recent alternative developed by a local engineer greatly reduces evictions. The importance of challenging bad plans with more sensible alternative plans has been one of the most potent lessons of the Lyari struggle.

3 Holding "All Party Conferences" on the issue :

Throughout the struggle, the affected communities have organized a number of large public forums to discuss the project and present their views. Government representatives and politicians from all the parties are invited to come listen and show their support for the people. Because these "All Party Conferences" are well covered by the press, the politicians can't say anything anti-poor, in fact they end up competing with each other to make the most eloquent denouncements of the Lyari project! This technique of building political support for the affected communities has been very effective.

4 Mobilizing broad-based civil society opposition to the project :

The URC also generated a lot of the facts, statistics and analyses of the project which informed the press, opened up the Lyari Expressway project to the light of day and helped convince Karachi's civil society that the project isn't needed. At one point, the URC arranged to bring a bus-load of carefully-chosen prominent citizens to the Lyari, to show them who will be evicted and what will happen to the river. This had a big impact in the city and changed the media's tone on the project.

5 Pressure from the media :

There's a lively tradition in Karachi of staging demonstrations in front of the Press Club for impact. As a result, the press and the communities have developed excellent relations, and community news is projected in a big way. The press has played a key role in educating the public about the expressway project, building opposition to it and exposing the plight of the affected communities under banner headlines such as *"Ugly spot on the face of civilized society."* A powerful and informative film on the Lyari issue prepared by the *ACCP* has been played again and again on Indus-Vision, a local satellite TV station. When the government complained, the station refused to stop showing the film but did agree to give air-time to the National Highway Authority to put across the government's view!

6 International interventions :

In August 2002, the government got its wrist slapped by the United Nations, whose Commission on Human Rights formally requested that the forced eviction of people along the Lyari riverbed be stopped immediately, citing serious human rights violations and discrepancies in the allotment of alternative land. In February 2003, an international fact-finding mission organized by ACHR and HIC conducted interviews with affected people and stakeholders in the Lyari project and studied the project's design and implementation mechanism. The mission's concerns were published in a damming report and disseminated in public meetings organized by the URC. These international interventions, as well as a series of fax and e-mail campaigns organized by COHRE and ACHR's Eviction Watch Program, helped to boost local morale and greatly increase participation in the resistance.

How the ADB managed to loan Pakistan $158 million to create poverty and then another $1.3 billion to alleviate it . . .

For a long time, everybody kept asking, *who's funding this thing?* It was the Advocate General of Sindh who finally revealed in a high court hearing on the affected families in August 2002 that the Asian Development Bank was financing the Lyari Expressway. The press immediately latched onto this and parodied typical ADB jargon in headlines like "*Partners in sustainable corruption and poverty creation.*"

At first the ADB hotly denied it was funding the controversial project. Eventually it came out that the government had decided to reduce the length and width of the Northern Bypass (financed by a US$ 158 million loan from ADB) and use the savings to build the Lyari Expressway (with additional state funds).

The ADB's rule is that as long as the money goes for the purpose it was leant for, it's ok to change a bit from the specific project, even if the additional project is a turkey. This is called "fungibility" in finance jargon. It happens all the time, and that's how multilateral lenders end up financing lousy projects nobody wants built.

Ironically, in August 2003, the ADB released a report on poverty in Pakistan, which scolded that more than 12 million people had joined the ranks of the poor between 1993 and 1999, and that poverty had worsened from 26% of the population to 32% during that period, mostly due to *poor governance*. This report was used to justify another US$ 1.3 billion loan to Pakistan for "poverty reduction" programs between 2003 and 2005!

CAMBODIA :

11,000 households evicted from central Phnom Penh in the past five years :

In the past five years, over 11,000 families - nearly a quarter of the city's informal settlers - have been evicted from their settlements in Phnom Penh and removed to peripheral areas of the city. In a city with no formal policies to address the housing needs of the poor, a lot of land already occupied by poor communities is being taken over for tourist complexes, "city beautification" and commercial developments. The large infrastructure projects being developed on an ad-hoc basis in the city, by bilateral and multilateral organizations, are also big eviction causers. A few communities have managed to access support in the form of funds for relocation, housing or infrastructure, but most just get pushed around in this process, victims rather than beneficiaries of these official and unofficial plans.

It doesn't have to be like this. In most planner's minds, the development needs of the city and the housing needs of the poor are not reconcilable. As a result, most urban development solutions tend to be planned by one group which gets all the benefits, but victimize and impoverish the other. In fact, cities around Asia are gradually realizing that when space is created for local governments, poor communities, NGOs and other stakeholders to talk to each other and plan together, they can design *"win-win"* solutions which work for the poor *and* for the city.

The *City Development Strategy* was launched a year ago as a joint program of the Phnom Penh Municipality, ACHR, the Solidarity for the Urban Poor Federation (SUPF), the Urban Poor Development Fund (UPDF), the Urban Resource Center and the UNCHS to understand the larger forces behind these evictions which are determining how the city develops and to explore ways of managing this change process in more equitable ways. The CDS involved an extensive process of research, discussion, planning, training and implementation, using Cities Alliance funds. An important part of the CDS process was developing tools and processes within poor communities which strengthen their position as they negotiate for access to secure land and infrastructure.

In the next four pages, we take a look at some of the work of SUPF and UPDF (done as part of the CDS and otherwise) to promote first a people-driven relocation process, as an alternative to the big evictions happening then, and later an in situ community upgrading process, as an alternative to the less-than-perfect relocations that have swept the city more recently. These stories are all drawn from newsletters and reports by the UPDF in Phnom Penh.

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"The urban poor in Phnom Penh are not destitutes; they are not helpless. They are people who are capable of solving their own problems and controlling their own destiny. What is required is for NGOs and the city to understand what they are doing to improve their own lives and settlements and to support it. When people start making improvements to their own communities, the process empowers them to do many other activities."

(Arif Hasan, from the OPP in Pakistan, on a recent visit)

Phnom Penh relocation study :

Taking a more detailed look at what happens to people's lives when they are forced to move out of the city . . .

About two-thirds of the 11,000 families who have been evicted in the past five years have been resettled. A small percentage of these families are doing all right at relocation sites they've chosen and planned themselves *(see next page)*. But most are camping out in shacks without water supply, toilets, roads or flood protection in remote resettlement colonies that are far from employment opportunities, support structures, schools and clinics. Resettlement has deprived these families of the means to develop themselves, deepened their poverty, compromised their health and their survival. Even so, for lack of better ideas, resettlement has continued to be the city's automatic response to most land conflicts that come up in the city's development.

In order to create a common understanding of the larger trends and forces behind these evictions among Phnom Penh's different development actors, three studies were carried out under the CDS by professionals from the URC and UPDF, but from the perspective of poor communities. The first study gathered information about all the major development projects being planned in Phnom Penh, many of which are likely to have a big impact on poor communities and most of which are being financed by organizations which have little or no knowledge of each other's work and often carry out parallel development. The second study of vacant land identified 4,000 hectares of unused land around the city (only 3% publicly owned) that would be suitable for development purposes, in 358 parcels of 0.5 hectares or larger, representing about 10% of the city's total area. So far the government has no policy to earmark any of this land for social development or low-income housing purposes and no land distribution policy which takes into account the needs of the urban poor.

The third study examined the economic, social and physical repercussions of relocation on 7,800 families who were evicted to 14 resettlement sites since 1998. Not all relocations are the same: the way land was selected and the process by which people were resettled in these 14 projects varied dramatically. In all the relocation sites, income levels dropped, but less so where people were able to select land that was closer to sources of employment. In the big government relocation sites which were farthest from the city, people have suffered the most dramatic income reductions and highest unemployment rates, while shouldering the greatest transport costs to come back into the city to work. The study made clear that the farther people are pushed out of the city, the worse they fare, prompting many to move back to inner-city slums.

The study also showed that communities which bought their own resettlement land found ways to provide basic services with only minimal assistance or through their own initiative, while communities given land by the government have tended to wait passively for these things (which never came) and been "disempowered" by the whole process, as their health and living conditions deteriorate.

$2,500 per family : Relocation isn't cheap!

When you add up the real costs of properly resettling displaced families, it's not cheap. For example, the cost of resettling the 129 families at Akphivat Mean Cheay (*see next page*), including the cost of purchasing and developing the new land (and including UNCHS staff costs, overheads and consultancies) came to approximately US$330,000, or about $2,500 per household. At that rate, resettling the remaining 50,000 poor households in Phnom Penh's informal settlements would cost a staggering US$125 million! And that figure doesn't include any of the huge costs shouldered by the families themselves: moving costs, lost investment in their old housing and infrastructure, new house construction costs, lost income and increased transport costs at the new site. Who would ever call this a "sustainable" option?

Here's how four communities made relocation work, on their own terms :

1 | **129 families evicted from their roadside community at Toul Svay Prey :**

When 129 families in the roadside settlement at *Toul Svay Prey* were to be evicted to make way for a municipal drainage project, they organized themselves through their savings scheme and negotiated their own planned, voluntary resettlement to new land at *Akphivat Mean Cheay*, which they chose themselves and the Municipality agreed to purchase from project funds. The UNCHS provided infrastructure, the UPDF gave small housing loans (averaging US$ 400 per family), the people planned and built their own houses and managed their own loan repayments. SUPF turned each step of the process into training and inspiration for communities around the city, through a constant stream of exchange visits. This collaborative project demonstrated an eviction-resolution formula which all parties could agree to, and through which the needs of all the parties could be met: the city got the road cleared in good time to complete its drainage project, and 129 poor families got secure land, houses and infrastructure. The project was training for everyone involved - the city's first chance to see how community-driven resettlement could work for everyone.

2 | **111 families evicted from their roadside settlement at Toek La'ok 14 :**

111 families had been living on the road outside the National Pediatric Hospital since the 1980s. After years of complaints from the hospital, the Municipality posted eviction notices in 1997. Within a year, this tightly-organized community had begun negotiating with the hospital, district authorities and Municipality, leading to another collaborative resettlement agreement, in which the Municipality and the hospital's donor (World Vision) agreed to share the cost of buying alternative land which was chosen by the people. The new land, which was developed by the UNCHS, is at *Kok Khleang (1)*, six kilometers from their old community and close to a bustling market in the airport suburb of Pochentong. Community members built their own houses using loans from the UPDF, according to designs they'd developed with young architects at the URC. SUPF assisted in the negotiations and opened up every stage of the process as learning for other settlements.

3 | **88 families evicted from their community along the busy Road 271 :**

When 173 families found themselves facing eviction from their bustling roadside settlement at Road 271, to make way for a major road-widening project, the project contractor offered them resettlement plots (with land title but without any services) in the middle of nowhere, as part of the project. A few families took the plots, a few took some cash compensation and a few just disappeared, but 88 families refused to leave. After seeking help from SUPF, the people searched for and found some land that was close to markets and employment sources, and then plunged into some very hard negotiations with the Municipality which resulted in a deal where the $25,300 land cost would be shared by the Municipality ($7,500), the community savings ($13,900) and a land loan from UPDF ($3,900). The UNCHS agreed to fill the land, and the new community was laid out in clusters of 20-30 houses, to make it easier for communities to lay their own services later on.

4 | **278 families burned out and evicted from their rooftop settlement on top of Block Tan Paa :**

278 households in the *Block Tan Paa* rooftop community were made homeless when a fire destroyed their settlement in March 2002. Besides losing their houses and belongings, the people were forbidden by the Municipality to return to the rooftop and faced the prospect of being dumped in one of the government's remote resettlement colonies. But this strong and well-organized community decided to reject the city's resettlement offer and search for land closer to sources of employment. After a big struggle, they persuaded the Municipality to purchase the land they identified at *Kraing Angkrang 2*, for which they bargained the land-owner down to a rock-bottom price of $2.80 per s.m. Because only minimal UNCHS support was available for infrastructure at the new site, the community worked with friends from the OPP in Pakistan to design a "cluster" layout plan which allows them to gradually construct their own low-cost underground sewage system. A first group of 110 families have taken small UPDF loans to construct new houses.

Resettlement Action Network :

There are lots of development projects being planned in Cambodia - highways, electricity and irrigation projects, environmental projects - which will cause big evictions. 800,000 hectares of already-occupied land around the country is also being appropriated by the government and given on concession to private sector operators for casinos (in Poipet and Pailin), port facilities (in Sihanoukville) and shopping and tourism developments (in Phnom Penh). These projects are displacing tens of thousands of families, many with little or no compensation, and very few with proper resettlement. These projects (many financed by the ADB) are having a huge impact on the poor, but local NGOs in Cambodia have little experience with this problem and hardly know where to begin tackling the giant forces of money and politics behind this displacement. A year ago, a group of local NGOs decided to begin gathering and sharing information about these eviction-causing projects. How do they find out what's being planned? There are lots of spies in this network, working in a variety of sectors - in NGOs, development organizations, government agencies and local consulting firms, so the grapevine can be a very effective way of making more transparent a planning process which is notoriously secretive. The next step is to bring together the people affected by these projects, share the information and use a variety of strategies to help them negotiate with government and donors for better resettlement packages.

CAMBODIA :

11,000 people displaced:
Why not improve the city's poor settlements where they are now, instead?

The government's commitment to provide alternative land to evicted families has been important, but as Phnom Penh develops and land conflicts increase, there is a danger that resettlement becomes the _only_ option. Of the 569 poor settlements in Phnom Penh, only a small percentage are on land likely to be needed for urban development or infrastructure projects like roads, flood control projects or government buildings. The other settlements provide a much-needed stock of affordable housing for the people whose hard work underpins the city's economic growth, a stock neither the poor nor the government can afford to replace. Big investments have already gone into these settlements, whose central locations and built-in social support structures are vital to poor people's survival.

So instead of bulldozing them, what if people could fix up these settlements, in the same place or on land close by, and by putting in basic infrastructure and upgrading their houses, could transform their slums into beautiful neighborhoods, proud parts of the city? Upgrading the housing and basic services in these settlements is the cheapest and most practical way of improving the lives of Cambodia's urban poor, while making the city a more beautiful and more healthy place for _everyone_ to live.

As cities around Asia have realized through experience, helping people to secure their land and improve their living conditions _inside_ the city, rather than chucking them out, is in the best interests of the city, the poor and the whole urban economy. Asian cities are filled with celebrated examples of community upgrading, but in Phnom Penh, upgrading is still a new idea: nobody knows how it works, what it looks like, who does the work or how much it costs. In recent years, individual communities and the UNCHS have made some improvements here and there, but these scattered efforts haven't shown what can happen when the whole community (not just a few pit latrines or a wooden walkway) gets a face lift.

It's official : 100 communities upgrading policy

How the UPDF and SUPF talked the government into a better alternative to the costly and impoverishing cycle of eviction and relocation . . .

On 24 May, 2003, the UPDF celebrated its fifth anniversary with a large gathering in Phnom Penh which drew together over 5,000 poor community members from around the city and from ten provincial cities, friends from other Asian and African countries, representatives from local NGOs, bilateral and multilateral aid agencies and officials from the highest levels of the local and national government. The event was organized with support from the Municipality, SUPF, ACHR and SDI, who jointly decided to use the celebration to promote the strategy of on-site community improvement, as an alternative to eviction and relocation to distant sites. The gathering was a chance to showcase the work poor communities had done with community upgrading, and to invite the government to support a concrete proposal from SUPF and UPDF to upgrade 100 of the city's informal settlements in the coming year.

The government's response to this proposal surpassed everyone's expectations. In front of the big gathering, the Prime Minister, Mr. Hun Sen, announced that his government had agreed to the proposal and promised to provide secure land tenure to all those settlements. In cases where communities come in the way of planned civic projects, he pledged the government's help in securing relocation sites that are nearby, close to job opportunities. The Prime Minister even took the people's idea a step further and proposed upgrading 100 settlements every year thereafter, so that in five years, most of Phnom Penh's poor settlements would have secure land tenure and full basic services. This represents an important turnaround in poor people's housing in Phnom Penh, using a strategy which improves rather than destroys the city's existing stock of informal housing. The policy announced by the Prime Minister is an acknowledgement from the highest level of government that Phnom Penh's informal communities provide a much-needed stock of housing for the city's workers which nobody can afford to replace.

There have been a few scattered community upgrading projects in the past. These projects have been small, but they have proved that even with so many problems, poor settlements can be improved and people themselves can manage the improvement work themselves. This new policy is a chance to scale up this settlement improvement into a city-wide process. This is only possible because of the work poor communities in Phnom Penh have already done and the strength they have built over the past ten years through organizing, saving, surveying and carrying out all kinds of development activities. 200 communities are now linked together in all seven districts as part of SUPF, and have saved over 300 million Riels.

In the past year, the joint _City Development Strategy (CDS)_ project has explored new ways that the city can develop so that rich and poor can live side by side. As part of CDS, there were studies, surveys and consultations and finally a pilot on-site community upgrading project at Ros Reay _(see opposite page)_, which demonstrated that comprehensive upgrading by community people can be a cheaper and more practical alternative to eviction and relocation. At the big gathering on May 24th, many other SUPF communities presented their on-site community upgrading plans, drawings and models and thousands of community people and government officials had a chance to see these ideas and learn that community upgrading isn't a strange concept fallen from the moon, but a cheap, just and widely-accepted strategy for transforming informal settlements into beautiful and healthy neighborhoods.

Now the real work starts . . .

The upgrading policy is now official, the government has pledged land and support. So now the hard work begins laying the organizational groundwork and preparing for the upgrading activities. This upgrading policy offers a big opportunity to strengthen SUPF, build the people's process and expand the information about the city's poor settlements which is in people's hands. The preparation process in communities - and the upgrading work that follows - is being driven by people's own energy, and includes expanding savings groups, surveying all the households in each of the city's seven districts, mapping all the existing settlements and strengthening SUPF's district support systems.

This city doesn't only belong to the rich. It belongs to all of us, so we should all be involved in improving it. . . Now we have a lot of work to do. We have to sit down and set concrete plans for this upgrading program together.

Chev Kim Heng, Vice Governor of Phnom Penh

2 upgrading pilots : Showcasing viable alternatives to relocation

The upgrading project at Ros Reay was the first pilot, and a second round of five upgrading projects have now been selected, approved by the Municipality, given secure land status and begun work. These first projects will make good energy-spinners and enthusiasm-builders for the city-wide upgrading process which is now being launched with surveying and an intense preparation process in all seven districts. Each new project becomes a "training-by-doing" opportunity for greater and greater numbers of people. Here's a run-down on two of the comprehensive community upgrading projects now underway :

Principal No. 1 of a people's pedagogy : Learning how to upgrade by upgrading!

1 Ros Reay — First pilot project at Ros Reay upgrades existing community with drains, paved roads, house improvements and landscaping - and sparks off a city-wide upgrading spree.

The 72 tightly-packed houses in Ros Reay are part of a larger neighborhood of over 1,000 households behind the French Embassy, most of whom settled here in 1979, right after the Pol Pot period. Even though it's right next to the city's largest natural drain, Boeung Kak Lake, Ros Reay experiences serious flooding during the rainy season, so building a drainage system was the community's first upgrading priority. Because they own the land they occupy and are already well organized through their savings group, Ros Reay became the first comprehensive upgrading *training-by-doing* for the whole federation and the whole city. Lots of people have visited and taken part in every stage of the work, as the process is carefully kept in the learning spotlight.

The first step was to survey and map the settlement, which community people did themselves, with some help from UPDF's technical team and groups of "upgrading apprentices" from communities in other districts. On the map, they plotted all the houses, trees, water points and problem areas, and used this to discuss what needs improving, and in what order. Once they'd decided what improvements to make, they estimated the costs and drew up a budget for their upgrading plan, which was submitted and approved in January 2003. Municipal officials and community members from around the city were invited to the ground-breaking ceremony, where the first $500 handed to the community was immediately matched by $500 in cash contributions from community members.

With this $1,000 in hand, they set to work the following day moving back the fences and compound walls, to straighten the lanes and make room for laying the underground sewage and storm drain system, which involved enormous labor. A system was worked out by which each family was responsible for digging up the ditch in front of its house. Even pregnant women pitched in, and men returning from their day jobs dug by lantern-light into the late night, under the unflagging guidance of Ros Reay's energetic leader, Keo Yin, whose husband, a construction subcontractor, provided "in-house" technical assistance determining slopes, pipe sizes and manhole design. The finished drains were given their first test during a torrential rainstorm in early April. Everyone was out under their umbrellas, all eyes on the manholes, through which the water was reported to flow *beautifully!* The lanes have been paved with concrete, trees and flowers have been planted in the half-meter planting strips along the lane-edges, and all the houses have been freshly painted in coordinating colors. This ambitious community is already discussing the possibility of "reblocking" the houses in part of the settlement to make room for a small playground, while neighboring communities are also starting savings groups and discussing how to expand the upgrading process into their areas.

▲ **BEFORE and AFTER :** *Here are two photos of the main street in Ros Reay, before the improvements and after, with the drains and roads and planting strips in place.*

2 "Railway B" — Another on-site community redevelopment project uses a "land-sharing" strategy to redevelop the people's housing on a small part of the site and return the rest to the city.

Roteh Pleong *("Railway B")* is another railway settlement of 255 households which was going to be evicted from the 10 hectares of land they'd occupied since 1979 in Toul Kork District. The government had quietly leased the land to a Malaysian developer, the *Usma Hasan Company,* which had developed plans to build a high-rise hotel on the site. But most of the people didn't want to go to the resettlement plots being offered by the developer, so they drafted their own land-sharing plans, which they presented to the government and to the developer in a big public meeting last April.

When the Usma Hasan Company's man agreed to attend the meeting to discuss the development plans for the Roteh Pleong site, he must have gotten the surprise of his life when he found a poor community ready with fully worked-out redevelopment plans of their own! The government has now approved the people's plan, in which 25% of the land is to be kept for the people's housing, and the rest is to be turned over to the government, which can then lease it to the developer. In this upgrading story, everyone wins.

SOUTH AFRICA :

After 9 years waiting in the queue and empty land everywhere you look, the landless poor in backyard shacks ask, "What land reform?"

When the African National Congress swept to power in 1994, land reform was a top priority, to right the wrongs of decades of apartheid rule, which forced millions of black people off their land to make way for whites. But nine years later, South Africa's vast population of landless poor are getting increasingly impatient with the snail's pace of land restitution and land reform in the country.

They've got a point: a small, white minority that has been historically privileged by centuries of brutal exploitation continues to own 85% of the land in a country where 80% of the population is black. In the urban setting, the provision of land for much-needed low-income housing is thwarted by both the bureaucracy and the market. Most inner-city land is too expensive, so most of the urban poor have no choice but to live in ever more remote peripheral areas of the city, far from sources of employment and transport links, civic amenities and commercial areas. And this only reinforces the urban geography and economics of the old apartheid system.

But instead of speeding up the land reform process and getting land to all these people, the ANC government, fearful of Zimbabwe-style land invasions, is using increasingly brutal tactics to suppress any illegal occupation of the vast swathes of vacant public and private land all over South Africa's cities.

The **South African Homeless People's Federation (SAHPF)**, a network of 1,200 autonomous housing savings schemes across South Africa, has a solid record of negotiation with all levels of government on issues of land and shelter. Since 1995, these savings schemes have constructed 15,000 houses using loans and government subsidies.

Early on March 21, 1997, six groups of homeless communities (mostly women and children), all linked to the federation, occupied selected pieces of land around South Africa. They invaded these lands out of sheer desperation, and chose Human Rights Day to do so, as a clear expression from the organized urban poor that the present system of land reform isn't working. Although the federation and it's NGO partner **People's Dialogue** are opposed to invasions, both organizations felt a need to express solidarity with the helplessness of these people. Here is the story of how two of these communities managed to weather the violent evictions which followed and to negotiate viable, long-term housing solutions.

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A group of terrorized people from Siyanda camp out under winter rain on the verge of the highway into Durban (above left), then on council land at Kenville (above right), before finally getting land and constructing houses of their own like this one (lower left). After a struggle like this - which isn't over yet - one community leader put it like this: "There never has been a people's development that wasn't dangerous, that didn't have troubles. It's only by God's grace that we're still alive at all!"

1. Eviction turnaround at Briardale :

18 months of misery and multiple evictions leads to a negotiated agreement for public land and a pilot housing project . . .

Siyanda is an area north of Durban where the federation started a savings scheme in 1996. With its focus on building community organizations and empowering women, the savings scheme provoked a hostile response from the deeply conservative political leadership in the settlement. The group's leader was murdered and savings members were forced to flee for their lives. On March 21, 1997, the traumatized people from Siyanda tried to occupy vacant land closer to the city center. After a 36-hour stand off, Durban's squatter control squads fired tear gas and charged into the people's makeshift camp, forcing them to flee again. For the next 14 months, a grassy verge along the highway was home for 90 men, women and children, until they were again forced to move when the state served them with eviction notices. After another confrontation with tear-gas and batons of the squatter control unit, the people made their way to a steep embankment near a sewerage plant in the Durban suburb of Kenville, where they lived for six months, while the federation and People's Dialogue helped open negotiations with the council for alternative land.

A piece of council land was finally found in Briardale, and a confrontational situation was transformed into a negotiated solution that resulted in a formal partnership between the Durban Federation and the Durban Metropolitan Council. The *Newlands Development*, as the project was called, was to be a joint development in which the city and the federation would explore innovative tenure arrangements, infrastructure developments and house construction. The federation began constructing houses right away. By mid 1999, fifty cement-block houses had been built, and the community was working with city engineers to install special shallow sewers and narrow roads which resulted in significant savings for the community. An agreement was reached that the land title would eventually go to a communal property association made up of all 150 residents in the settlement.

> **The desperation for land, and the brutal politics which still controls its distribution, have caused big headaches for almost all of the federation's people-driven housing projects. Trouble comes in the form of manipulation by local politicians wary of losing control, infiltration by land-grabbers and hostility from government bureaucracies which still favor developer-driven housing solutions. Newlands was no exception.**

After a temporary police station on the site was moved, there was space for an additional 70 families and local politicians finagled to push in their own people. Before long, the Newlands community association found itself being aggressively taken over by these outsiders, who demanded more costly conventional services and rejected the principle of communal ownership, preventing members from obtaining land and housing subsidies. By late 2001 the new leadership felt confident enough to chase away another group of homeless people who'd built shacks on adjacent land and to bar federation members from other settlements to come to Newlands for meetings or exchange programs.

Despite these internal upheavals, the federation has continued to consolidate a positive working relationship with the city, including the signing of a Memorandum of Understanding to work together to eradicate slums in the city, to run five joint pilot projects (one of which is Newlands) and to jointly launch a secure tenure campaign under the UN flag. The latest news from Newlands is that since development has all but stopped, the new leadership is fast losing favor within the community.

▲ **March 21, 1997:** *280 women who decided they didn't want their children to grow old in shacks invade a long-epmty plot of council land in Philippi.*

▲ **VukuZenzele - November 1998 :** *Nomalindia Mfeceto, the Mayor of Cape Town, cuts the ribbon at the official opening of VukuZenzele.*

▲ **VukuZenzele - July 2003:** *The view on a sunny afternoon looking down a VukuZenzele street at the federation's first 2-story houses.*

2. Eviction turnaround at VukuZenzele :

Another land invasion, which leads to another eviction, which leads to a negotiation to purchase land, which leads to a project!

In January 1997, a woman named Nosipathele Mhlauli and a few friends walked up the road from the place they were living in rented backyard shacks in Cape Town's Guguletu area. They went to visit the Victoria Mxenge Housing Cooperative, the federation's first housing development, which had become a point of hope for the hundreds of women and men who visited the project and were introduced to the federation's ideas there. Nosipathele and her friends went back home and set up a savings scheme, which they called VukuZenzele, which means "*Wake Up Together*" in Khosa.

Like many of South Africa's homeless poor, the women of VukuZenzele knew they could build good houses, even with their limited resources, but they had nowhere to build them. There was vacant council land nearby, which a local councilor had promised them back in 1994, but after years of fruitless negotiations to secure the land legally, the women of VukuZenzele decided to invade it. On March 21, 1997, 280 women and children got up very early, scrubbed their faces, said their prayers and walked together onto the land where they decided to build their houses, singing all the way.

Nosipathele describes what happened next: *"The police came with their dogs and demolished those shacks. The worst thing was the councilor came with the police and they started throwing stones, and the dogs were chasing people away. After three days, there were just 70 of us left. It was very hard without toilets or water. Then those of us remaining, we left. The councilor came and they promised us something. In the end, people they felt it was better to go."* Later, in a meeting with the council's housing committee chairman, they were told they'd have to wait for the council to meet everyone's need in turn. Angry and dispirited, they returned to their backyard shacks - *and waited*.

Around the same time, a wealthy Cape Town family approached People's Dialogue for help developing some land they owned in the same area as an experiment in housing and entrepreneurship. VukuZenzele, many of whose members were part-time vendors already, was the perfect savings scheme to take advantage of this opportunity. To apply for housing subsidies to pay for this land, however, the community first had to have legal land tenure - that's the "Catch-22" in South Africa's subsidy system. The Department of Land Affairs had bridging funds to help rural communities buy land but nothing for urban groups. The Minister, though, who had a long friendship with the federation, made an exception and agreed to provide bridge financing to VukuZenzele to buy the land and develop housing and infrastructure, at 17,250 Rands per family. After much debate, the constitution setting up VukuZenzele's communal property association was signed by its members in March, 1998.

Another nearby savings scheme, which had also participated in the March 21 invasions, began lobbying to be included in the scheme. After some dispute and intervention by the regional federation, Luyolo's members were offered access to the land and the two communities set to work planning their new settlement. The total area of the VukuZenzele site is 7.4 hectares, of which 4.4 hectares has been divided up into 235 house plots and community open spaces, 1.5 hectares under power transmission lines (which cannot be built on) is being used for playing fields, and a 1.5 hectare strip of land along the main road is being developed commercially, to cross-subsidize the housing. As of September 2003, drainage, roads, water supply, sanitation and electricity are installed, the commercial area is serviced but not yet developed, and over 120 houses have been built and occupied.

The project that broke all the rules . . .

The VukuZenzele story is not only the story of an eviction crisis which turned into a secure housing process, and not just the story of mutual distrust being transformed into a working partnership between a community of squatters and a city.

Every step of the VukuZenzele project - from crisis to negotiation to planning to construction - has provided fertile training ground for federation groups across the country. The development has faced all kinds of challenges and contradictions, and resolving all these has generated lessons which are now beginning to be internalized in the federation's national program.

What have been the most critical lessons from VukuZenzele? The process of developing the land, laying out the community and constructing the houses involved several institutional and technical innovations. The Federation / People's Dialogue alliance attempted, with partial success, to challenge and overturn many burdensome requirements in the project in terms of planning approvals, subsidy application and tenure arrangements.

- 15% of VukuZenzele's housing units are double story (a first for the SAHPF).
- 5% are row houses with common side-walls (another first for the federation, in a country still hung up on the land-inefficient colonial ideal of a single detached house!).
- Road widths were reduced.
- Public spaces were created for playgrounds, creche, clinic and community center.
- A portion of the land has been set aside for commercial development, to cross-subsidize the housing.

These are all precedent setting activities in the context of post-apartheid, low income housing development, and all of them were accomplished with little encouragement from the state or the market and in the face of constant delays because of the local authorities' focus on regulation rather than enablement, and on delivery rather than the accrual of social and communal capital.

JAPAN :

As homelessness in Japan increases, the jury is still out on whether the new homeless law is helping solve the problem, or just sweeping it out of sight :

As Japan's recession deepens, companies close or downsize and construction projects diminish, more and more people are losing jobs and apartments, falling through the cracks of Japan's economic miracle and finding themselves living in the streets. At the same time, drastic land use changes in Japanese cities since the bubble years of the 1980s have erased thousands of low-rent housing units, while public assistance and government livelihood protection programs are being cut back. Even if the economy recovers, structural adjustments brought about by globalization make it unlikely that homelessness in Japan will go away.

After years of turning a blind eye to growing problems of urban homelessness, the government in July 2003 passed the *Law Concerning Special Measures to Support the Self Reliance of the Homeless*. The bill sailed unanimously through parliament and was immediately hailed by the press as a long overdue effort to deal with the homeless issue on a national level, by a government notoriously reticent on issues of human and housing rights.

The bill makes it the responsibility of the central and local governments to formulate and implement programs to support homeless people by helping them secure stable jobs and housing, extending livelihood consultation, and providing temporary shelter and daily necessities. Article 11 of the bill, however, makes those same public authorities responsible for assuring the *"proper use"* of the public spaces like parks, riversides, pedestrian underpasses, sidewalks and railway stations, where most of Japan's homeless people live.

The new law also specifies that local governments first have to survey the homeless, and afterwards to formulate plans to create local self-help programs for them. As a result, Japan's first-ever national survey of homeless people was conducted, with official results showing a homeless population of 25,296 people, most of whom are male, single, of an average age of 56, and about 60% of whom live in Tokyo and Osaka. Homeless activists, however, feel the government survey dramatically undercounts the country's homeless people and put the real number closer to 50,000.

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The million yen question is, can Japan's homeless groups and their supporters offer the government an alternative to the top-down system of evictions and forced stays in state-run temporary shelters the new law creates? And can they organize themselves to develop and negotiate alternatives to this system, or just be passive recipients of somebody else's idea of what they need? These are big challenges and there is a long way to go.

Pros and cons of the new homeless law :

In recent years, groups offering support to homeless people have been forming in various cities, meeting and linking into coalitions to exchange news and share strategies. Their e-mail network includes activists, researchers and journalists and has become an important avenue for organizing protest letter campaigns and sharing information on homelessness. But since the government started getting more serious about the homeless problem, and especially during the time leading up to the passing of the new homeless law, there were deep disagreements. Not everyone is happy about this controversial new law, but now that it's a fact, everyone is working to make best use of an imperfect opportunity. Here are some thoughts drawn from an interview with Peter Shimokawa, a Jesuit priest and university teacher who works closely with Nojiren, a homeless group in the Shibuya area of Tokyo:

On the upbeat side . . .

In a country which had no national-level provisions for homeless people at all, the new law is an important acknowledgement that homeless people also have the right to live in decent and healthy conditions and that it is the government's responsibility to ensure those rights are not exploited. The new law isn't perfect, but it does provide at least *some* opportunities and resources to help *some* people get out of homelessness. If we are realistic about the current political realities in Japan, we can't expect the government to change its mind and genuinely turn to the homeless. The new law's legal setting has the potential to provide an institutional framework for homeless people to negotiate, act and improve their situations, but only if a movement by people (homeless groups and civil society) is strong. The law has the potential to enable the poor and disadvantaged, who have very different individual needs and aspirations, to access the resources they need to rehabilitate themselves.

And on the downbeat side . . .

Under the law, each local government has the responsibility to survey the homeless and set up a program to help them start new lives. It sounds good in theory, but the law's national policy guidelines give little emphasis to employment, and concentrate instead on getting homeless people out of public places and into a system of temporary shelters. In Tokyo's first and only shelter, for example, people are screened to see whether they can work or not. If they are determined to have some disability, then they can access social assistance programs, but if they are deemed able to work, they have to move to another shelter, where they're given a month or two to find a job and move into an apartment. Most of these guys have no disability and are fully able to work, but the problem is there aren't any stable jobs for them! So they can't work, can't save, can't afford apartments and aren't eligible for social insurance! After their month in the shelter is up, most have nowhere to go but back to the streets.

The purpose of these shelters is not to provide a reasonable place for the homeless to stay, when they need it, but to dump people evicted from the parks, with less weight on the public conscience. In these shelters, 30-50 men sleep in a single room, with lots of conflicts, stealing and fear. They can't drink, they can't invite friends to visit, they can't work at night, they need a permit to go out - it's like a jail. Of the 200 people from Shibuya who entered the Tokyo shelter, half couldn't even stay the full month! The law further isolates the homeless from mainstream society and is increasingly being used to justify evictions. It is only hampering the emerging efforts by the homeless at self-reliance and depriving them of the time and space they need to explore their own strategies for improving their lives.

Tales from the floating world :

It is difficult to organize the homeless because they are always *floating* - most are not part of any fixed community. Even in farily stable communities in the parks, for example, if someone quarrels with his neighbor, it is easy for him to move on to another place. In Japan, we have lost the sense of community, in favor of a very individualistic approach to meeting our human needs. It's not only the homeless - ordinary people have also lost the sense that they can make decisions about their own lives and their own communities. Most government social support programs offer no space for people's involvement - everything is done by NGOs and government agencies. This is something very serious in Japanese society, for we are becoming a nation of floating individuals.

Using eviction to mobilize and open doors :

Even in a context of almost total political and economic melt-down, eviction crises can be turned into opportunities . . .

*Over the past two years the **Zimbabwe Homeless People's Federation** and its NGO partner **Dialogue on Shelter**, have had to deal with two major evictions. Here is a short note from Beth Chitekwe, the director of Dialogue, on how the federation managed to turn two housing crises into housing breakthroughs, in a country which is itself in a deep political, economic and humanitarian crisis.*

1   **Evictions in the crowded inner-city area of Mbare . . .**

Mbare is a densely crowded market area in the center of Harare, close to the bus terminus and industrial areas. For the city's poor, Mbare is a natural place to live and find work, but an acute shortage of housing has forced many to rent the squalid "backyard" shacks which have mushroomed in the area. The federation's 1999 survey in Mbare found up to 8 families living on plots planned for one. At one stage, Harare's entire city council had been dismissed for corruption, and the city was being run by a Ministry-appointed commission, which announced plans to demolish all the shacks in Mbare. As soon as the eviction notice was issued, the federation and *Dialogue* requested an urgent meeting with the commission and set to work on several other fronts: we updated our survey information on affected families, sent bulletins to our SDI partners asking them to condemn the impending evictions, and carried out light vigils in the area to guard against more dawn raids.

Eventually, we met the Deputy Commissioner, a woman curious to see the people behind this movement that had jammed their fax machine with protest letters! (They even got a protest letter from the Mayor of Munich, Harare's sister city!) The updated survey information helped show her the real effect eviction would have on Mbare's poor families. All this helped build good relations with the commissioner, whom we invited with a team from the Municipality on exposure visits to South Africa and India, to build our case for more sustainable solutions. During the 2001 World Habitat Day celebrations, the city offered 150 plots to develop a pilot housing project that would demonstrate the federation methodology. A new city council was elected in March 2002, and we had to start our relationship-building all over again, but the breakthrough in Mbare established the federation as a viable partner for the city. We are now working with the city on developing community toilets in Mbare, which have been taboo for any local authority to consider.

2   **Evictions in the "holding camp" of Hatcliffe Extension . . .**

In the other case, a community of poor families living in the *holding camp* (temporary housing colonies at the periphery of the city for families in the queue for government land allotments) of Hatcliffe Extension was offered land in the pre-run to the presidential elections in March 2002. This offer was made at a political rally by the Minister of Local Government Public Works and National Housing. The ruling party was losing support in urban areas and was using any means to woo the urban vote. The community understood this and 1,000 families - all of them carrying official letters of allocation - moved immediately onto the land to establish possession. Eight months later, they were issued evictions notices. Even though they'd been allocated the land, the government claimed that these families had not been given permission to occupy the land, and that if they didn't move out, to enable a contractor to put in services, they'd forfeit their plots and face eviction. Despite these threats, the community refused to budge.

The federation sought to engage the Ministry to negotiate a settlement and surveyed people on the new land to establish exact numbers and to mobilize the community to come together. With this information, the federation prepared a phased plan in which families would move to temporary sites in the same area while the contractor carried out its work, allowing the people to maintain possession of the land and ensuring the community's cooperation so the site work could be completed. This plan was presented to the city, but the Ministry threatened to go ahead with the eviction anyway, claiming that Harare's building bylaws forbade people to move onto sites before water supply, sewers and roads had been fully constructed. The federation argued that these people had lived for eight years in a holding camp with none of those amenities, so what difference would waiting a year make if those services would come eventually? The Ministry has stood its ground and ignored requests for further meetings, but the community is now fully mobilized and determined to stay. For the moment, there is a standoff, and the political upheaval in Zimbabwe makes it unlikely that the government will risk another unpopular move.

ZIMBABWE :

What the Zimbabwe alliance learned from these crises about managing evictions :

1   **Always make sure you have your information ready: name lists, which families will be affected, jobs, schools, documents, utility receipts, settlement history, etc. You will need this information when it's time to argue your case.**

2   **Use the information collection process to rally the community. Problems are great mobilizing tools. Get the community to** discuss the issue and get a consensus on the possible solutions, if you can. A community that is divided will have a very hard time facing a problem of this magnitude.

3   **Present a viable proposal to the authorities, and be prepared to show that you are willing to negotiate. In a society with** state-controlled hegemony such as ours in Zimbabwe, the poor will always loose if they draw battlefields with the state machinery.

4   **When government officials and politicians make offers in public, get these in writing. These** people are so fickle they will do anything for a vote. Tie them down in writing and follow up energetically on their commitents.

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Stealing the common from the goose . . .

They hang the man and flog the woman
That steal the goose from off the common.
But they let the greater villain loose
That steals the common from the goose.

Our closing thought on eviction comes in the form of a children's rhyme from 18th century England. It refers to the *"Enclosure Movement,"* a centuries-long program of land reform by which commonly-owned village land across the country was consolidated and turned over to wealthier people. The movement was facilitated by hundreds of individual acts of parliament, then largely contolled by the land-owning gentry. As a result, poor and landless people were forced off the land they had lived on and farmed for generations, and driven into the cities, where they slaved in the new factories and lived in squalor and miserable poverty in the kind of slums Dickens wrote about in such novels as *Oliver Twist*.

Some historians see the enclosure movement as having successfully paved the way for England's industrial revolution. Others see it as a means of using law and intimidation and violence to rob the poor of their share in the common, tearing down the houses which, by the hitherto unbreakable force of custom, the poor had regarded as their own. The enclosure movement took for granted the essence of purely economic progress, which is to achieve improvement and growth, even if at the price of enormous social dislocation and human suffering. *Sound familiar?*

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In the photo above, a resident of the Joe Slovo community, in Port Elizabeth, South Africa, hangs out her family's washing over the kind of vegetable patch she and her 500 neighbors dreamed of planting six years ago, when they were still living in squalor and insecurity in rented backyard shacks. Books could be written about the long struggle these resolute people have gone through - and are going through still - to reclaim their modest share of the common, and to be allowed to build their own community on this piece of the vast unused lands which ring the city.