

“Neoliberalism and the Right to the City: the Challenge for the Urban Slum Dweller”

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Abstract:

The inability to plan and manage rapid growth adequately in order to meet the needs of urban populations constitutes a failure of governance which has manifested as a humanitarian challenge in the Global South. Assessing the vulnerability of groups such as urban refugees, who face great difficulties meeting their own needs, is a major obstacle for governments. This paper will specifically examine the role of urban planning in the inequality of access of refugee populations to land, housing and basic services in comparison to their indigenous counterparts within the informal settlements of Dar es Salaam, Tanzania. The conceptual framework of the Right to the City, originally established by Lefebvre will act as the theoretical framework for considering the rights and challenges of this displaced population in the context of an informal urban setting. The coping mechanisms adopted by the refugees in attempting to access housing and basic services on a day to day basis will be examined through the lens of Moser's framework on asset accumulation, assessing the livelihood strategies used to accumulate assets and lessen vulnerability. In conjunction, the paper will discuss key planning policies, legislation and governance structures adopted by the Tanzanian government to attempt to regulate the land market and stem the growth of informal settlements in Dar es Salaam. This will focus particularly on the government's espousal of economist Hernando de Soto's theory on the formalisation of property rights throughout the city and the consequences of this approach to date.

Key Words:

Urban, refugees, Right to the City, vulnerability, slums, formalisation, Dar es Salaam, Tanzania.

Introduction

The main purpose of this paper is to explore the relationship between the concept of the Right to the City, and how groups use asset accumulation strategies in an attempt to both exercise this right, and lessen their vulnerabilities. This is considered in particular in relation to the formalisation of property which has been supported by the Tanzanian government.

Tanzania, at the time of writing (June 2015) is currently host to approximately 122,000 officially-registered refugees; more than 60,000 Congolese based in Nyaragusu camp and 62,000 Burundians (UNHCR, 2015a) which have been granted *prima facie*¹ status having fled the capital Bujumbura and its environs due to violence which has erupted against Burundian President Nkurunziza's intention to run for a third term. This continues a long tradition of refugee hosting in the country, with it quickly establishing itself as one of the most hospitable countries of asylum in Africa after gaining independence from Britain in 1962 (Milner, 2009). The state has a history of adopting an open door policy towards refugees since its independence. This is due in part to former President Julius

¹ A group determination of refugee status, whereby each member of the population in question is regarded *prima facie* (in the absence of evidence to the contrary) as a refugee. Available online at <http://www.unhcr.org/3d464c954.pdf>

Nyerere’s policies of socialism and Pan-Africanism, supporting independence movements in neighbouring countries during his tenure from 1964-1985 (Heileman and John, 2012). Through the 1960s and 1970s Tanzania hosted tens of thousands of refugees fleeing both wars of national liberation in Southern Africa and post-colonial conflict and repression in neighbouring states. This trend reached its apogee in the 1990s when a series of conflicts within the Great Lakes Region resulted in an influx of hundreds of thousands of refugees from Burundi, Rwanda and the Democratic Republic of Congo. At the height of this crisis Tanzania hosted 1.5 million refugees from 1993-2000 (Chaulia, 2003); however notwithstanding the most recent Burundian displacement, in recent years the number of refugees has been declining, with only Nyarugusu camp in the Kigoma region remaining open, as shown in Figure 1 below.



Figure 1: UNHCR Presence in Tanzania January 2015 (UNHCR, 2015b)

The paper first briefly introduces the current refugee rights and policies in Tanzania and then examines the conceptual frameworks which underpin the research. These are Lefebvre's theory on the Right to the City (1968), in conjunction with Moser's work on vulnerability and asset accumulation (1998, 2007), which expands on De Soto's (2001) work on the formalisation of property rights as a means of poverty reduction, outlined in his book *the Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*.

Given the large number of refugees which have crossed into the territory of Tanzania in the intervening 60 years, it is to be expected that not all refugees have remained in the designated areas in the West of the country. Many have left the camps, or never registered as refugees and headed for urban areas. It is estimated that at least 5,000 have settled in Dar es Salaam, Tanzania's largest city, although accurate figures are not available as many conceal their identity. Given that Dar es Salaam's population was 4.4 million in the latest census in 2012 (NBS & OCGS, 2013), in addition to the record of refugees entering the country, the true number of refugees in the city is likely to be much higher. The paper will focus on these urban refugees, along with their Tanzanian counterparts residing in the informal settlements of Dar es Salaam.

Methodology

This paper is based primarily on field research conducted over the course of 15 months (March 2014 – June 2015) in three different locations within Dar es Salaam. The locations of these sites will not be disclosed in order to protect the whereabouts of refugees living in the city clandestinely. 90 interviews and 2 focus groups were conducted in total; 30 interviews with refugees², 30 with Tanzanian urban slum dwellers and 30 with various UNHCR, UN HABITAT, NGO and academic staff. Interviews were conducted in Kiswahili, French, Kibembe and Lingala. Due to the secretive nature of many refugees' lives, it would have been extremely difficult to gain access to them without working in partnership with local organisations. It would also have been challenging to access the informal settlements unaccompanied by a local guide. Therefore, this research collaborated with two organisations during the fieldwork; Asylum Access, an NGO which provides free legal aid to refugees, and the Centre for Community Initiatives (CCI), a Tanzanian NGO which has a strong presence in the slum settlements of Dar es Salaam, managing capacity building and housing projects.

Asylum Access is a well-established organisation which had already completed some of their own research on urban refugees in Dar es Salaam, and so it was felt this would be the best organisation to work with for accessing interviewees. The interpreter for the refugees was therefore a community outreach officer from Asylum Access, and was himself a Congolese refugee. It was also very important from a confidence perspective that the researcher collaborated with an organisation which the refugees trusted, to allow them to speak openly without fear of being identified. During the fieldwork several meetings and informal discussions with various staff members of two other organisations which also work closely with refugees in Dar es Salaam took place: Ezra Ministries of

² The participants interviewed are referred to as 'refugees' throughout the paper, however not all are refugees as defined by 1951 Convention Relating to the Status of Refugees. Some are officially recognised refugees which left the camps, some applied for refugee status and were rejected, and some have never been asylum seekers. However all participants reported having fled violence in their home country and so for the purposes of this discussion will be referred to as refugees throughout the paper.

Tanzania and the Tanganyika Christian Refugee Service (TCRS). The Tanzanian interpreter was an urban poor federation manager with CCI, and also an inhabitant of one of the settlements where interviews were conducted, which helped to build a positive relationship with the local community. In addition the Tanzanian focus group was hosted by a local NGO Women’s organisation, Zamzam Women’s Development (Zawode).

As the refugee participants were chosen from the list of Asylum Access clientele, it is likely that there exists a slight bias in the selection of participants towards more proactive refugees which contacted the organisation. The sample size for both groups is relatively small, and so the representativeness of the data to the wider refugee and Tanzanian urban slum populations as a whole may be questionable, nevertheless certain general trends can be acknowledged and give a partial, but quite in-depth picture of the communities.

Framework of Refugee Rights and Policy in Tanzania

Tanzanian refugee policy has changed dramatically since the creation of the Republic under Julius Nyerere in 1964. The first refugees were a valuable part of the local economy in Western Tanzania during the 1960s and 1970s, boosting agricultural production considerably on their arrival (Milner, 2009). They were settled in villages at the time rather than camps, integrating with the local population. However, for several reasons alluded to below, after this period the mood towards the refugee influx became more negative, and today the prevalent opinion on refugee hosting is less welcoming (Thomson, 2012).

Year	Refugee Policy
1951	Refugee Convention and 1967 Protocol signatory
1969	Organisation of African Unity (OAU) Convention on Refugee Problems in Africa signatory
1998	The Refugees Act; this replaced the 1966 Control Act and imposed a harsher set of regulations requiring virtually all refugees to live in camps.
2003	National Refugee Policy; promotes encampment and voluntary repatriation as always the best options.
2010	Memorandum of Understanding with the East African Community (EAC) Secretariat which established a framework for cooperation in areas of common concern such as “the protection of forcibly displaced people, immigration regulations and refugee movements” (UNHCR, 2012).
2016?	The Ministry of Home Affairs is currently reviewing the National Refugee Policy with a view to including an urban refugee component, however it is expected that it will be several years before this comes to fruition.

Table 1: History of Tanzanian Refugee Policy.

The neo-liberalisation of Tanzania post – Nyerere saw the beginning of the tide turning for refugees; the introduction of Structural Adjustment Programmes (SAPs) by the International Monetary Fund (IMF) during the 1980’s resulted in some industries which refugee populations worked in (including agriculture) coming under more pressure, and resulted in the Rwandan and Burundian refugees being seen as surplus to agricultural requirements. In addition, the nineties was a maelstrom of numerous conflicts in East Africa, the zenith being the Rwandan genocide in 1994, which “produced the single largest refugee exodus in the shortest period, forcing Tanzania to adopt a hardnosed and

unwelcoming attitude to this sea of humanity” (Chaulia, 2003 pg 161). Indeed by 2008 Tanzanian politicians were attesting that its aim was to become a ‘refugee-free country’ (Arevalo – Carpenter and Ruhundwa, 2010 pg 1), with Tanzania’s political leaders referring to the crisis as “an unmitigated burden requiring drastic responses” (Kamanga, 2008 pg 172). By this time all refugees were forced to reside in camps. This massive influx of people and the resources that would be required to sustain them, along with increasing donor fatigue and a growing sense that the refugees themselves posed threats to social order and security (Chaulia, 2003), all helped to seal their fate, restricting them to camps in Western Tanzania.

In 1998 The Tanzanian Refugee Act was adopted (Table 1), which resulted in two important changes to refugee policy in the country; 1) it brought Tanzanian law into line with international law regarding the principle of *nonrefoulement*³, and established the National Eligibility Committee (NEC) which would process all applications for refugee status determination thereafter 2) with the adoption of the Act, it became an offence to live outside official refugee camps without permits, which were difficult to secure and rarely granted other than in special circumstances (Arevalo – Carpenter and Ruhundwa, 2011). Even when these permits were granted they did not guarantee safety as there was no guarantee of renewal and were only valid for a period of 2 years (Pangilinan, 2012). This was followed in 2003 with the National Refugee Policy, which strongly promoted encampment and voluntary repatriation. However the latent issue of urban refugees has been virtually ignored by the Government of Tanzania until 2014, when the Government commissioned an urban scoping exercise to be conducted by the Tanganyika Christian Refugee Service (TCRS) in order to get a sense of the scale of the problem. This report has not yet been made available to the public, however an interview with a Ministry of Home Affairs (MHA) official confirmed several points: 1) the National Refugee Policy, 2003, is being reviewed and may have an urban refugee component included to regularise those refugees in urban areas who are eligible for refugee status 2) Tanzania will continue to adopt an encampment policy for the vast majority of the refugee population and this will not change in the foreseeable future. Security fears were cited by the official as the main reason for the continuing of the encampment policy –

“Its simply because over the years we were worried about the security, to be honest the security issue was the over ridding factor. Because of the huge numbers. I mean it is true it could act as a pull factor. But now that we know that we have many refugees we want to document them, and legalise the stay, legalise those who have reasons to justify to stay in any of our cities”. O17, MHA official.

Those urban refugees who have chosen not to live in camps and have made their way to Dar es Salaam face a unique set of challenges, and many end up concealing themselves in the urban landscape for fear of deportation (Arevalo – Carpenter and Ruhundwa, 2010). Interviews with UNHCR staff confirmed that the office in Dar es Salaam only provides assistance to a small number of refugees, less than 100, which are permitted to stay outside the camp for various reasons such as on medical grounds, and assistance to these refugees are provided through its implementing partner

³ Article 33 (1) in the 1951 Convention relating to the Status of Refugees states that "No Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Available online at <http://www.refworld.org/docid/438c6d972.html>

the Relief to Development Society (REDESO). The remaining refugees are left to fend for themselves. The interviews uncovered that refugees end up in Dar es Salaam through a variety of circumstances: some have left the official camps for protection or livelihood reasons, some had come via another country and had failed to seek asylum there, some have family or friends in Dar es Salaam and had come directly from their country of origin.

Restrictions on refugees working in host countries such as Tanzania is, inter alia, one of the main difficulties they encounter, especially if humanitarian organisations are unable to adequately meet their needs. UNHCR has been criticised for not going far enough in promoting working rights for the refugee population (Jacobsen and Landau 2005). The interviews and focus group established that livelihoods were a huge issue for refugees. In spite of some refugees having university degrees, all the refugees had found trying to secure stable regular work almost impossible, and lived from day to day often on 5,000 Tzs (approx. £1.50) or less. The endemic poverty in many of the slum settlements, coupled with the lack of a right to work and being viewed derogatorily as *'wakimbizi'* (refugees) affected their ability to generate income considerably. In addition, the social capital (See Figure 2, such as an extended network of family and friends, as well as the right to access services) of the refugees in the slum settlements was generally much lower than that of their Tanzanian counterparts, and forced them to make very difficult choices just to survive from day to day:

"Ya so when it comes to the hardship times that I don't have any money, or I have difficulty raising money, first, I stop children from going to school, my daughters will not go to school. Second, the electricity I will cut the power in my room. It may take even one month, two months until I get money. And I make sure that me and my children will eat only once per day, in the evening". R04, Refugee.

The adoption of these types of coping mechanisms were repeated numerous times by the refugees with no access to stable income.

The Right to the City

The Right to the City was a concept originally constructed by Henri Lefebvre in his 1968 book *Le Droit à la Ville*, which examined urban dwellers freedom and access to urban life. Marcuse (2009), describes Lefebvre's right to the city as "both a cry and a demand, a cry out of necessity and a demand for something more" (pg 190), stating that the demand of the Right to the City comes "from the directly oppressed, the aspiration from the alienated" (191). The thesis has seen something of a renaissance in recent years, examined by many subsequent academics since Lefebvre's original work (Friedmann, 1995; Marcuse, 2002; Harvey, 2003; Harvey, 2006; Attoh, 2011; Harvey, 2012; Vogiazides, 2012; Jenkins and Smith, 2013; Purcell, 2013; Marcuse, 2014), and remains a valid concept, particularly in light of the development of neoliberalism in the past three decades.

In order to explore the urban populations of Dar es Salaam within the context of the Right to the City, the meaning of the phrase must first be clarified. The idea has become quite amorphous, in some cases co-opted and expropriated by various groups claiming that it espouses their claims to the city, and Marcuse (2014) identifies no less than 6 different readings of Lefebvre's original work, each with quite diverse interpretations. Lefebvre's own reading, the author would contend, remains the most

pivotal. As mentioned above, Marcuse notes that Lefebvre's own thoughts on the right to the city are more radical than others interpretations, they are a call for a revolution of the urban. However Marcuse decries the use of the term 'right' as the concept is "not a Right in the sense of a legal claim enforceable through the judicial system, but a *moral* right, an appeal to the highest of human values" (Marcuse, 2014 pg 5).

One of the critiques of the Right to the City is this inherently revolutionary slant – that the concept as understood by Lefebvre himself is too utopian to be of any practical use. Purcell (2013) cogently argues this is not the case, and that for formative change to occur in urban society, the struggle of the proletariat must break free of the constraints of the state and capitalism, not acquiesce to its domination. In effect, the Marxist undertones of Lefebvre's ideas are a rejection of certain powers – the economic strangle of capitalism, reducing human life to nothing more than monetary value and productive output; the institutional bureaucratic power of the state; and the dominance of the bourgeois over the disadvantaged masses (Purcell, 2013). In the place of these he promulgates the notion of *autogestion* – generally understood to mean 'self – management', where decision making is managed by people themselves at grassroots level, and the absence of a managerial class (Purcell, 2013).

For the remainder of the discussion the Right to the City will focus on the 'strategic reading' of Lefebvre's work, as noted by Marcuse (2014). The strategic reading identifies with groups which are the underprivileged and suffering in urban society, prohibited economically or socially from real inclusion in the City. They are simply seeking 'to obtain the benefits of existing city life from which they have been excluded" (Marcuse, 2014 pg 6). In considering the 'right' of the refugees and Tanzanian urban slum dwellers within this context as set out above, one must also consider another salient point highlighted by Purcell (2013) which is that "in almost all its forms the right to the city is understood to be a struggle to augment the rights of urban inhabitants against the property rights of owners". Lefebvre sees property rights as an "expropriation of urban space", and the taking back of this land as reaffirming who the city really belongs to, and that is "those who inhabit it" (Purcell, 2013).

Vulnerability and Asset Accumulation

As illustrated by the commentators above on the Right to the City, exclusion and poverty makes people more vulnerable. Moser's (1998, 2007) seminal work on urban risk and vulnerability has closely examined the theory surrounding both asset accumulation and vulnerability, whereby the assets of the poor are monitored in the hope of creating poverty reduction strategies. She advances De Soto's idea of the house as an asset, underutilised 'dead capital' and she defines assets as "a stock of financial, human natural or social resources or capital endowments on which people can build livelihoods and which also gives them the capability to be and to act" (Moser, 2007 pg 2).

There are several different types of assets that can be identified in the lives of the both the refugee and Tanzanian populations (See Figure 2); as noted by Moser (1998) "these include well-known tangible assets such as labour and human capital, less familiar reproductive assets such as housing, and largely invisible assets such as social relations and social capital" (pg 1). The resilience that the urban population, both the urban slum dwellers and refugee populations can build is through the

management of their assets, which can include housing, labour, social capital/reciprocity and education to name a few. Moser and Felton's case study in Ecuador (2010) indicated that the effectiveness of the urban dwellers in using their home to increase their resilience in times of hardship depended on the regulatory environment in the country and she concluded that in areas where the poor are largely confined to the informal sectors of the economy, which is in the case of most slum dwellers, "the removal of tenure – insecurity related obstacles that prevent or constrain households from using their housing effectively as a productive asset is possibly the single most critical poverty reduction intervention" (Moser, 1998 pg 11).

Refugees are not allowed to own property in Tanzania, and so are both unable to exercise their rights, but also excluded from fully participating in the capitalist city. However in the case of the research conducted in Dar es Salaam this proved to be a moot point, as no refugees were in the financial position to consider home ownership, with the vast majority struggling to pay the rent. In the case of their Tanzanian counterparts, home ownership did often help to increase people's incomes; it allowed them to rent out most of the rooms in their houses and so generate a stable income every month. However, only a very small percentage of the Tanzanian participants had used home ownership to access loans. So while it may appear that the Tanzanians have an advantage through home ownership, as slum dwellers, or more specifically low income people, they too are excluded many aspects of the City – from formal banking institutions, gainful employment, access to education, and many other experiences enjoyed by those on a higher income.

Definition of the most important capital assets for individuals, households and communities

Physical capital: the stock plan, equipment, infrastructure and other productive resources owned by individuals, the business sector or the country itself.

Financial capital: the financial resources available to people (savings, supplies of credit)

Human capital: investments in education, health and nutrition of individuals. Labour is linked to investments in human capital; health status influences people's capacity to work, and skill and education determine the return from their labour.

Social capital: an intangible asset, defined as the rules, norms obligations, reciprocity and trust embedded in social relations, social structures, and societies' institutional arrangements. It is embedded at the micro-institutional level (communities and households) as well as in the rules and regulations governing formalized institutions in the marketplace, political system and civil society.

Natural capital: the stock of environmentally provided assets such as soil, atmosphere, forests, minerals, waste and wetlands. In rural communities land is a critical productive asset for the poor; in urban areas, and for shelter is also a critical productive asset.

Figure 2. Types of capital available to urban dwellers (Moser and Stein, 2010 pg 10).

Neoliberalism – the death of the Right to the City?

The concept of the Right to the City has become intractably (and contradictorily) intertwined with the advance of the neoliberalist agenda in recent years. Indeed Harvey notes that “Neoliberalisation has swept across the world like a vast tidal wave of institutional reform and discursive adjustment, entailing much destruction” (2006 pg 145). He concludes that the neoliberalist agenda has had a long lasting and generally disastrous effect on the urban poor – “the right to the city as it is now constituted, is far too narrowly confined, in most cases in the hands of a small political and economic elite who are in the position to shape the city more and more after their own particular heart’s desire” (Harvey, 2012 pg 13). It is the colonisation of space by the urban elite. The focus group discussion with the Tanzanian slum dwellers confirmed this pernicious encroachment is already underway in Dar es Salaam, and highlighted the growing problem of gentrification of some informal settlement areas. The group spoke of how increasingly they are being pushed further from the city centre as houses once inhabited only by low income people are being purchased by speculators and investors:

“For the time being, it is not possible for low income people to buy the land here, in this area. Maybe far from town, not here. Within the municipal but far from town. Because here now the land is very expensive and rich people they start to come and buy the houses with the low income people and say that ‘ok I want your house’ ”. TF03, Tanzanian focus group.

The push and pull factors of various wars, harsh environmental conditions and often corrupt local authorities adding to the problems for rural dwellers have all culminated in swathes of populations relocating to urban areas to escape these difficulties (Pantuliano et. al., 2012). However, the reality of this surge in urbanisation of groups of people which are sometimes acutely vulnerable often overwhelms the existing structures which are unable to provide adequately for their needs (Pantuliano et. al., 2012). Weak policies adopted by local governments in cities such as Dar es Salaam have led to several master plans in 1949, 1968, 1979 and most recently the 2012–2032 Dar es Salaam Masterplan, which historically have been at best utopian and more often ill-conceived, poorly implemented and have had quite negative consequences for poorer communities, including eviction (Hooper and Ortolano, 2012).

Bissell (2011) narrates a rather scathing account of the current state of urban planning in Tanzania, holding out little hope of improved future prospects if the government continues in their current vein – “ if history can serve as a guide, whatever plans unfold are unlikely to hold out much hope for truly sustainable urban futures” (pg 317). He criticises the powers that be for their technocratic, outdated and western-influenced approaches to urban planning, including the top down methodologies implemented which for the most part by-passes the proletariat. He considers the lack of political and fiscal accountability a key issue in the failure of politicians and civil servants to improve the current planning system (Bissell, 2011). Along with other academics, such as Beall et. al. (2010), he asserts that the most salient issue regarding planning lies in the political domain – “its reluctance to make social justice central to its mission and ‘the failure to secure basic human rights in informal urban contexts” (Bissell, 2011 pg 322). The Right to the City agenda, although championed by organisations such as UN Habitat (2010), has politically been very difficult to implement, both due to the complexity of the issues which it hopes to address, and consequently the lack of political will to tackle them.

It is the contention of this research that informal settlements and those who live in them be viewed from a fresh perspective; not as a blemish on the cityscape, but a valid and integral part of the urban landscape. As Winchester (1981) notes, “the slums that can offend official eyes are often thriving business communities” (pg 158 – 159). Rather than embellishing the negatives, the many positives inherent in the slums are opportunities yet to be capitalised on. To posit that slums are merely eyesores that require removal is a limiting and incomplete understanding of the issue. Unfortunately to date the urban planning system has failed to satisfactorily address informal settlements – “the dearth of agile urban planning instruments is often related to a lack of concerted national policies towards urbanisation in tandem with rapid urban growth” (Haysom and Loughna, 2012 pg 10) – in short the municipalities are unable to keep pace with growth of this magnitude. This is never more true than in a city such as Dar es Salaam, which has experienced a phenomenal growth rate of 5.6% per annum from 2002 – 2012 (URBTAN, 2012), a level which even the most advanced states would find challenging to contend with. In the case of Dar es Salaam, it has seen the exponential spread of the city outwards, and the arrival of tens of thousands of new urban residents which will have little or no access to basic services and decent housing. A National Housing Corporation (NHC) official explains the challenges of stopping the cycle of slum creation:

“People move in, because of different circumstances. You will just be shocked that somewhere that was not planned and was not expected for people to settle, these places are full of people. So, whatever you tend to do there becomes firefighting because you are going there to readdress what has been damaged. And that’s why you find in Dar you have a lot of slums. Because of the pressure of urban migration, because when people come to Dar, they are looking for somewhere to live. With money they live or they rent somewhere, they buy a very small piece of land, they start building while they are renting. Because it’s not practical or easy for them to do (build) the house at once. They do incremental building. Which means someone may be staying at one location, and is building on the next location, for 2, 3, 4 up to 5 years. And what happens? They are planning on their own, they are controlling on their own and then everyone tries to attract the other person as neighbour so that you can create your own neighbourhood for security purposes, for continuity, or community. And suddenly you find that the area is full”. O12, NHC official.

This quote describes how the slum dwellers are attempting to exercise their rights, outside of the official and legal realms – it is the embodiment of the struggle against the expropriation of urban space through property rights. Purcell (2014) notes that this appropriation “is thus ‘a right’ in the sense that users have a normative right to the space of the city” (pg 149). However, for the refugees the combination of fighting for scarce resources and access to basic services such as water and sanitation with the local population often exacerbates their already intractable circumstances. As outsiders they are eschewed, and daily interactions with Tanzanians can become increasingly difficult if their identities are known. A refugee interview described how, when waiting in line to take her turn drawing water at a local well she often faced discrimination, and was regularly reminded that she had no right to be there:

“They will tell you ‘step aside you are a refugee. We need first citizens to get water. You are just coming here’ – sometimes they can just be rude at you because you are just a refugee, so you step aside”. R27, Refugee interview.

Tanzanian Urban Land Management and Reform Project

The Tanzanian Urban Land Management and Reform Project, in conjunction with the Property and Business Formalisation Programme (MKURABITA) were established to address the slum creation issues outlined above, and have been the subject of prolific writing on addressing the issues surrounding land ownership, formalisation, property rights and housing in Dar es Salaam over the last 20 years or so (Kombe, 1994; Kironde, 2000; Kombe and Kreibich, 2000; Kombe, 2005; Kironde, 2006; Halla, 2007; Kyessi and Kyessi, 2007; Kironde, 2009; Parsa et. al., 2011; Porter et. al., 2011; Shemdoe, 2012; Kyessi and Samson, 2013). The programmes have the unenviable task of attempting to reform a plethora of issues including: “overlapping legal systems, long registrations, ineffective institutional framework; and the existence of regulatory intervention to dispossess vulnerable groups of their land” (URBTAN, 2010 pg 4).

Much of the thinking behind the approach adopted by the Tanzanian government in this regard is based on the concept of ‘dead capital’, first suggested by Hernando De Soto in his book *The Mystery of Capital* (2001). The basic premise of the argument is that by formalising land titles and allowing poorer sections of the communities to have official documents advocating their property rights, this would grant them access to loans from financial institutions by using their land as collateral, as Porter et. al. (2011) succinctly puts it “unlocking domestic capital for development” (pg 132). The motives behind the adoption of this policy (MKURABITA, 2012) are officially to aid poverty reduction and increase economic growth, however it could also be argued, as Smith (2002) does, that it is also a form of ‘state led gentrification’ of the inner city with the poor being evicted due to rising prices for land and rent (Çelik and Gough, 2014).

MKURABITA – the Property and Business Formalisation Programme

The Property and Business Formalisation Programme (under the Kiswahili acronym MKURABITA – *Mpango wa Kurasimisha Rasilimali na Biashara za Wanyonge*) began as a partnership between the Government of Tanzania, the Peruvian Institute of Liberal Democracy (founded by De Soto) and was financially supported by the Government of Norway (Sundet, 2006). The aim of the Programme is “to impart titles to the poor that are freely tradable and that are acceptable by banks as security for loans” (Sundet, 2006 pg 12). What can be defined as dead capital under the ideas of De Soto the amounts, according to MKURABITA, be in the region of US\$11.6billion (Porter et. al, 2011), if one considers all the extralegal property and businesses in the city; it is little wonder that the Tanzanian government has been so eager to pursue this avenue of development.

One of the first steps in getting the programme underway was to convince residents to register their properties in Dar es Salaam, and a Residential Licence Programme was launched in November 2005. This was developed by the Ministry of Lands, Housing and Human Settlements Development (MLHSD) with the task of implementation delegated to local municipalities (Shemdoe, 2010). Porter et. al (2011) notes that prior to this programme being adopted, it took “a minimum of 68 bureaucratic steps, an average of eight years at an average cost of \$2,250 to see through formalisation” (pg 133). However, the uptake on this to date has not been as good as been expected, with only 38,000 applications approved by 2008 (Porter et. al, 2011). The reason for this was a failure of another policy of the government; decentralisation. The local authorities did not have sufficient

funding in place to implement such a large scale programme and so the Ministry spearheaded the project.

While the efforts of the Tanzanian government to date in terms of the land formalisation process have been laudable, it is questionable as to whether it has been an unmitigated success and achieved the original objectives of the programme. Porter et. al (2011) makes the valid point that if people already 'own' a piece of land through usufructary land rights, even if they do not have piece of paper to document this, they often see little point in going through what may be a long, cumbersome and costly exercise to have a formal land title issued. The key issue is that there is little incentive, as Porter et. al notes "many are unconvinced that they would gain any stronger security rights than they already enjoy" (Porter et. al, 2011 pg 134). He also points out that the lack of accessibility and information regarding the process has tended to scare off the poorer and less educated sections of communities, who are naturally wary of the legal nature of the documents and were concerned over what registration could mean for their land (Porter et. al, 2011). This is particularly unfortunate as the assumption underpinning De Soto's idea is that it would allow poorer sections of the community to access credit facilities.

The fear of the administration process and the legal implications of registering, which can appear daunting, also pertain to applying for a loan, and once again, the poorer and less educated people are generally very unwilling to take part in the process (Porter et. al 2011). The shortcomings of De Soto's ideas are further illustrated by the fact that a large proportion of people are unwilling to consider using their land as collateral should they default on their loan, which makes De Soto's whole argument void. For many, land is their only form of security, and is a possession which "many people have a strong cultural affinity with" (Porter et. al, 2011 pg 135). There is also the consideration from the landowners' perspective that by registering the property, it is likely they will have to pay tax, a further disincentive.

Clearly it is a benefit to the municipality which will have a wider revenue base as it keeps 20% of the fees collected from registration (Shemdoe, 2012). Approximately 1billion TZS (£38.4 million) has been raised from the first phase of the programme (Parsa et al, 2011), and Shemdoe (2012), notes that "on the amount of the annual taxes paid for the registered houses, 49.2% of the respondents whose houses are registered mentioned to have paid up to US\$4 a year" (pg 9), which is a considerable sum for a poor resident of a slum in Dar es Salaam. Indeed it seems that the land titling in the long term may actually benefit the wealthier residents of Dar es Salaam, whom in some instances have taken to becoming property speculators on newly registered plots close to the city centre, thereby beginning a process of gentrification in the region which will inevitably lead to many of the poorer sections of the population being pushed further to the margins of the city over the coming years (Porter et. al, 2011). The question that arises from this is therefore what are the real benefits for the poor in becoming full members of the capitalist system by formalising their properties? Does it truly empower them to pull themselves out of poverty, or entrap them into capitalist (re)production as agents, locked into a cycle of taxes and indebtedness, which will benefit the elite, those with real hegemony?

In conjunction with the reform project the government also launched the 20,000 Plots Programme in 2002, the aim of which is to formally survey plots for future urban expansions. However, Lugoe notes that "the annual average output of the 20,000 Plots Project in its lifetimes is a dismal 6,000 plots per

year, which is but a 1967 record and far below national demand” (2010, pg 8), estimating that the demand in Dar es Salaam to be 30,000 plots annually (Lugoe, 2010). For the most part these plots are located in what are considered peri – urban areas of the city, however some issues have arisen over compensation of existing users of the land who received little in the way of remuneration (Porter et. al, 2011). Lugoe (2010) notes the three most fundamental hurdles in the urban land question, as originally outlined by the World Bank report on urban Tanzania in 2008 are “1) lack of adequate infrastructure within and between urban and peri-urban areas 2) deeply flawed management systems, and 3) a lack of awareness to the magnitude and implications of the urban transition” (Lugoe, 2010 pg 3). He cites the lack of plot production as one of the main causes of the mushrooming of informal settlements, with the production of plots only managing to satisfy demand in the first decade after Tanzania gained independence. This continued throughout the 1980s and 1990s, until the 20,000 Plots Project attempted to stem the tide. Indeed, all accounted for, Lugoe notes the “slow rate of land delivery for all uses at 230,000 plots since independence against an accumulated demand of over 2.3 million” (2010 pg 16).

However these plots have not solved the problem; not only because there are not enough of them, but also as they are not available to those on the lowest incomes. The focus group discussion confirmed this point, stating:

“What they are saying is that those plots are for rich people not for us. Because the National Housing Corporation (NHC) even now even before that project they have houses here in town, and those houses as we know, from our own opinion, that house is supposed to be lived with the low income people but we couldn’t find low income people living in that house. All of them are rich people (...)The NHC is supposed to focus on low income but they couldn’t because they can say we have the house here, for selling, low income they can come to buy. But when they mention the price, it is maybe 50 Million Tzs (approx. £14,455). So 50 Million Tzs for low income people, that is much. Where can I get it? I can save it for a period for time and me and my children and my grandchildren can save for buying that and we couldn’t be able”. TF05, Tanzanian focus group.

Bromley (2009) argues that programmes such as those as the Tanzanian Land Management Reform will be futile as even if urban slum dwellers do formalize their properties and are issued with titles, if they are not in stable employment, they will still be unable to gain access to credit from formal banking institutions. The research conducted confirms this, insofar as all of those Tanzanian participants who owned homes, did so through savings rather than borrowing money. The reasons cited for not applying for loans from banks were participants 1) believed they were not eligible 2) were fearful of defaulting on loan payments 3) had no sufficient collateral. Land was bought through saving for an extended period of time and then houses were built *kidogo kidogo*; incrementally. For the urban poor settled in the slums, there was no difference in this process between those who acquired residential licenses or certificates of occupancy, and those that did not. Bromley also counters the suppositions that the formalization of titles will lead to the upgrading of slums, propounding that they are spurious at best: improvements to substandard dwellings in a good neighborhood will bring it in line with other houses in the area, however there is no such incentives in run down areas; “the best house in a bad neighborhood is continually burdened by its surroundings” (Bromley, 2009 pg 22).

Bromley goes to the heart of the critique around the formalization of land rights, and the problems of planning practices in cities such as Dar es Salaam; the issue with such systems is not that slum dwellers don't have titles, but that they are excluded from certain rights which allow them to move out of poverty – that is the right to decent work and a secure income (Bromley, 2009), which often precedes the right to good quality education, something is sorely lacking for many Tanzanian slum dwellers. The majority of those interviewed in this research finish school at Standard 7, which is the last level of primary school, and primary school education is often sub-standard at best (UNESCO, 2011). He concludes that “to suppose that a tiny piece (titles) of that complex cultural and legal fabric can be transplanted into a web of complex relations and work as it seemed to work elsewhere is naïve in the extreme” (Bromley, 2009 pg 26).

Conclusion

So what becomes of the urban slum dwellers? As Tanzania continues on its path of neoliberalisation, the informal settlements of Dar es Salaam continue to grow almost unabated. Those that inhabit these settlements, are not privy to the services enjoyed by the more financially stable, land title or not. It appears axiomatic that the formalisation strategies pursued by the Government do not even begin to truly address the challenges faced by the slum dwellers, which for refugees in particular are many. The pervasive fallacy that adopting Western style planning practices will result in poverty reduction can clearly be seen where urban dwellers may have a piece of paper to prove ownership of a house, but cannot afford to eat three meals a day. As noted by Lefebvre, the city belongs to those who inhabit it, and these inhabitants must reclaim that ownership. The question is no longer if this should happen, but how. The reification of Lefebvre's ideal is no less formidable a task today than it was in 1968, but there is already evidence of change globally in the mushrooming of movements from the New Era Estate movement in London (Booth, 2015), to the Mukuru slums in Nairobi (Howden, 2012). The decentralization of power from the hands of the elite, to the proletariat, must be the first step, and imagining the Right to the City is a part of this, what Lefebvre called an *urgent utopia* – “a style of thinking possible in all areas” (2009, pg 288). Purcell (2013) urges us not to dismiss the utopian, but rather see Lefebvre's concept for its simple genius – “Ideal utopianism remains aloof from practice because practice must always be imperfect. Unimaginative realism reinforces the existing hierarchies of power because it fails to challenge them” (2013 pg 151). Now is the time for that challenge.

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