

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

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



**UNECE**

## Abstract

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

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

## Acknowledgements

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The document was professionally proofread by Julie WICKENDEN, research assistance was provided by Safia ELKHATABI.

Special thanks to representatives from governments who have contributed to this research through interviews (mentioned below):

Doris ANDONI, The National Housing Agency (Albania)

Borka BOBOVEC, Ministry of Construction and Physical Planning (Croatia)

Marko ČANOVIĆ, Ministry of Sustainable Development and Tourism (Montenegro)

David GIGINEISHVILI, Ministry of Economy and Sustainable Development (Georgia)

Theodosios PSYCHOGIOS, Ministry of Environment and Energy (Greece)

Nuria RAGA SASTRE, Registrars of Spain (Spain)

The team also expresses thanks to following government representatives for their cooperation:

Abdutilib BOLTUEV, Committee for Architecture and Construction (Tajikistan)

Tolobai KENESHOV, State Agency of Architecture, Construction and Housing and Communal Services (Kyrgyzstan)

Turlybek MUSSABAYEV, Gosgradkadastr RSE (Kazakhstan)

Alena RAKAVA, Ministry of Architecture and Construction (Belarus)

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

<sup>2</sup> Referred to in this work as the eastern part of the UNECE region.

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## Abbreviations

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

FAO: Food and Agriculture Organization of the United Nations

IDP: Internally Displaced Person

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

NGO: Non-Governmental Organization

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

UN: United Nations

UNECE: United Nations Economic Commission for Europe

UN-Habitat: United Nations Human Settlements Programme

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

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

## Chapter 1. Introduction

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

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

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

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

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

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

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

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

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

<b>BOX 1 KEY REASONS FOR EMERGENCE AND INCREASE IN INFORMAL SETTLEMENTS IN THE UNECE REGION</b>
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‘The critical factors affecting the formation of informal settlements are related to several major interrelated changes: (a) rapid urbanization and influx of people into select urban areas; (b) unrealistic or insufficient planning regulations and inefficient land administration; (c) wars and natural disasters leading to the massive movement of people to places of opportunity and safety; and (d) poverty and the lack of low cost housing and serviced land.’
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<i>Source:</i> UNECE, 2009: xv.
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While the sporadic existence of illegal construction may be manageable, tolerated and even culturally acceptable, large-scale informal development that makes up 20% or more of the national housing stock may widen the economic, social and spatial differences, and challenge the future efforts of planning, territorial development and infrastructure supply. In countries with economies in transition, the phenomenon profoundly reshaped post-socialist cities in the region.

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

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

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

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

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

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

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

It is important that the potential technical guidelines for informal settlements in the UNECE region: a) take into account ongoing national initiatives, as well as numerous programs by international agencies already operating on the ground; b) build on the available evidence, i.e. examine levels of tenure security (or lack thereof) in various types of informal settlements in the eastern parts of the UNECE region. This literature review examines the state of affairs in addressing the challenges related to informal settlements based on a review of the literature and interviews with selected government representatives. The examination is related to the relevant themes of the Voluntary Guidelines for Responsible Tenure (FAO, 2012).

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<sup>6</sup> To illustrate, a number of the countries in EECCA and Western Balkans have undertaken, or are in the process of developing and/or implementing, formalization projects in informal settlements (e.g. Georgia, Serbia, Croatia, Montenegro and FYR Macedonia). Initiatives or sole projects related to regularization, upgrades (infrastructure primarily, but also energy efficiency (see Montenegro and Albania) and integration into urban plans (e.g. Montenegro), have been tested. It should be noted that significant progress is being made by countries that aspire to join the European Union (or have already done so, e.g. Croatia), while in the countries of Central Asia, this work is still to be undertaken.

This literature review was conducted within a limited timeframe and is not expected to be exhaustive on the issue. The emphasis is on understanding the nature of informal settlements [VGGT 10] in the UNECE member states with economies in transition (EECCA and the Western Balkans), in order to advise on the relevant course of action in the future. The literature also highlights the driving forces contributing to the growth of ‘informal settlements’ in countries with economies in transition (subject to data availability). The link between the transformation of the spatial planning systems and the growth of informal settlements [VGGT 20] is examined, along with the relevant policy, legal and organizational frameworks related to land tenure [VGGT 5]. Based on the availability of data and the timeframe of this research, other selected themes of the VGGTs are touched upon. Conclusions and recommendations for the development of potential guidelines for informal settlements in the UNECE countries with economies in transition are provided in the final chapter.

## Linking VGGTs to the evidence and literature on informal settlements in the UNECE countries with economies in transition (EECCA and the Western Balkans)

This literature review presents a first stage of the preparatory work for the development of potential technical guidelines (TGs) for informal settlements in the UNECE region, with a focus on EECCA and the Western Balkans. The TGs, when developed, will aim to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (FAO, 2012).

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) in the Context of National Food Security,<sup>7</sup> adopted by the Committee on World Food Security (CFS) in 2012, highlight the responsibility of states to put in place property rights systems to record all types of rights (private, public, indigenous, customary) and to make this information easily available, subject to privacy restrictions. Ensuring security of tenure is the key focus of the VGGTs.

As the VGGT recommendations are designed for global application, it may be expected that some of the issues recommended in the VGGTs are already being implemented or developed (or are not an issue) in the countries of interest. For this reason, the key purpose of the present report is to identify and review relevant literature related to informal settlements in EECCA and the Western Balkans, and to link it to key VGGT themes. To achieve this, the focus areas are as follows:

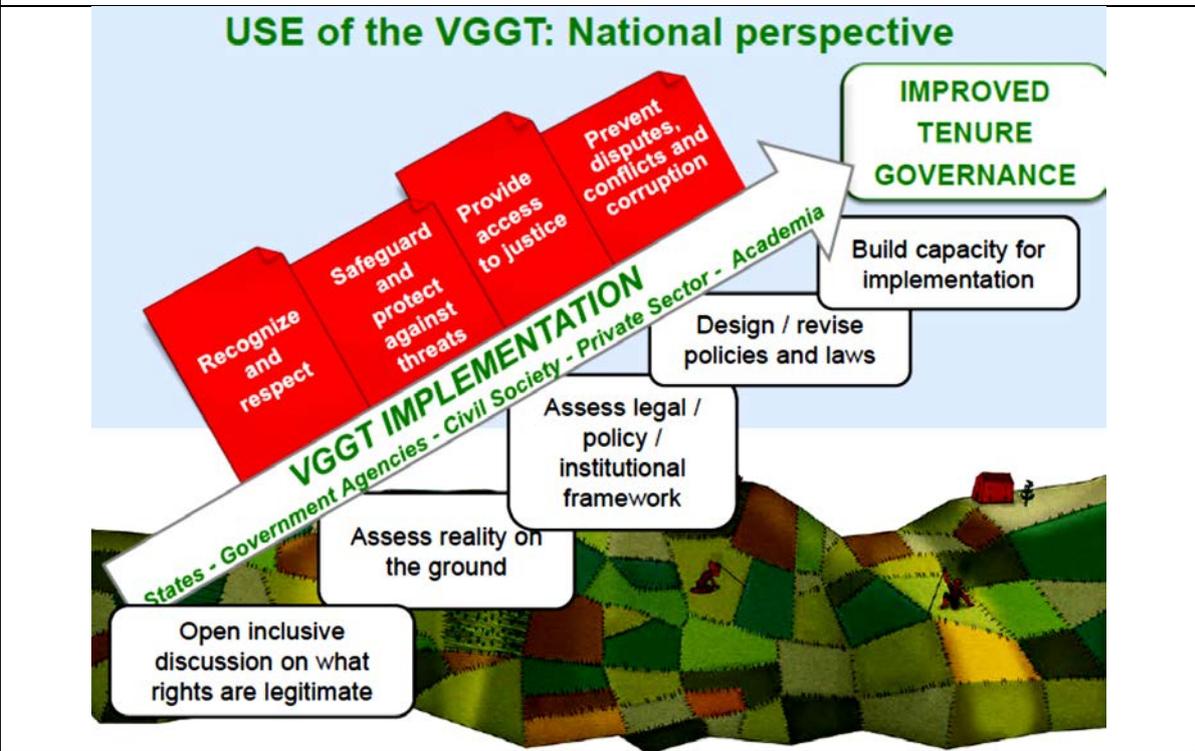
- 1) Land tenure related to housing.
- 2) Housing as a human right related to other rights.
- 3) UNECE member states with economies in transition, notably the part of the UNECE region in which the World Bank operates: EECCA and the Western Balkans (subject to data availability).
- 4) Key VGGT themes: Informal tenure [VGGT 10] with the aim of enabling understanding of informal settlements specific to the countries under examination, including better understanding of the driving forces contributing to the growth of informal settlements (Chapter 2); Regulated spatial planning [VGGT 20] addressing the interrelated systemic problems caused by urban planning transition in the region (Chapter 3); Policy, legal and organizational frameworks related to tenure [VGGT 5], with special attention to the legalization/formalization of informal settlements (Chapter 4). **Table 1 Coverage of the VGGT themes in the Literature Review** lists all the VGGT themes that have been addressed in the present document.

<b>Reason for using the VGGT theme</b>	<b>VGGT theme</b>	<b>Addressed in</b>
Key focus	VGGT themes 5, 10, 20	Chapters 1, 2, 3
Causes of informal settlements	VGGT themes 10, 23, 24, 25, 5, 14	Chapter 2, Table 1.
Tenure security examination in informal settlements	VGGT themes 23, 24, 25, 16, 10, 3, 6	Chapter 1, Table 2.
Reference to specific paragraphs under relevant VGGT theme	[VGGT 1.1] [VGGT 3.1.1] [VGGT 6.1] [VGGT 5.1] [VGGT 5.3] [VGGT 5.6] [VGGT 10.1] [VGGT 10.2] [VGGT 10.4] [VGGT 10.6] [VGGT 20.1] [VGGT 20.2] [VGGT 20.3] [VGGT 20.4]	Primarily conclusions of Chapters 1, 2 and 3. Others noted in the text where relevant.

<sup>7</sup> FAO/CFS. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

The document is further structured around the strategy for the implementation of the VGGTs presented at UNECE in 2015 (see **Figure 1**. Use of the VGGTs), notably from ‘Open inclusive discussion on what rights are legitimate’ towards ‘Build capacity for implementation’.

**FIGURE 1. USE OF THE VGGTs**



Source: Tonchovska, Roll, Kelm 2015.

<b>Key steps of VGGT implementation</b>	<b>The structure of this literature review has been developed in relation to the key steps of VGGT implementation.</b>
Open inclusive discussion on what rights are legitimate	Research strategy and research process analysis
Access reality on the ground	Informal settlements and illegal construction [VGGT 10]
Access legal, policy, institutional framework	Policy, legal and organizational frameworks [VGGT 5] <ul style="list-style-type: none"> <li>• Regulated spatial planning [VGGT 20]</li> <li>• Legalization of informal settlements [VGGT 5 and 10]</li> </ul>
Design/revise policies and laws	Conclusions: implications for the potential technical guidelines for informal settlements

## Research strategy and research process analysis

[VGGT 3.1.1] points out that, as a general principle, the States should ‘recognize and respect all legitimate tenure right holders and their rights. They should take reasonable measures to identify, record and respect legitimate tenure right holders and their rights, whether formally recorded or not’ (FAO, 2012: 3). As noted above, VGGTs also highlight the responsibility of States to put in place property rights systems to record all types of rights (private, public, indigenous, customary) and make this information easily available, subject to privacy restrictions.

The methodology and methods used for this study are primarily qualitative in nature. They provide the framework for the identification and collection of available evidence. More importantly, analysis of the research process, opportunities and challenges faced provide a fair indication about the extent to which the discussions about tenure rights in informal settlements are open at government level [VGGT 10.1] in the countries under examination, the extent to which measures are undertaken to identify and record legitimate tenures [VGGT 3.1.1], and where more effort should be undertaken to contribute toward this direction in the future, specifically with regard to informal settlements.

### Literature review

The literature review consisted of: 1) identification and review of guidance developed by international organizations (see Annex 3); 2) review of the key literature on informal settlements (see Bibliography and References); 3) identification and examination of key issues related to informal settlements in countries with economies in transition; and 4) identification and examination of literature on relevant VGGT themes (see Annex 4), linking these to issues of informal settlements in countries with economies in transition. Because of the limited time and resources available for this exercise, a strategic decision was taken to examine three selected VGGT themes in depth [VGGT 10, 5 and 20].

The literature review highlights that in past decades, the issue of so-called informal settlements was researched, discussed and addressed in a variety of ways in developing countries. The United Nations (2003) provided an estimate that one billion people in the world could be considered as ‘squatters’ (UN-Habitat, 2003; see also Neuwirth, 2004; Davis, 2007). However, it should be taken into account that the literature on informal settlements usually focuses on the important southern metropolises or in exponential and uncontrolled growing metropolitan areas in emerging countries - notably in South America, and more recently selected countries in Asia and the Middle East (Fernandes and Varley, 1998; Aldrich and Sandhu, 1995). There are comparably fewer studies on this topic focusing on the UNECE region in general, and countries with economies in transition in particular. Examining the matter of informal elements in Europe, Aguilera (2014) notes that ‘even though the phenomenon is increasingly reported to be present in many urban areas in Western societies, the research on the matter seems to be limited. Sociologists interested in ‘marginality’ address the problems of *ghettos* or *quartiers sensibles* (Wacquant, 2007; Avenel, 2004; Lapeyronnie, 2008; Kokoreff, 2009), but the question of illegality is often put aside. However, as the remainder of this document shows, illegality is the key issue in accessing security of tenure in informal settlements in the countries under examination in EECCA and the Western Balkans.

The research on informal settlements is limited in several ways. To begin with, the information and research is not equally available in all UNECE countries with economies in transition. There is disproportionately more data and research available in countries with a long history of informal housing and those with aspirations to join the European Union (notably countries of the Western Balkans and Georgia). There is far less (sometimes no) research and information in EECCA countries in general and Central Asia in particular.

While a number of publications are available, the examination of informal settlements in the UNECE region in general, and countries in transition in particular, presents an under-researched area that lags significantly behind the quality of data and variety of theoretical approaches developed since the 1960s in the Global South.

## Interviews with selected government representatives and relevant stakeholders

In addition to the literature review, the key primary sources of data in this research are the semi-structured interviews with government representatives responsible for informal settlements (or their aspects). The results of the interviews are incorporated into this report. They provide additional information, commentaries or information on trends (also changes in trends) with regard to tackling the challenges of informal settlements.

There are three groups of informants: (1) Representatives of countries that have developed legislation for the formalization of informal settlements and are in the process of its implementation: Albania, Montenegro, Croatia, Georgia; (2) Countries where access to data on informal settlements is scarce and legislation has yet to be developed: Kazakhstan, Tajikistan, Kyrgyzstan, Belarus; and (3) As a point of reference and advice on potential best practices, the representatives of European countries with long-term experience in tackling the challenges of informal settlements were interviewed: Greece, Spain.

The practitioners involved in implementing the legalization of informal settlements in Serbia were interviewed along with practitioners involved in the identification and halting of informal settlement development in France. Academics specializing in informal settlements in the Global South were consulted to examine the relevance (if any) of the concepts developed in this part of the world to the selected UNECE countries.

The interview process revealed a great deal about the approaches to sharing the data on the matter of informal settlements in the UNECE region. The process of the interviews consisted of: 1) a personal invitation to join the research (including an official letter of invitation by the UNECE) in the form of a phone or face-to-face interview; and 2) informal meetings with representatives of the academic community.

There were two widely differing reactions to the invitation to speak about informal settlements. On the one hand, some governments were very eager to speak about the issues, share information freely, speak about the challenges, strategies to tackle informal settlements (primarily illegal construction) and work for the future. As a rule, these were countries where the existence of illegal construction has been discussed since the 1960s and where this phenomenon is culturally accepted and tolerated (notably, Southern Europe and the Western Balkans). On the other hand, there were countries where the phenomena are reported to be relatively new (especially squats and slums), where securing an interview or data is challenging (e.g. Central Asia). Before any further work is done on the issue, the reasons for non-engagement must be clearly understood, and any assumptions about the reasons re-examined in order to assess the situation fairly.

With regard to **[VGGT 10.1 and 3.1.1]**, the examination of the research process of this study highlights that in a number of the countries, and sub-regions in the UNECE region, there is still a significant effort needed in order to open the discussion about the issues of informal settlements. An important point emerging from the discussions with the government representatives who contributed to this research is the need to clearly understand the context of the countries in the UNECE region, to avoid making easy comparisons with issues in the Global South, and to avoid inferences about the form of informal settlements, based on the assumptions that the term seems to carry (also Global South).

## Secondary data

The availability of precise and comparable data on informal settlements in general, and tenure security in particular, is challenging. The Special Rapporteur on adequate housing stressed that on a global scale, ‘Attempts to measure the scale of these settlements and their level of tenure insecurity have been problematic’ and precise data is not available (OHCHR, 2012: 4). According to the Rapporteur, due to

the great diversity in settlements and tenure characteristics across countries and regions, the problem is fraught with difficulties of definition as well as measurement. In addition, ‘tenure security is partly a matter of perception and experience, highly dependent on political, economic and cultural context, as well as legal issues’ (ibid.).

These issues were mirrored in the research conducted for this report. Apart from the issues related to data availability in general terms, there are further concerns to take into account. The available data are often temporary and changing. There are two observed reasons for this: (1) demolition and eviction (in which case, demolished objects are subtracted from the numbers previously reported); (2) legislation: where once the building is legalized, it no longer appears as informal (it is important to note that its circumstances usually do not change: e.g. access to infrastructure, services, transportation is the same as before titling).

The data on informal settlements in EECCA and the Western Balkans are not equally available or comparable. In some countries, in particular those who aspire to join the European Union (i.e. countries of the Western Balkans), there is comparably more research and data available than in the EECCA region. There are numerous initiatives by different international organizations. These primarily need to be aligned in order to support the implementation of VGGTs. The academic and official research is available. It must be noted, however, that the local and regional experts stress the noticeable absence of consistent data collection and long-term research (especially on implementation and outcomes of the issued laws) (Pihler, 2007).

In the EECCA region, the information appears to be very scarce. It is available from several NGOs and selected international organizations, but there is neither continuity of research, nor a willingness to share the official sources.

### Research limitations

The following limitations of the research should be acknowledged at the outset. This literature review was conducted within a limited timeframe and is not expected to be exhaustive on the issue. For this reason, the focus is on three selected VGGT themes. The data on informal settlements and their tenure security are not easily available (OHCHR, 2012). As noted previously, the literature on informal settlements in the Global North is comparably less developed than that on the Global South (i.e. the UNECE region). In this sense, a literature gap that needs to be addressed in future work has been identified. There is a disparity of data availability in favor of the Western Balkans which may lead to perceived bias toward this region in the presented report.

The task of connecting the issue of informal settlements to 14 potentially relevant VGGT themes (Annex 4), required a literature review that went beyond merely identifying the key issues related to informal settlements in the UNECE region. However, this exercise provided a valuable framework for understanding the underlying drivers of the growth of informal settlements (see the section on Regulated Spatial Planning) in countries with economies in transition, and expanded the relevance of the findings presented here to EECCA where the data are scarce. It was equally observed that the data and literature are not equally available for all relevant VGGT themes.

The data gaps are acknowledged in this research. Where possible, relevant available data are provided as an illustration and backed up by the interviews with the government representatives. It is recognised that this method does not present a robust body of evidence. However, it indicates the areas that require further examination. At the same time, important themes requiring attention and examination are not ignored because of the lack of data.

## Chapter 2. Informal settlements and illegal construction in informal settlements in the UNECE countries with economies in transition (EECCA and the Western Balkans) [VGGT 10]

**[VGGT 10.1]** recommends that States should acknowledge informal tenure of land where this exists, in a manner that respects formal rights under national law and in a way that recognizes the reality of the situation. According to UNECE (2009), over 50 million<sup>8</sup> people in the UNECE region live in some form of informal settlement. A UNECE (2009) study revealed that the problem is significant in more than 20 countries.<sup>9</sup> As the following sections will show, informal settlements in the UNECE region cover everything from unauthorized adaptations, construction without planning and/or building permit, to squatting on someone else's land. When considering the number of people living in informal settlements in the UNECE region, this fact must be kept in mind.

The focus of this literature review is on countries with economies in transition, notably EECCA and the Western Balkans, largely because the causes of emerging and/or increasing informality are underpinned by the shift in political systems, socio-economic conditions and geopolitical change. While the differences are duly acknowledged, such a focus enables conclusions to be drawn that are relevant to countries in the sub-region where the number of informal settlements grew due to comparable reasons.

There are generally two groups of countries in transition that mark the existence of informal settlements: (1) Countries where informal (i.e. unplanned and informal) settlements have been known to exist since 1960s, but where the number of these settlements has increased significantly since the early years of transition in the 1990s (e.g. Croatia, Serbia, Bosnia and Herzegovina and Montenegro); and (2) Countries where informal settlements are argued to be fairly recent, having first appeared after the beginning of transition in the 1990s, but which have since become the significant part of urban growth (e.g. Kazakhstan, Kyrgyzstan).

The countries with a long experience of tackling informal settlements are generally more tolerant of this kind of development; the *de facto*<sup>10</sup> tenure security in informal settlements is relatively high and the residents are usually not stigmatized. As one of the government representatives interviewed for this research stressed, 'everyone lives in informal settlements'.<sup>11</sup> It should be noted that a number of publications suggest that during socialism (especially in the Western Balkans) as well as today, governments tolerated informal construction as a kind of 'informal social policy' – since they were unable to provide decent housing for everybody, and wished to avoid social unrest (NALAS, 2011: 96). In countries where the phenomenon is argued to be relatively new (e.g. Azerbaijan, Kazakhstan and Kyrgyzstan), the relationship with informal settlements (especially squats) seems to be much more uneasy. While the issues concerning squats have attracted significant attention from national and international NGOs, it remains to be seen whether this is also true for developments carried out without building permits that reportedly exist as well.

It is important to point out that the residents in informal settlements in the UNECE region are not necessarily poor. The very term 'informal settlements' and 'many manifestations of informal settlements across the region invoke images of poverty, exclusion and despair, but there are certainly examples where this is not the case' (UNECE, 2009: 8; see also UNECE, 2015a; NALAS 2011; Hirt and Stanilov, 2009). In fact, the government representatives interviewed for this research stressed the importance of differentiating between (1) those who build their homes informally out of necessity (i.e.

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<sup>8</sup> Note: the assessment is based on the definition and classification of informal settlements provided in this publication (see Annex 2.). This means that the estimates may be different if a different definition is used. Nonetheless, the publication highlights that the challenge is significant.

<sup>9</sup> The countries examined primarily focus on the economies in transition, although there is mention of the countries in South Europe as well.

<sup>10</sup> *De facto* means 'in fact, in reality' (literally 'from fact'; *de jure* means 'of right, by right', according to law (literally 'from law'), as contrasted with *de facto*.

<sup>11</sup> Referring primarily to buildings without a building permit.

lack of affordable housing, lack of housing provision in the private sector); and (2) those who build their properties informally for the purpose of profit (e.g. for sale, illegal rent, tourism, including second homes, luxury villas). In selected countries, concerns about these two clearly different categories have been factored into the law for legalization (e.g. Montenegro). In fact, selected government representatives interviewed for this research point out that those who can afford to self-build (mainly buildings and extensions without a permit) are likely to be much better off than those who cannot afford to buy the construction materials and organize the construction, and who therefore rent illegally, live in overcrowded conditions or squat in buildings or on land (build shacks). Consequently, the 'better' the illegal construction is, the more *de facto* tenure security it has, and the better chance of becoming legalized.

As will be shown in the next section in more detail, the underlying reasons for informal settlement development in EECCA and the Western Balkans vary between countries, as well as within them. In order to provide relevant information for the development of the future technical guidelines, the processes of producing different types of informal settlements is analyzed, as different corresponding policy approaches might be necessary to tackle the related challenges.

## Context and reasons for emergence of informal settlements

'Any discussion of land tenure and property rights needs to recognize the importance of cultural, historical and political influences, as well as those of technical and legal systems' (Payne and Durand-Lasserve, 2012:2, see also OHCHR, 2012). Each of these influences results in subtle differences in the way key terms and relationships (that underpin them at local level) are defined. For this reason, the development of effective and implementable TGs depends on critical understanding of the reasons behind the emergence of so-called 'informal settlements', as well as a national interpretation of the term. This is especially important to consider, as the vast majority of the international literature on informal settlements has been primarily developed in Africa, and later Latin America, Asia and Oceania.

The post-socialist members of the UNECE region entered the transition period in the 1990s, with few or no informal settlements. UNECE (2009: 5) stresses that 'post-Soviet transition countries have [had] limited knowledge of informal settlements, because housing in the Soviet era was considered as an universal right, with the State providing housing and basic infrastructure free-of-charge and centrally'; this is also confirmed in other publications available. The situation in the former Yugoslavia was slightly different. Similarly to other neighboring South European Countries (i.e. Greece and Italy), the illegal construction of private and second homes was a practice that was known about as early as the 1960s.<sup>12</sup> However, the practice was not seen in a positive light in professional circles and efforts were made to limit it.

The socialist period was marked by high levels of control over all forms of construction activities in urban areas. While the type of hierarchical system and manner of control enforcement differed between Albania, the former USSR and the former Yugoslavia, the fact remains that 'the majority of the assets and components of the urban development process were under the direct ownership and management of state and local governments and government-owned enterprises, who were the main land owners, investors, developers, contractors, and realtors in the field' (Hirt and Stanilov, 2009: 57).

This situation changed very quickly after the collapse of the socialist regimes. The countries entered into triple transition: from planned to market economy; from hierarchy to decentralization; and democracy. In order to understand the link between these changes and the emergence of informal settlements, it is important to note the following changes that were caused in the housing sector by this triple transition:

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<sup>12</sup> Regardless of the political system, the republics of former Yugoslavia noted the existence of illegal construction in the country in the 1960s (similar to other countries in South Europe, such as Greece, Italy, Spain, Portugal, and in Western Turkey).

- 1) Restitution and privatization of land (different types: use, lease, ownership)
- 2) Privatization of socialist public housing (and changes to the nature and diversification of tenure)
- 3) Retraction of the state from the planning and housing sectors
- 4) Shift in responsibility for housing provision from the state to private sector
- 5) Decentralization and shift of responsibilities for local urban development to local government (that was not matched by financial resources, or the training of human resources).

These fundamental reforms in the housing sector took place simultaneously, and/or were carried out within a period of time that would doubtless have been challenging even in countries with significant funds and human resources at their disposal.<sup>13</sup> These changes required radical institutional change within the professional networks involved in planning, housing, land administration and management. In some instances, this was simply a case of cities not being able to absorb the influx of new population. In many cases, the ability of local governments to manage urban development in the early years of the transition was hindered by the inadequacy of existing laws designed to regulate urban growth under an entirely different socio-economic system. Many of the regulations developed subsequently lacked sufficient legal power or clarity about mechanisms for implementation. In some countries, for instance, it was unclear for a long time which ministry was in charge of urban affairs (Tosics, 2004).

The vacuum of power, which set in during the first years of the transition period in most countries of the region, resulted in a growing share of economic activity taking place in the informal sector. Illegal constructions are now found in every EECCA country, although to different extents (Golubchikov and Badyina, 2015: 14). While some countries have curbed informality (as well as passed laws for the legalization of informal settlements), the share of the informal sector continues to be very large in others.

According to a World Bank report (2007), ‘addressing the problems of informal settlements requires a better understanding of the driving forces’ contribution to their growth, as well as a recognition of the interrelated systemic problems caused by inefficient urban planning and land management systems’ (Stanley et al., 2007).

**Table 2** summarizes the key driving forces contributing to the emergence and growth of informal settlements in EECCA and the Western Balkans, based on the available literature and interviews with selected government representatives conducted for this research. It should be noted that in most of the countries under examination, the processes noted in **Table 2** took place simultaneously and reinforced each other, leading to the growth of the informal housing sector. Therefore, any solutions for informal settlements have to take these into consideration. Addressing one of them without knowledge or information about the other is likely to produce at best very limited results and, at worst, fuel more informal development.

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<sup>13</sup> It should be noted that the listed changes took place at the beginning of the transition period when the GDPs of the EECCA had suffered a fall due to the economic crisis at the commencement of the transition (for more details about the GDP fluctuation see Golubchikov and Baydina, 2015).

**TABLE 2 REASONS FOR THE EMERGENCE OF INFORMAL SETTLEMENTS IN EECCA AND THE WESTERN BALKANS**

Category	Description	VGGT link
<b>1. Large-scale migrations</b>		
Rural to urban	<p>Increases in the number and scale of informal settlements are related to the migration of the national population from rural to urban areas and/or from the periphery of the country to the centre (primarily capital cities). This migration was caused by two simultaneous trends: (1) reform of the agricultural sector; and (2) economic changes brought about by the transition from planned to market economy, migration in search for employment - this may or may not overlap with point (1). (UNECE, 2009)</p> <p>A notable example is the Albanian capital of Tirana, which doubled its population between 1993 and 1997 through the influx of migrants from rural areas, as well as refugees from the Western Balkans. A similar population explosion was experienced in the Kyrgyz capital of Bishkek during the late 1990s. (Hirt and Stanilov, 2009: 58). Increases in the number and scale of informal or 'squatter' settlements are related to extensive illegal occupation of, and residential construction on, public land by those migrating to major cities and unable to find low-cost accommodation, e.g. Kyrgyzstan and Tajikistan. (Golubchikov and Badyina, 2015: 14).</p> <p>The literature review points to the continuous agglomeration of the population in selected cities (primarily capital cities), which requires reassessment of the housing policies and related housing supply in order to reduce the need for informal construction.</p>	10
Natural disasters and climate change	<p>In a number of countries under examination, the increase in informality was also boosted by present and/or past natural disasters, and migrations related to these. This is especially the case where the supply of the housing to replace the lost housing stock has been slow and on an insufficient scale.</p> <p>Natural disasters are a particular challenge for existing informal settlements (regardless of the quality), as their residents do not have access to home insurance, and their eligibility for state help may be challenged (in case they cannot prove the existence of their home prior to the disaster).</p>	23 24
Conflicts	<p>In a number of countries (e.g. Serbia, Croatia, Bosnia and Herzegovina, Azerbaijan, Armenia, Georgia, Ukraine, Tajikistan, etc.) the migrations that have resulted from armed conflicts contributed to the increase of informal settlements. While a considerable number of refugees and migrants have been provided with temporary shelters (often helped by international donations), these transformed into permanent solutions that challenge security of tenure for the affected population.</p> <p>In the case of informal or squatter settlements inhabited by refugees and internally displaced persons, there is still a lack of a comprehensive solution to this problem, including how to integrate the settlements within the city fabric. Solutions mainly involve the provision of the legal title to the occupier of the public land, provision of some basic utilities and social infrastructure.<sup>14</sup></p>	25
<b>2. Lack of access and affordability of housing</b>		
Lack of access to housing	<p>In a number of the post-socialist countries, the housing provided during the socialist period was not sufficient to cope with the demand for housing. The lack of supply of state-provided housing resulted in the formation of informal settlements (low to middle income, of acceptable quality) in the Western Balkans as early as the 1960s.</p> <p>The enlargement of these (existing) informal settlements and emergence of new ones in the eastern part of the UNECE region has been further fuelled by the limited housing construction in the early period of transition, as well as after the start of the global financial crisis in 2008 (see UNECE, 2015b).</p> <p>The lack of housing in general, and affordable housing in particular, led to an increase in self-built housing construction. In a number of countries, self-</p>	10

<sup>14</sup> In the future, attention should be paid to the new surge of refugees from the Middle East who are increasingly joining the facilities in the Western Balkans and Caucasus on their way to the European Union.

	building outperformed the private sector construction companies (e.g. Serbia, Albania). While this production should be made a part of future strategies for housing, the current challenge is that many of the self-built homes are built in excess of plans, permits etc.	
Lack of social and affordable housing	<p>One of the most critical facts to consider is the lack of tenure options and lack of social and affordable housing provision in the countries under examination. Notably, all the countries under examination have undergone privatization of the socialist public housing stock. The share of home ownership ranges from 100% in Albania to 96% in Armenia, 88% in Azerbaijan, 95% in Georgia, FYR of Macedonia and Montenegro, 97% in Kazakhstan and Kyrgyzstan respectively, and 88% in Serbia to name but a few (see UNECE, 2015b, for a more detailed discussion).</p> <p>While a number of countries have designed social housing policies, these policies have had limited output so far, and at the moment provide only a low number of social housing units. Considering the limited supply and high prices in the private sector, residents resort to informality because they have no other viable options.</p>	n/a
Economic crisis/Coping strategies	<p>In addition to the migrations and inadequate housing provision (as well as the irresponsible planning system), the growth of the informal sector in the countries under examination was a direct result of the economic crisis, which resulted in various 'coping strategies' among the local population. UNECE (2015b) noted that over 80% of the population in EECCA and the Western Balkans are not able to afford mortgages (interest rate: 7-22%), and that purchase on the market remains the luxury of the top 10% of earners. The monopolization of property provision and disproportionate profit margins in the private sector render 'legal' housing unaffordable. The lack of alternatives in the form of affordable housing, or affordable credit, has pushed people into illegal construction (regardless of the risks these may present). Self-building is one of the ways to significantly reduce the price of a home and when the administrative system is not responsive, this is done without a building permit, rendering them informal. The poorest residents resorted to self-building (shacks, adobe housing), squatting and illegal renting, because of the critical lack of social and affordable housing provision.</p>	n/a
<b>3. Policy and legal framework</b>		
Spatial planning	<p>Spatial planning systems in countries with a socialist past have gone through significant changes in the approach to planning, from prescriptive planning (socialist era), through the retraction of the state from planning practice and enabling the market (early transition period), to reform of the planning system (post-transition, ongoing). As the result of these changes, the urban plans were not updated (or available), or the underfunded planning departments simply could not afford to produce new plans. In countries where an existing urban plan is the basis for issuing a building permit; the lack of such plans meant that building permits could not be issued. Where this possibility did exist, complex, cumbersome and expensive procedures have been noted as the reason many residents resorted to informality (see UNECE, 2015a). As a result, the residents (1) built informally (without building/planning permit), as this was the only way to overcome existing complex and time-consuming development application procedures (in some cases up to 10 years); (2) built informally because the urban plans that were the basis for issuing building permits were missing or have not been updated; or (3) built informally for speculative purposes.</p>	10
Land restitution	<p>After 1990, land restitution took place in the majority of countries with a socialist past. The public land was returned to its original owners. However, these processes were not always completely recorded. There are cases where residents built informally on land during the process of restitution (e.g. Albania). In this case, informality is a result of a change of ownership, unfinished records, or construction without a permit on a land with an unclear ownership status.</p>	14
Legalization of informal settlements	<p>It is important to stress that a number of the countries in the region have designed and/or passed laws on the legalization of informal settlements (and informal construction), e.g. Armenia, Georgia, Moldova, Montenegro and Kyrgyzstan. In selected countries, there have been successive laws implemented</p>	5 10

	<p>since the 1990s, e.g. Albania and Serbia (see UNECE, 2009; NALAS, 2011; Hatcher, 2015).</p> <p>Several countries have reported that the legalization procedure and successive related laws have contributed significantly to increasing the number of informally built houses. Several governments indicate the need for selective legalization.</p>	
<b>4. Governance</b>		
Organizational frameworks	<p>The vacuum of power in the early years of the transition contributed to the development of informal settlements in three major ways:</p> <ol style="list-style-type: none"> <li>(1) In the early years of transition, the operation of the governance structures responsible for housing and planning was hindered by the inadequacy of existing laws designed to regulate urban growth under an entirely different socio-economic system.</li> <li>(2) The scale of the multi-sectoral change that took place required fundamental institutional change; many of the regulations developed subsequently lacked sufficient legal power or clarity about mechanisms for implementation.</li> <li>(3) The lack of clarity and unresponsive systems led to 'widespread corruption among public officials in the transitional countries, which further undermined the efforts to establish efficient control over a dynamically evolving real estate development sector' (Hirt and Stanilov, 2009: 58).</li> </ol>	5
<b>5. Contextual</b>		
Contextual perspective	It should be taken into account that a certain level of informality and non-compliance with planning and building regulations may be culturally and contextually tolerated (provided that this can be later regulated).	10
Speculative development	The review of the literature, and the interviews with selected government representatives, suggests that apart from being an exclusive coping strategy of the impoverished and poor population, informal building in EECCA and the Western Balkans presents a significant speculative (profit-making) strategy for selected groups of private developers. A fairly large part of market development takes place without a building permit and with the expectation of legalization at a later stage.	10

## Forms of informal settlements

In the UNECE region, there is no formally accepted definition of the term ‘informal settlement’ (UNECE, 2009), nor any categorization that relates specifically to land tenure and tenure security, which are the key focus of the VGGTs. For this reason, this section develops such a categorization in order to inform the development of possible technical guidelines for informal settlements in EECCA and the Western Balkans.

There are two key challenges posed by the term ‘informal settlement’ in the UNECE region in general and its eastern parts in particular. Firstly, the literature on informal settlements in the UNECE region is scarce. The vast body of literature that exists on the matter is only related to the phenomenon in the Global South (including empirical data, theoretical frameworks and guidance). Secondly, in a number of UNECE countries, especially Central Asia and Caucasus, the phenomenon is argued to be relatively new<sup>15</sup> (see for example, The World Bank 2006; UNECE, 2009; Golubchikov and Badyina, 2015).

The definitions used to describe the phenomenon of ‘informal settlements’ in the Global South are often challenged in the available literature as to their applicability in the UNECE region. For instance, UNECE (2009) stresses the importance of moving away from what they call the narrow understanding of informal settlements that is dominated by the images from the Developing World, poverty and self-made housing areas. The study points out that it is important to adopt a broader understanding of the phenomenon of informal settlements in member countries.

The government representatives interviewed for this research point out the shortcomings emerging from the employment of the term ‘informal settlement’ and associated solutions which were developed to tackle the challenges of informal settlements in the Global South. The highlighted shortcomings mainly relate to the form and the structure of informal settlements in the Global South that are perceived as different to those in the UNECE region. Critically, the sociopolitical and geopolitical changes that brought to the emergence and proliferation of informal settlements - notably the transition from planned to market economy - are rather different, for instance, from those in countries with post-colonial pasts that still bear witness to both formal and customary tenure systems.

For example, the most oft-quoted definition related to informal settlements is that proposed by the UN-Habitat (see **Box 2. Definition of Informal settlements – 2015**).<sup>16</sup>

### **BOX 2. DEFINITION OF INFORMAL SETTLEMENTS – 2015**

*Informal settlements* – are residential areas where 1) inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit, with modalities ranging from squatting to informal rental housing, 2) the neighbourhoods usually lack, or are cut off from, basic services and city infrastructure and 3) the housing may not comply with current planning and building regulations, and is often situated in geographically and environmentally hazardous areas. In addition, informal settlements can be a form of real estate speculation for all income levels of urban residents, affluent and poor. Slums are the most deprived and excluded form of informal settlements characterized by poverty and large agglomerations of dilapidated housing often located in the most hazardous urban land. In addition to tenure insecurity, slum dwellers lack formal supply of basic infrastructure and services, public space and green areas, and are constantly exposed to eviction, disease and violence.

<sup>15</sup> There is a need to clarify which form of the ‘informal settlements’ is argued to be new because there is evidence that second homes in Central Asia (e.g. Russia) were built without or in excess of a building permit. It also needs to be recognized that the term ‘slums’ is not a clear concept in this region.

<sup>16</sup> It should be noted that this definition is underpinned by a body of empirical work and literature in the Global South, primarily Africa but also Latin America. The UN-Habitat has limited information about informal settlements in the UNECE region *per se*, selected publication date from the mid- to late 2000s.

*Source:* Habitat III (based on the following documents): the definition has been quoted by World Bank, 2008: *Approaches to urban slums*; UN-Habitat, 2015: *Streets as tools for urban transformation in slums*; Cities Alliance, 2010: *Building Cities*; *Cities Alliance*; World Bank and UN-Habitat, 2002: *Cities without Slums*.

Several publications that examined the phenomena in the eastern parts of the UNECE region in the past indicated the limitations of this definition in the UNECE region (see **Box 2.**). Firstly, The World Bank (2006: 27-28) highlights that ‘the Europe and Central Asia countries have little awareness of the concept of slums, in part as a result of their legacy as countries where housing was a right and the state provided housing and access to basic utilities to people at little cost. None of the countries studied here has either an agreed-upon term or definition for a slum’. These concerns about the term have been most recently echoed by Golubchikov and Badyina (2015: 14) in their work for Habitat III. These authors stress that while the emergence of ‘slums’ has been reported across the region, this term produces confusion in this context. The key reason for this in Central Asia and the Caucasus is that the governments (e.g. Moldova, Armenia, Kazakhstan, the Kyrgyz Republic, Tajikistan and, to some extent, Georgia), rely primarily on modified versions of the Soviet concept of degraded (*vethoe*) and unsafe (*avariinoe*) housing, which refer to only one aspect of slums, namely housing stock conditions<sup>17</sup> (The World Bank, 2006: 27-28). The focus here is on property quality and structural safety. Clearly, new homes that are not structurally safe cannot be given permission for use (and therefore cannot be legalized and by default have a registered tenure). However, registered tenure cannot be revoked for those living in existing buildings that have been approved for use when they were newly built, but have since then deteriorated (see, for instance, multi-family apartment buildings).<sup>18</sup> In Central Asia and the Caucasus, different aspects of ‘slums’ are addressed through programs, such as the modernization of, and connection to, public utilities, housing subsidies, resettlement (for reasons of structural safety or repairs) and state support for capital repairs. Until recently, these programs did not address issues related to tenure rights, that is, the housing was owned by the public sector.

In the Western Balkans generally and Serbia specifically, slums are seen as ‘unsanitary’ settlements, or places in the city where residents are concentrated in ‘impoverished habitats’ (The World Bank, 2006: 27-28). The definition of slums in this region largely complies with that provided by UN-Habitat (**Box 2.**). However, it must be stressed that slums represent only one of several kinds of ‘informal settlements,’ a term used to describe many different forms of informal housing in this country (see Topalović, 2011; Milić, et al. 2004).

In line with this commentary, UNECE (2009) stresses that ‘effective outcomes of policy intervention to improve informal settlement will depend on deeper understanding of the phenomenon’ (UNECE, 2009: 5). UNECE (2009) proposes a categorization of informal settlements in the UNECE region (see Annex 2). However, this categorization does not relate to land tenure *per se* (for instance, unsanitary conditions in dilapidated multi-family buildings are listed, regardless of the tenure rights). Hirst and Stanilov (2009), reporting to UN-Habitat, also provide a classification of informal settlements in the countries with economies in transition. However, their categorization is made from the vantage point of planning and building permissions (or lack of), which to a lesser extent relate to the land tenure. Similarly, at the country level, there are different possible classifications. In the case of Serbia, for instance, the categorization is based upon an urban typology but does not always relate to tenure rights *per se* (see Topalović, 2011; Milić, et al. 2004). The key concern of government representatives interviewed for this research is so-called unplanned and illegal construction, in other words development that happens outside the statutory process.

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<sup>17</sup> In this region, slums are often related here to degrading and unsafe multi-family houses, overcrowded housing, barracks and dormitories intended for short-term housing (former industrial areas in Moldova and Kazakhstan), housing with lacking, unsafe or deteriorating basic utilities (e.g. Tajikistan, Kyrgyzstan), people living in buildings constructed for non-residential purposes (Armenia, Georgia), and abandoned apartments (Moldova and Kazakhstan).

<sup>18</sup> In this case, it is the location in the local housing market that defines the option for the resident (with the legal title). If the property is in an area of high housing demand, it can fetch a high price and the property owner can sell it and buy a sound property somewhere else. If the property is in an area of low housing demand and its price is low, this presents a problem as the owner is trapped in a low-quality, low-price property that if sold cannot allow them to buy a property somewhere else. The collapse of such a structure would render the owner homeless, in which case their tenure would be challenged/annulled.

## Types of informal settlements and security of tenure

The key focus of the VGGTs is ensuring secure tenure of land through responsible governance. **Table 3 Types of informal settlements in the eastern part of the UNECE region** develops a categorization of informal settlements and unauthorized construction in EECCA and the Western Balkans that focuses on land tenure in informal settlements. The categorization is developed specifically for possible development of technical guidelines on informal settlements based on VGGTs. The proposed categorization is based on the literature review and takes into consideration the categories developed by UNECE (2009) and Hirt and Stanilov (2009) for the same region. It has to be noted that the categories presented are the most common categories observed in the countries under examination based on the available literature.<sup>19</sup> In order to understand the aspects of governance that could be potentially improved to secure better tenure security in the informal sector in EECCA and the Western Balkans, the table provides an assessment of *de jure* and *de facto* tenure security in each category of informal development in the eastern parts of the UNECE region. The conclusions are drawn from detailed examination in Annex 1.

#	Occupancy	Key subcategories	Tenure Security
1.	<b>Legal title to land and property – unauthorized adaptations</b>	<ul style="list-style-type: none"> <li>a) Minor adaptations to existing structures without building permission (e.g. closing balconies, addition of one to two rooms in an existing attic). Turning existing premises into living areas (e.g. turning garages into living areas, turning basements into living areas); turning former common spaces (e.g. laundry rooms) into living areas, without a building permit.</li> <li>b) Structural changes to existing buildings, e.g. lateral extensions of apartments in multi-family buildings, additions of floors on existing multi-family buildings.</li> </ul>	<i>De facto</i> high tenure security due to the legal land title to the property.
2.	<b>Legal title to land - unauthorized construction</b>	<ul style="list-style-type: none"> <li>a) Construction on own land following the existing plans and regulations but without an actual permit (in cases where a detailed master plan exists).</li> <li>b) Construction without a permit on own land in excess of existing plans.</li> <li>c) Construction with a permit on own land, but unauthorized changes to approved plans, building in excess of officially approved permit (e.g. building a multi-storey building instead of the approved family home).</li> </ul>	<i>De facto</i> high tenure security due to the land title.
3.	<b>Legal title to land – unauthorized subdivisions and unauthorized construction.</b>	<ul style="list-style-type: none"> <li>a) Legal title to land, but illegal change of land use (e.g. agricultural land used for residential buildings) involving illegal subdivisions of land (and the selling thereof to a different owner). Housing built without building permission.</li> <li>b) Public land or rural land subdivided and given (or sold at market price) by the local authority itself to im/migrants coming to the city, but without a change in the plans.</li> <li>c) Construction without a permit on land with unclear title to land (e.g. that resulted from an unclarified or unresolved process of land restitution).</li> </ul>	Tenure may secure to category (a) can be challenged or not; in cases (b) (c) depending on the location, country and quality of the construction.
4.	<b>No legal title to land – unauthorized construction.</b>	<ul style="list-style-type: none"> <li>a) Illegal land occupation, housing without planning/building permission, not integrated in the broader urban system (relatively good living standards).</li> <li>b) Building in protected zones: national parks, natural reserves, coastal areas, protection areas (e.g. highways, industrial, flood barriers etc.).</li> </ul>	Tenure may be challenged depending on the case - high in case (a); may be challenged in case (b).

<sup>19</sup> A separate examination of each country may reveal additional local categories.

5.	<b>No legal title to land – squatter settlements</b>	a) Unauthorized homes built by im/migrants settling in un-serviced areas. b) Unauthorized shacks made in un-serviced areas by the low- or no-income population (e.g. Roma population).	Low tenure security.
	<b>Tenancy</b>	<b>Description</b>	<b>Tenure Security</b>
6.	<b>Illegal rental tenure</b>	Medium- and long-term rents in the informal sector belonging to categories 1 to 5; informal agreements between the landlord and tenant (rented per room, or entire apartment/home); non-registered/non taxed.	Low tenure security.
7.	<b>Temporary legal residence</b>	Temporary legal residence for populations displaced because of natural or man-made disasters. There are generally three categories within this type: 1) custom-built collective accommodation centres (e.g. for refugees/IDPs); 2) temporary accommodation consisting of tent camps and prefabricated temporary houses; and 3) temporary accommodation in buildings not built for residential purposes (e.g. public buildings, former hotels, schools).	Low tenure security.
<b>Notes:</b>			
Categories 2 and 3 may be developed by roughly three different population groups (a) residents resorting to self-building in order to secure an affordable home not available in the local market; (b) residents resorting to the construction of second and luxury homes (especially category 4); and (c) developers embarking on deliberately illegal property developments to secure profit from sales, tenants and/or tourism, while committing deliberate tax evasion. In the literature examining the security of tenure, two legal expressions are used: <i>de facto</i> and <i>de jure</i> . <i>De facto</i> means: 'existing in fact', although perhaps not intended, 'legal', or 'accepted'; <i>de jure</i> means: 'by right', 'according to law' (distinguished from <i>de facto</i> ).			

**Table 3** Types of informal settlements in the suggests that the *de facto* tenure security in the majority of types of informal housing is relatively high, due to non-demolition, infrastructure provision and legislation. Because of the categorization based on illegality/legality (primarily defined based on possession or lack of building permit),<sup>20</sup> there are four characteristics that define so-called 'informal settlements' in the UNECE region, based on the available literature and interviews conducted for this study with the government representatives:

- 1) **'All income categories live in informal settlements'** according to the government representatives interviewed for this research, and the available literature. Notably, the key characteristic of 'informal settlements' is that informality is generally present along the whole income spectrum; it is not limited to the poor or those on low incomes. Therefore, one of the key challenges of legalization projects, as well as the future technical guidelines, is to target those on the lowest incomes while addressing the challenge of illegal construction in other income categories. With this in mind, different forms of 'informal settlement' are examined in Annex 1.
- 2) **There is a wide variety of informal settlements in the UNECE region in general, and UNECE member states with economies in transition in particular.** Because of the focus on different aspects of 'illegality', the types of informal housing vary from minor additions to the existing structures (e.g. closing of balconies), to lateral and vertical extensions of multi-family buildings, unauthorized construction on own land, unauthorized construction on public and private land and squats with impoverished residents, but also luxury villas, properties built for tourism (rent), and multi-storey apartment buildings (see **Table 3** Types of informal settlements in the ).
- 3) **Living in informal settlement does not equal *de facto* tenure insecurity** (see the following section). In regions where the phenomenon is very common (e.g. the Western Balkans) the majority of residents living in informal settlements enjoy *de facto* security of tenure. This is supported by non-demolition, non-eviction and other laws for legalization (and, in some countries, successive laws of legalization).
- 4) **Locations of 'informal settlements' in the eastern parts of the UNECE region vary from inner-cities to suburban areas, nature reserves, rural land, rural areas, and protected and contaminated land.** It is critical to emphasize that informality in the UNECE region is

<sup>20</sup> Clearly, legislation related to 'informal settlements' is linked to this categorization.

not limited to ‘settlements’ as such (in terms of their being focused only in groups of housing); they may be ‘pepper-potted’<sup>21</sup> over the city in and on the existing structures that have been expanded and/or adapted without a permit.

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**Box 3** KEY CHARACTERISTICS OF INFORMAL SETTLEMENTS IN EECCA AND THE WESTERN BALKANS

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No income		High income
Slums		Luxury homes and second homes
<i>De facto</i> low tenure security		<i>De facto</i> high tenure security

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Because the term ‘informal settlements’ can be interpreted to cover a wider range of property types (from shacks to luxury villas) and all income levels, it is deemed important that the legislation and registration laws/policies have the capacity to target those who are in greatest need, while being able to devise a proportionate penalty for those who have been known to use the illegal sector to secure profit and deliberately avoid meeting the responsibilities of those with a legal title. Some of these questions are addressed in the section on Legalization.

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<sup>21</sup> In a formal planning practice (in the UK for instance), the term ‘pepper-potting’ is a form of mixed tenure development. It describes an urban planning strategy in which poorer and more affluent residents live in a mixed community through the ‘sprinkling’ of social housing amongst privately-owned housing. In this context, the term is used to illustrate the fact that informal developments, additions and adaptations are ‘sprinkled’ amongst legally registered housing.

# Chapter 3. Legal, policy and institutional framework [VGGT 5]

## Regulated spatial planning [VGGT 20]

The collapse of socialism was the key condition shaping the spatial planning and spatial reconfiguration of Central Asia, Caucasus and the Western Balkans. Informal settlements in the post-socialist cities of the eastern parts of the UNECE region are a distinct manifestation of the post-socialist systemic transformation process (see Gabriel, 2007; UNECE, 2009).

‘The end of communism had major repercussions for planning. As a rule, post-socialist governments made a sharp turn to the political right. Neo-liberal ideas for the superiority of an unbridled *laissez-faire* system led not only to the immediate abolition of national economic planning but also to a broad legitimacy crisis of planning *per se* as some came to view it as a rusty quasi-communist activity’. (Hirt and Stanilov, 2009: 23-24). This led to persistent weakness in planning regulation, especially at the beginning of the transition period. In the eastern parts of the UNECE region, urban planning reforms were initiated in the 2000s, a decade after the fall of communist regimes. In this period, however, the socio-economic context within which urban planning operated was radically reformed.

<b>BOX 4 CHANGES UNDERPINNING SPATIAL PLANNING TRANSFORMATION IN EECCA AND THE WESTERN BALKANS</b>	
<b>Pre-transition (pre-1989)</b>	<b>Post-transition (ongoing)</b>
Socialist: rational, scientific planning	Regulated spatial planning
Hierarchical system	Decentralized system
Command (top-down planning)	Participation (bottom-up planning)
Controlling/planning the economy	Enabling the market
Public housing	Private housing (including privatization)
Public supply of housing	Private supply of housing
Public land	Private land (including land restitution)

The beginning of the transition period saw the privatization of housing and land (including land restitution). Urban development became the domain of multiple parties: not just the once all-powerful public authorities, but also private owners, builders, developers, citizens, non-profit organizations and other interest groups. In this milieu, the reform of the urban planning systems (inherited from socialist times) has been a major challenge, for the sheer scope and scale of simultaneously introduced changes, if nothing else.<sup>22</sup>

Informal settlements in the eastern parts of the UNECE region have developed partly as a result of state disinterest in spatial planning and related disciplines, and a consequent lack of effective urban plans, as well as a lack of enforcement of the existing plans. Informal land acquisitions, subdivisions and other self-help solutions are perhaps a natural coping mechanism for residents who struggled to acquire building permissions, and for migrants, refugees and other populations whose housing need has not been met in the early transition period. It should be noted, however, that the scale of the phenomenon, which developed without any planning intervention to protect property rights and allocate public goods and infrastructure efficiently, ultimately led to a renewed call for spatial planning.

Since the mid-2000s, the planning rhetoric in national spatial strategies and planning documents has begun to advocate sustainable development and public participation. However, given the sheer scale

<sup>22</sup> It is useful to look at practices for introducing new policies in established and well-funded planning systems that require a relatively moderate shift in local authority practices, to get a feeling of the potential challenges institutional changes related to one novel policy can create for local authorities in the ‘enabling the market’ milieu. For the UK example, see Rosenfeld, O. 2013. From this perspective, the conclusion is that any system, funded or underfunded, would collapse, given the challenges listed in **Box 4**.

and depth of the changes to the spatial planning systems (along policy, legislative and institutional frameworks), the results of this process have been mixed.

At their best, planning reforms across the region have resulted in improved legislation, infrastructure and services, as well as community-driven attempts to regularize informal settlements. At their worst, governments have turned a blind eye to informal practices, which has constrained legalization, exacerbated corruption and social unrest, and forced the poor into isolated areas (Tsenkova, 2012: 301). The following sections provide a brief overview of the key changes that took place in spatial planning, key trends and challenges, as well as the main implications for informal settlements.

### The end of socialist centralized planning

Spatial planning was a well-developed and highly regarded discipline in the socialist period. Communist governments took planning to unprecedented heights; the concept of rational, scientific planning was one of the ideological pillars of the époque. Socialist spatial planning had two key features: (a) it was designed and implemented through a strict hierarchy (institutional and planning documents); (b) it was highly prescriptive and detailed.

In the former USSR, ‘local, urban planning was subordinate to national economic planning and the local planners’ chief role was to act as technical translators of the higher-level economic goals into the physical layout of cities’ (Hirt and Stanilov, 2009: 22). The system was top-down with a very high degree of vertical integration of plans (national to local) which, in the case of EECCA, was subservient to the complex hierarchy of economic planning.<sup>23</sup> It should be noted that national-scale spatial planning was conducted centrally for all the former states. This means that countries such as Georgia ordered their first independent national spatial plan in 2015 (interview). Only Yugoslavia had a partially decentralized system following reforms in the 1960s, under which planning became the provision of the individual republics (Piha, 1965).

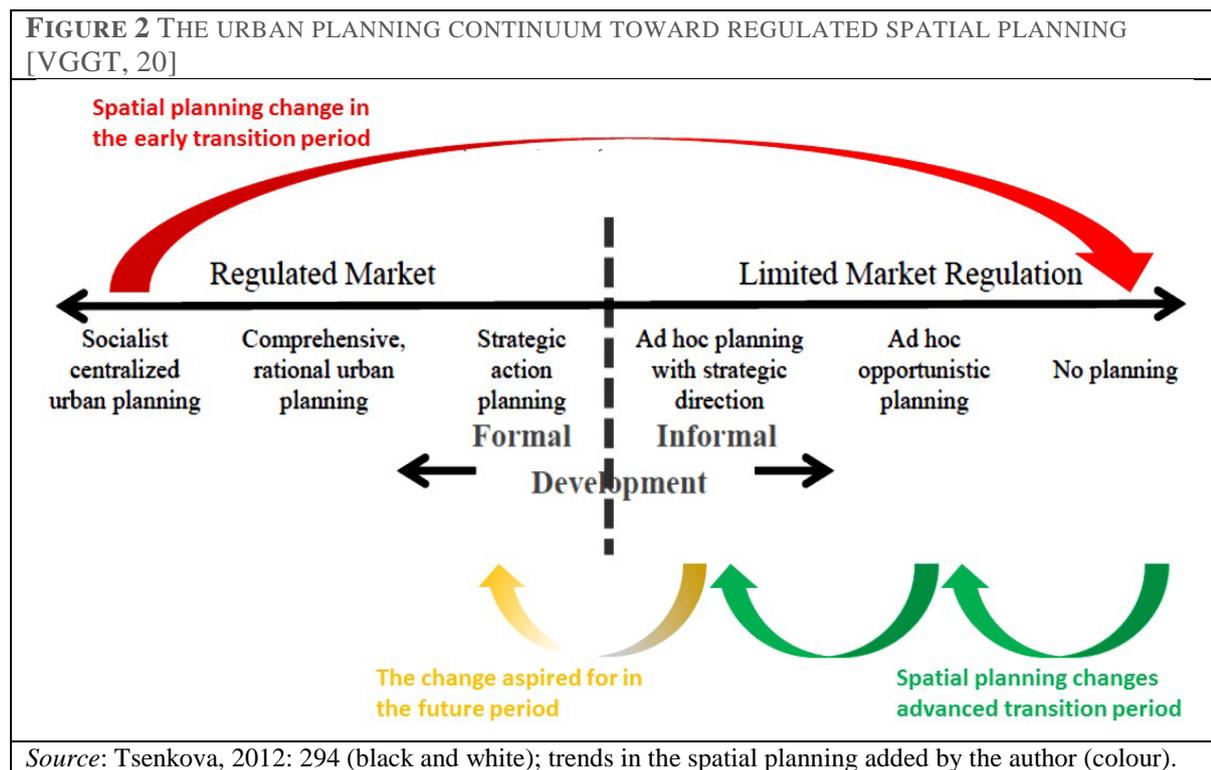
This centralized approach was made possible because the socialist state assumed ownership of most urban and rural land, large real estate and means of production. Within this system, housing was a constitutional right and the state provided housing and access to basic utilities to people at little cost. The general characteristics of spatial planning at the urban level were high levels of detailing with prescribed densities, setbacks (regulation lines), and building-envelope requirements as a common planning practice. They were part of the professional credo embedded in technical competence and public interest.

## Transition of spatial planning systems

The end of communism had major repercussions for planning, as noted earlier. The ‘shock therapy’ – the favored recipe for the structural reforms of the 1990s (Golubchikov and Badyina, 2015: 2) initially disoriented the institution of planning and depreciated its utility.

In the same period, the socio-economic context within which urban planning operated was also radically reformed. Land was restituted to its owners before nationalization, and privatized. Socialist public housing was sold or given to the sitting tenants. These two simultaneous moves radically changed the tenure system of both land and housing, often leaving mixed results in terms of actual registration of these newly acquired rights. In a number of countries, the unclear land rights that emerged as the result of this process present a challenge, particularly where informal housing (third party) has been built (see Albania). The massive government retrenchment from housing and planning, and the optimism about the opportunity to quickly build prosperous market-based systems, ‘actually turned out to be socially and economically devastating’ (Golubchikov and Badyina, 2015: 2) and had major repercussions in terms of the formation of informal settlements.

**Figure 2 The urban planning continuum toward regulated spatial planning [VGGT, 20]** illustrates key trends related to the transformation of spatial planning in countries with economies in transition. It shows that in the early period of transition, government administrations moved quickly from ‘socialist centralized urban planning’ to ‘no planning’ in pursuit of neo-liberal aspirations.



The obvious difference between competitive, market-driven urban development and the chaotic urban development that actually spread across the region is manifested in large-scale illegal construction on public land and the rapid proliferation of informal settlements (Tsenkova, 2012: 293). In some capital cities, these settlements are home to 30% - 50% of the total population (e.g. Tirana, Belgrade). In Serbia, over 1.5 million illegally built properties (including extensions) have been reported, while in Croatia the number of registered informal housing units stands at over 800,000 (see also **Table 4**.)

**TABLE 4** ESTIMATION OF PERCENTAGE OF AREAS OF INFORMAL SETTLEMENTS VERSUS TOTAL AREA ZONED FOR HOUSING IN THE CAPITAL CITY (THE WESTERN BALKANS AND SOUTH-EAST EUROPE)

<b>Bosnia and Herzegovina</b>	<b>Croatia</b>	<b>Slovenia</b>	<b>FYR Macedonia</b>	<b>of Montenegro</b>
25-50%	5-25%	0	5-25%	>50%
<b>Serbia</b>	<b>Bulgaria</b>	<b>Moldova</b>	<b>Romania</b>	<b>Albania</b>
25-50%	<5%	<10%	5-25%	25-50%

*Source: NALAS, 2011: 94.*

Unfortunately, institutional reforms to adjust planning to the new context lagged behind throughout the 1990s. The new societal context and the sharp economic downturn during the 1990s led to severe urban challenges, including uncontrolled sprawl, failing infrastructure, loss of natural resources and cultural heritage, and socio-spatial segregation (Hirt and Stanilov, 2009). While selected countries of Central Asia saw significant economic recovery at the end of the 1990s and the beginning of the 2000s, in South-East Europe the economic crisis was deeper than elsewhere - unemployment and poverty were higher, and political stability was side-tracked by a civil war, a refugee crisis, and a prolonged institutional and regulatory vacuum. Due to the delayed economic and political reform process, a substantially larger informal economy, accounting for over 40% of the gross domestic product, has evolved. Consequently, a fairly large part of property development has taken place with no planning intervention and with the expectation of being legalized at a later stage.

The development pressure took place partly because of the large-scale migrations (urban to rural). As a result of this pressure, the initial era of ‘no planning’ was substituted by ‘*ad hoc* opportunistic planning’ that dominated the urban planning scene in the 1990s (see Figure 2 **The urban planning continuum toward regulated spatial planning [VGGT, 20]**). The institutional and regulatory vacuum allowed for numerous *ad hoc* changes to detailed urban plans from socialist times to accommodate developer interests and politically driven compromises. The scale of such profit-maximizing transformation, without any organized planning intervention, and the massive emergence of informal settlements in the region has ultimately highlighted the need for urban planning.

The first attempts at planning for informal settlements were in the form of ‘*ad hoc* planning with a strategic direction’. These consisted of *ad hoc* incremental changes to the existing spatial plans, but with some strategic direction. Some post-socialist cities (e.g. Tirana, Belgrade) have experimented with this approach in an effort to incorporate informal development into the formal structure of the city (Tsenkova, 2012). This movement signalled the return to planning and the re-consideration of its role in the development of cities.

Most EECCA countries reactivated their planning work from the early 2000s ‘energetically updating old general plans and developing new ones’ (Golubchikov and Baydina, 2015: 8). This said, the planning situation remains uneven – for example, Kyrgyzstan has only developed a general plan for Bishkek, adopted in 1999, and one for Osh, which has not been officially approved. Similarly, in the Western Balkans, the capital cities and other major urban centres (but not all cities) have acquired a new generation of master plans in the last decade, with several major follow-up revisions that attempt to capture the dynamic reality of unplanned and chaotic development (Tsenkova, 2012: 294).

Since 2005, positive developments have included the establishment of a clearer institutional framework for planning, increased public participation in the planning process, and a new planning emphasis on sustainable development, as well as the emergence of several new forms of planning, including strategic and environmental planning (Hirt and Stanilov, 2009: 23-24). It should be noted, however, that this process is still ongoing and there are steps to be made to live up to the aspirations of ‘regulated spatial planning’ [VGGT 20]. The challenges identified in the literature are presented in the next section.

## Conclusion: remaining challenges related to spatial planning and informal settlements

[VGGT 20] stresses the importance of regulated spatial planning. [VGGT 20.1] highlights that ‘regulated spatial planning affects tenure rights by legally constraining their use. States should conduct regulated spatial planning, and monitor and enforce compliance with those plans, including balanced and sustainable territorial development, in a way that promotes the objectives of these Guidelines. In this regard, spatial planning should reconcile and harmonize different objectives of the use of land, fisheries and forests’. This section identifies the progress made and challenges that still remain in the domain of spatial planning in EECCA and the Western Balkans.

**National level:** While it must be acknowledged that there has been considerable progress towards adjusting to, and working under, market conditions in countries of the sub-region, the literature suggests that there is still work to be done in terms of ensuring coherence between levels of spatial planning (at national, regional and city level). ‘In this light, a resurgence of interest in national level spatial planning,<sup>24</sup> which would provide a framework for the whole planning hierarchy, is noteworthy’ in EECCA (Golubchikov and Baydina, 2015: 8). This also concerns coherence between regional and national policies addressing urban development strategy in the Western Balkans.

At the regional level, it is suggested that it would benefit those territories involved in close cooperation to better coordinate and integrate their urban planning and development with transport infrastructure. A common criticism of the new plans concerns their fragmented and declarative nature, their weak relationship with socio-economic forecasting, in addition to a lack of comprehensive hierarchy of planning documents.

Clearly, without such measures ‘balanced and sustainable territorial development, in the ways that it reconciles and harmonizes different objectives of the use of land’ [VGGT 20.1] is difficult to achieve. More importantly, without clear links between the national plans and those of regions and cities, it is challenging to foresee a path of possible future migrations (in particular, economic migration), plan for these changes and/or take measures to avert them. Therefore, the lack of clear links between levels of planning may also allow for the formation of informal settlements.

**City level:** As noted previously, many capital cities have reactivated urban planning and designed a new generation of master plans. However, this development remains uneven. In the Western Balkans (notably, Serbia, Montenegro, and Bosnia and Herzegovina), the lack of master plans has been highlighted as a particular constraint. Local governments often lack resources to develop a new generation of master plans. This highlights the weakness in terms of their ability to effectively deliver the plans noted in [VGGT 6.1].<sup>25</sup> The *ad hoc* amendments to the detailed socialist neighbourhood plans are still the most common practice.<sup>26</sup> The lack of plans is detrimental to the integration of informal developments on the one hand. On the other, the lack of urban plans constrains the possibilities for future development, pushing residents in housing need to development without permits.

An additional challenge that has been highlighted is the difficulty to change the land use (i.e. from rural to urban land). While in selected countries this change is regulated by the national constitution (i.e. FYR of Macedonia), in others these difficulties are related to complex procedures required to change the land use from rural to urban. In terms of informal settlements, this inability to change the

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<sup>24</sup> It should be noted that, until recently, many countries in Central Asia did not have a national spatial plan that was designed independently.

<sup>25</sup> [VGGT 6.1.] ‘To the extent that resources permit, States should ensure that implementing agencies and judicial authorities have the human, physical, financial and other forms of capacity to implement policies and laws in a timely, effective and gender-sensitive manner’.

<sup>26</sup> Descriptiveness at the local level: many specifications like setbacks, width of major roads, floor-area ratios, and maximum heights may have to be negotiated project by project. This practice causes delays, perpetuates informality, and creates opportunities for arbitrariness and corruption.

land use from rural to urban (on illegal subdivisions of rural land, informal settlement type 3, **Table 3**) may be a challenge with regard to legalizing properties built on rural land. The complexity of the noted procedures highlights a remaining weakness in limiting ‘informal tenure that results from overly complex legal and administrative requirements for land use change and development on land’ [VGGT 10.4].

At the same time, cities on their own often have limited fiscal autonomy to realistically pursue comprehensive strategies. They remain dependent on decisions taken at other levels or on the whims of investors. This challenges their institutional capacity to effectively control and enforce compliance with detailed plans. In addition to the above, ‘frequent changes in the normative and legal bases; new planning and construction laws, standards, and norms; and the lack of institutional capacity for enforcement are significant constraints for the small and underfunded departments dealing with building and occupancy permits’ (Tsenkova, 2012: 299). Therefore, the practice of updating existing master plans by following the developer’s initiative in pursuit of opportunity rather than strategy is still common in post-socialist cities.

Finally, the following notable trend related to [VGGT 10.4] should be taken into account: At the current stage of socio-economic transition, local governments in EECCA and the Western Balkans are under pressure to make their planning systems more efficient in order to attract investment and boost their economies. Therefore, local authorities have been observed to make efforts to simplify the planning and building regulations and administrative procedures for issuing construction permits. ‘However, as local governments become more economically ambitious in the future, other social and environmental considerations will need to be taken into account, such as balancing the needs of investors and developers with those of the affected communities’ (Payne, quoted in NALAS, 2011: 4).

This is especially relevant to the issue of informal settlements which, due to being in the early stages of legalization, are still focused on issues concerning the registration of properties, titling and formalization, with far less emphasis on the environmental or social aspects of integration. The ‘achieving aspirations’, as outlined in [VGGT 20.3],<sup>27</sup> which relate to the balancing of public, community and private interests, accommodating various land uses and considering all tenure types and rights, require more work.

**Informal settlements and planning:** In the eastern parts of the UNECE region, current initiatives for tackling the challenge of informal settlements have focused primarily on legalization. UNECE (2015a) notes that, out of all the countries examined (i.e. Greece, Cyprus, FYR of Macedonia, Montenegro and Albania), only Greece has made urban planning-related formalization compulsory. It still remains to make a strong business case for the regularization of informal settlements and their integration into the overall city development.<sup>28</sup>

Given their scale, ensuring the sustainable development of these areas is of strategic importance. The future spatial plans should endeavour not only to link informal settlements with the adjunct cities, but should effectively address the infrastructure deficit, protect environmental assets and contribute to social cohesion.<sup>29</sup> The spatial integration of informal settlements will require spatial plans, which

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<sup>27</sup> [VGGT 20.3] ‘States should ensure that regulated spatial planning is conducted in a manner that recognizes the interconnected relationships between land, fisheries and forests and their uses, including the gendered aspects of their uses. States should strive towards reconciling and prioritizing public, community and private interests and accommodate the requirements for various uses, such as rural, agricultural, nomadic, urban and environmental. Spatial planning should consider all tenure rights, including overlapping and periodic rights. Appropriate risk assessments for spatial planning should be required. National, regional and local spatial plans should be coordinated’.

<sup>28</sup> The integration of informal areas has distinct economic benefits: it can provide a boost to the formal economy, raising fiscal revenues and contributing to job creation (Tsenkova, 2012: 302).

<sup>29</sup> However, it should be taken into consideration that the legalization, integration and urban upgrade should go hand in hand. The literature highlights the risks of the urban regeneration programs that give priority to physical upgrading. This usually focuses on improving living conditions (especially in countries where the focus on slums is still on their physical condition, rather than security of tenure). UNECE (2009: 9) stresses that it is essential to provide residents with security of tenure and deliver integration of informal settlements into the broader urban structure.

could provide: (1) ‘alternative development standards and minimum public safety requirements in informal areas; (2) conditions for retroactive occupancy permits in cases of legalization, depending on the degree of informality; and (3) the degree of flexibility at the local level in issuing planning permits’ (Tsenkova, 2012: 302), among other locally required adjustments. Clearly, further advancements toward regulated spatial planning can play a key role where markets have generally failed to integrate informal cities and produce sustainable urban environments.

Finally, there is more work to be done to identify and recognize local potential. The fact should not be ignored that, in many post-socialist countries, the self-building sector (acceptable to good quality self-built family homes) produced a much higher housing output than the private sector (usually meaning private developers) in the same period of time (see case of Serbia); by avoiding paying inflated private sector prices, these local initiatives, albeit without building permission, provided much-needed affordable homes. This potential should be institutionalized and built upon in the future (for reference, see [VGGT 20.2]).

**Participation:** [VGGT 20.4] notes that States should ensure that there is wide public participation in the development of planning proposals and the review of spatial plans to ensure priorities and interests of communities are reflected. In addition, [VGGT 20.2] recommends that ‘States should develop through consultation and participation, and publicize, gender-sensitive policies and laws on regulated spatial planning’. The changes introduced since the 2000s to the planning systems in EECCA and the Western Balkans resulted in the required public participation. In general terms, city-plan (master plan) making has become more decentralized, democratic and participatory. However, the tradition and mechanism of participatory planning are somewhat limited. In Central Asia and Caucasus, consensus building skills are still in short supply (Golubchikov and Badyina, 2015: 10). This is true in the Western Balkans as well. The institutional support to communities during the planning process is still lacking. It should also be noted that in instances where the plans are still updated on an *ad hoc*, piecemeal basis, it is difficult to envisage the full participation of all affected parties and stakeholders.

## Legalization of informal settlements [VGGT 5 and 10]

[VGGT 5.3] stresses that ‘States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests. The World Bank (2012) highlights that ‘both legal frameworks and informal tenure systems can provide tenure security depending on the strength of and adherence to tenure systems and related institutions’. The analysis of tenure security in informal settlements in EECCA and the Western Balkans showed that the perceived tenure security of informal developments (i.e. types 1 to 4) is relatively high (see **Table 3** Types of informal settlements in the eastern part of the UNECE region (EECCA and the Western BALKANS)). [VGGT 10.6] places special emphasis on the limitation of forced relocation and evictions from informal settlements. The data available through the available literature suggests that evictions or demolition are minimal. However, ‘When property rights are not recognized legally or cannot be enforced with government support, (perceptions of) tenure insecurity may emerge’<sup>30</sup> (World Bank, 2012: 4). According to the Land Governance Assessment Framework that was developed simultaneously with VGGTs, ‘the legal recognition of all existing rights to land and natural resources is a key element of land governance’ (ibid.).

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<sup>30</sup> Examples are situations of increasing competition over land and land transactions, legal pluralism, challenges to customary forms of tenure, and weakening of governance institutions. Ambiguous rights or ambiguity regarding who holds the rights can increase the potential for conflict, divert resources for the defense of property claims, and act as a disincentive for investments in land. It may also reduce transaction costs and improve the transferability of land, thus facilitating gains from trade and the allocation of land to more efficient uses (World Bank, 2012).

[VGGT 5.1] states that ‘States should provide and maintain policy, legal and organizational frameworks that promote responsible governance of tenure of land, fisheries and forests. These frameworks are dependent on, and are supported by, broader reforms of the legal system, public service and judicial authorities’. Types and manifestations of informal settlements differ between the countries as much as within them. Therefore, the ways in which different countries come to terms with existing illegal and informal development differ from the ways in which they find to prevent such development in the future (UNECE, 2009: 61). The present literature review shows that the differences in approach depend on history, politics, manifestation of informal development (e.g. illegal squats vs. middle class family homes built without a permit), and on whether informality is a recent phenomenon or a long-term one. The approaches to and perceived urgency of) legalization also depend on cultural ‘tolerance’ toward illegal construction. Ho (forthcoming, 2017) suggests that there are generally five types of government approach to informal settlements (see **Table 5 Scales of tolerance of illegal/informal construction (built environment)**).

<b>TABLE 5 SCALES OF TOLERANCE OF ILLEGAL/INFORMAL CONSTRUCTION (BUILT ENVIRONMENT)</b>		
<b>Tolerance</b>	<b>Institutional stance</b>	<b>Practice</b>
<b>High</b>	<b>Condoning</b>	Accepting praxis by non-intervention
<b>Medium high</b>	<b>Co-opting</b>	Formalizing what is done
<b>Neutral</b>	<b>Facilitating</b>	Supporting what needs to be done
<b>Medium low</b>	<b>Prohibiting</b>	Dictating what shall not be done
<b>Low</b>	<b>Ordaining</b>	Commanding what must be done

*Source:* Table C1, Conclusion in Peter Ho (forthcoming, 2017) Copyright@Cambridge University Press.

Therefore, the ways different countries come to terms with existing illegal and informal development varies, along with their approach to preventing such development in the future. Increasing decentralization and changes in governance in many countries also impact these choices, since solutions require action at all levels of government, leadership from municipal administration and the mobilization of residents of informal settlements (UNECE, 2009: 61).

In selected countries with economies in transition where the phenomenon of informal settlement is relatively new, efforts have focused on general improvement of land registration systems and the development of real estate cadastre to secure tenure and facilitate real estate market and property transitions (UNECE, 2009). In 2012, the World Bank reported the implementation of 40 land administration projects in 23 countries (Tonchovska and Adlington, 2012). While these measures have not explicitly targeted the informal settlement problem, in general terms they have aimed to provide better spatial data infrastructure for urban planning and management with respect to general compliance with the existing planning and building regulations. It should be noted that, in addition to legalization of informal settlements, there are other policy initiatives that have been implemented. **Box 5** Most common policy measures used to address the ‘urban problems’ of informal settlements in the UNECE region lists the most common policy measures used to address the so-called urban problems of informal settlements. However, apart from point 1., these are not explicitly linked to land tenure security.

<b>BOX 5 MOST COMMON POLICY MEASURES USED TO ADDRESS THE ‘URBAN PROBLEMS’ OF INFORMAL SETTLEMENTS IN THE UNECE REGION</b>
<ol style="list-style-type: none"> <li>1. Formalization and legalization</li> <li>2. Regularization and upgrading</li> <li>3. Resettlement and reallocation</li> <li>4. Alternative housing systems for informal settlements</li> </ol>

As the focus of the VGGTs is on increasing land tenure security through responsible governance, this section focuses on the legalization initiatives. This is of critical importance as ‘ensuring the security of land tenure throughout *de facto* protection against eviction and *de jure* formalization of land tenure for informal settlements is one of the major challenges for governments (Durand-Lasserve and Selod, 2007).

### Formalization and legalization

[VGGT 10.1] recommends that where informal tenure to land exists, States should promote policies and laws to provide recognition of such informal tenure. UNECE (2009) argued that ‘formalization of informal settlements has been implemented widely in all countries across the [UNECE] region, or is in the process of being so’.<sup>31</sup> The present report identifies five types of country in terms of their stage of informal settlement legislation development. The Western Balkans, along with countries with aspirations to join or collaborate with the European Union, seem to be leading in terms of legalization of informal settlements. In this group of countries, formalization and legalization of informal settlements has been undertaken since the 1990s. While several countries designed and launched their informal settlements formalization legislation in the early 1990s (e.g. Albania and Serbia), others have done the same in the 2000s (e.g. Georgia and Montenegro). The legislation initiatives have also been identified in Armenia (UNECE, 2009), Moldova (NALAS, 2011) and Kyrgyzstan (Hatcher, 2015),<sup>32</sup> among others.

**TABLE 6 LEGALIZATION OF INFORMAL SETTLEMENTS IN EECCA AND THE WESTERN BALKANS**

No legalization	Law on legalization in development	Law on legalization in early stage of implementation	Law on legalization in advanced stage of implementation	Successive laws on legalization (more than a decade)
				

The legalization of the unintended status quo is driven by efforts to ensure *de jure* tenure security, improve land administration (e.g. complete records of existing properties and tenure rights) and capture revenue (e.g. taxes on land and economic activities, other land related fees or revenue from penalties). The formalization and legalization process has been supported by selected projects and initiatives of international organizations that have also extensively promoted land titling programs as a means of increasing tenure security, improving access to formal credit and reducing poverty (Durand-Lasserve et al. , 2007).

Durand-Lasserve (2006b) identifies recent trends by international organizations in the understanding of security of tenure issues. ‘Urban actors are changing their strategy regarding secure tenure, with impact on cities’ administration, urban governance and sustainable urban development’. Tenure regularization policies are being shaped within a new conceptual framework: moving away from security of tenure based on land ownership and titling programs, towards a more comprehensive approach focusing on informal settlements’ social and economic integration. This new approach recognizes security of tenure based on legal pluralism and a mixed land market (UNECE, 2009).

This literature review identifies two approaches to legalization of informal settlements in the relevant UNECE countries where the legalization process has commenced: (1) legalization that is carried out independently of the urban development/redevelopment plans; (2) legalization that is carried out as an integral part of renewed efforts to develop statutory plans regulating development at the local level

<sup>31</sup> This refers to EECCA and the Western Balkans, South Europe (e.g. Italy, Spain, Portugal and Greece) and Turkey.

<sup>32</sup> In addition to these countries, post-socialist countries that have recently joined the European Union have developed and/or implemented laws on the legalization of informal settlements e.g. Croatia, Romania and Bulgaria.

(UNECE, 2009; UNECE, 2015a). According to UNECE (2015a) and UNECE (2009), the legalization that is carried out independently from urban development plans is more common, which presents a particular challenge in terms of the future integration of informal settlements. It has also been noted that the progress of legalization implementation is uneven.

According to surveys of national associations of local authorities in selected countries of the UNECE region with active legalization of informal settlements (e.g. Serbia, Croatia, Bosnia and Herzegovina, Albania, Moldova, Slovenia, Bulgaria and Romania), NALAS (2011) identifies three different legal frameworks concerning the legalization of informal settlements:

1. A legal framework where informal construction is not specifically addressed by laws and plans, while the regular procedures, laws and planning documents do not provide sufficient ground for the regulation of informal construction.
2. Basic laws on urban planning, by-laws and planning documents at the national and local level recognize and address the issue of informal construction in separate chapters; in an attempt to regulate the most important aspects of the phenomenon, the federal planning law has a provision that legalization is possible and will be further ensured by respective local authority laws.<sup>33</sup>
3. Special laws (*lex specialis*) and by-laws are in place, enabling efficient legalization and regulation.

Laws or by-laws, as well as decisions, contain provisions which in some cases (Bosnia and Herzegovina, Serbia, Albania and Montenegro) facilitate the payment of legalization costs for socially vulnerable owners. In Serbia and Bosnia and Herzegovina, the fees are calculated separately or exempted for housing properties up to 100 m<sup>2</sup>; this distinction in Montenegro stands at 250 m<sup>2</sup>. In the Western Balkans and Eastern Europe (e.g. Moldova, Bulgaria and Romania) legal sanctions against informal construction exist, but they are very rarely applied. The problem is how to control informal construction – developers usually complete construction before the inspectors complete the inspection procedure (NALAS, 2011: 104).

In a majority of the cases, local authorities are in charge of the implementation of the above legislation, and local regulations - aimed at solving the problem of informal construction - mainly relate to various types of decisions prepared by municipal administrations (Bosnia and Herzegovina, Croatia, Serbia, Turkey and Albania).

#### Conclusion: remaining challenges related to the legalization of informal settlements

##### **Targeting:**

[VGGT 1.1] stresses that the Voluntary Guidelines seek to improve governance of tenure of land, for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. The key characteristics of the laws analyzed for this literature review is that possibilities for the legalization of informal housing are based on the quality of the construction.

As presented in **Table 3** Types of informal settlements in the eastern part of the UNECE region (EECCA and the Western BALKANS), types of informal settlements (illegal and informal) vary greatly as well as the reasons for their emergence. Due to their scale (based on illegality, as noted above) different income groups live in informal settlements. While it is important for countries to 'recognize and respect all legitimate tenure right holders and their rights' (see [VGGT 3.1.1]), more

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<sup>33</sup> In some respects, this concept implies that legalization can be a regular procedure, applied as long as the phenomenon exists. However, for areas with massive informal construction, it is obvious that it is not possible to successfully merge the elements of a regular building process - and elements of the extra-legal content of informal development - in the same law (NALAS, 2011).

attention should be paid to the given diversity and reasons for illegality, in order to ensure that poor and vulnerable groups benefit from legalization.

At the moment the following categorizations exist: (1) legalization by construction quality (most common); (2) legalization based on social status (primarily differentiates between homes built out of necessity and others); and (3) whether the property was built in a protected zone (e.g. coastal area, national park). However, regardless of the above, the structural soundness or the quality of the structure is often the precondition for any type of legalization. The buildings are classified to a certain extent in Bosnia and Herzegovina and Serbia by their size, purpose and construction technology. The classification of legalization claims according to the social status of the household is conducted in the FYR of Macedonia and Bulgaria (in these cases, the social criteria are not applied to individual informal constructions beyond the borders of informal settlement).<sup>34</sup> There are recent efforts to differentiate between those who built a family home to satisfy their housing need (for affordable housing) and those who have built for commercial purposes, including luxury and second homes (e.g. Montenegro and Croatia). New legislation in Serbia and Croatia does not provide for legalization in protected areas (e.g. coastal lines, natural parks, industrial or contaminated areas). This differentiation is done by size (e.g. 100 m<sup>2</sup> in Serbia and 250 m<sup>2</sup> in Montenegro for a family home).

However, the legalization that is based primarily on the quality of the illegally built structure (while important for ensuring as far as possible the future safety of the legalized structures) may fail to increase tenure security and to target those who are in need (and with high *de facto* levels of insecurity). The residents whose homes cannot be legalized or registered because of their low quality (e.g. shacks, adobe housing) or those who have the status of informal tenancy (see **Box 6**). It is deemed important that the legislation and registration laws/policies have the capacity to target those who are in greatest need, while being able to devise a proportionate penalty for those who have been known to use the informal housing sector to secure profits and deliberately avoid meeting the responsibilities of those with a legal title.

**Social and affordable housing provision:**

[VGGT 10.2] notes that ‘States should ensure that all actions regarding informal tenure are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate to the right to adequate housing’. In this context, it is important to note that not all tenure issues can be solved through the legalization of informal settlements (as noted above). Social and affordable housing provision is a method for securing tenure security for those residents whose homes cannot be legalized (e.g. shacks) and those ‘invisible’ to informal settlements discourse, simply because they do not resort to squatting on public or private land. These categories might cover, for example, illegal tenants (in both legal and illegal constructions) who choose this ‘tenure’ because they cannot afford to self-build (structurally acceptable homes),<sup>35</sup> and those who live in overcrowded conditions for the same reason. Clearly, addressing the housing needs of selected types of population requires the provision of social and affordable housing (and may go beyond informal settlement legalization projects). However, these policies are still in the early stages of implementation and provide a very limited number of housing units (see UNECE, 2015b).

<b>BOX 6 RESIDENTS IN NEED OF TENURE SECURITY, BUT NOT ELIGIBLE FOR LEGALIZATION</b>
1) Residents living in squats, in structures that cannot be legalized because of the lack of structural quality (e.g. shacks, adobe housing, etc.). Residents living without a recognized address or city registration (Central Asia) who, because of this status, cannot access services such as schools or health, and have limited or no infrastructure services.
2) Residents living as illegal tenants in all types of informal housing presented in Table 3 (and

<sup>34</sup> This relates to the price of the legalization fee of a structurally sound structure eligible for legalization.  
<sup>35</sup> In Serbia, self-built homes without a building permit are around 50% cheaper than those built by private developers (for the same size and quality). However, self-building still requires resources that may not be available to those with the most pressing housing needs.

who use this type of tenure as a permanent housing solution because of the inability to afford any other).

- 3) Residents living in overcrowded conditions, as they cannot afford to rent or self-build (these residents can be found in both legal and illegal construction).
- 4) Residents squatting in buildings not meant for residential purposes (e.g. abandoned train wagons, industrial areas, basements, etc.).

#### **Integration with other laws and policies:**

[VGGT 5.6] recommends the following: ‘States should place responsibilities at levels of government that can most effectively deliver services to the people. States should clearly define the roles and responsibilities of agencies dealing with tenure of land, fisheries and forests. States should ensure coordination between implementing agencies, as well as with local governments, and indigenous peoples and other communities with customary tenure systems’. While legalization of informal housing and settlements bring benefits (provided that the title is secured and of value), legalization and titling of the properties presents only a first step. A common criticism of the existing legislation is its lack of synchronization with other laws and lack of coordination with related procedures, such as: expropriation, restitution, privatization, agricultural land, land ownership, taxes, the planning and construction process, construction and usage permits, cadastre, banking and mortgages, security and traffic regulations, communal infrastructure, public services, ecology, etc. This problem should be solved before, or simultaneously with, the elaboration of legislation on the legalization of buildings and regularization of settlements. In addition, even when regulations are of a sound approach, they can be difficult to implement because of costs, lack of capacity at the local level and/or overly ambitious objectives (NALAS, 2011: 104). The criticism made by UNECE is that even if legalization policies achieve individual security of tenure, they fail to integrate people and places into the broader urban structure and society (UNECE, 2009: 9), as they are seldom connected to other programs (or are not fully implemented).

#### **Technical and financial:**

[VGGT 6.1] recommends that ‘to the extent that resources permit, States should ensure that implementing agencies and judicial authorities have the human, physical, financial and other forms of capacity to implement policies and laws in a timely, effective and gender-sensitive manner. Staff at all organizational levels should receive continuous training, and be recruited with due regard to ensuring gender and social equality’. Legalization programs proceed extremely slowly. Relatively few urban land titling programs have been fully implemented and completed (see Durand-Lasserve et al. 2007). While in the past lengthy and costly procedures have been noted as a shortcoming, a number of advances have been made in this regard, and several governments set up systems that allow residents to register either online or in person via a simplified procedure (but this may also mean that the resident has to bear the risk if the building structure is not sound). The fees have been reduced significantly in order to answer the critics about the cost of registration. However, despite these advantages, the process of legalization may be delayed. There are the following factors to keep in mind: (1) not all residents are interested in registration; ‘future taxes and fees for services, may be beyond the capacity of poor households which opted for illegality in the first place’ (UNECE, 2009); (2) the title must ensure the residents more security of tenure than the *de facto* security they enjoy already; if the title does not provide value for money/effort, residents may not wish to take it; (3) the time and cost of surveys (in case these are a legal requirement) may not be taken into account when planning the implementation procedure, leading to optimism bias; (4) the large number of properties built illegally (e.g. 800,000 in Croatia); and (5) disputes over land (in case the ownership is unclear, for example) may take a significant amount of time and slow down the procedure.

#### **Political and administrative:**

‘Legislation requires an appropriate administrative and regulatory environment, one adapted to (a) identification of households entitled to tenure regularization, (b) the resolution of land-related conflicts and (c) the allocation procedure of right to land and housing’ (UNECE, 2009: 64). At the administrative level, implementation and enforcement of legalization policy can prove difficult.

Implementation of legalization requires a willingness, and capacity (both financial and professional) of the institutions responsible for implementation. The following challenges have been noted in the literature: (1) optimism bias at central government levels and unrealistic expectations about the time it takes to legalize large number of illegal properties at one time (often failure to acknowledge all necessary procedures needed to complete legalization); (2) major problems encountered in the implementation process are the result of passive resistance of the officials in charge of land management and legalization. The reasons may vary, but centralized funding may be one of them (e.g. if the local authorities are in a position to keep only 10% of their revenues, they may not have an incentive to do extra work). As noted previously, the residents may also not be interested in the procedure; (3) complex administrative procedures, (e.g. planning regulations and building standards), in combination with structural problems in the normative framework, often insufficient access to information and inadequate equipment.

Due to the above *ad hoc*, limited scale, interventions are the norm (for more details, see also the section on institutional frameworks). During the implementation process, informal settlement development may continue or be intensified (as reported in Albania and Serbia). Notably, despite the fact that all the respective laws contain explicit provisions on stopping informal construction, these rules are not consistently implemented in most of these entities, which severely diminishes the governments' authority. In addition, the implementation of legalization procedures is often corrupted with adaptations made in order to speed up the process (e.g. extension of deadlines and lowering criteria for legalization, no implementation of sanctions against informal builders, selectivity in processing applications - see NALAS, 2011).

#### **BOX 7. POTENTIAL SOURCES OF BEST PRACTICES**

The countries of Southern Europe and Western Asia have developed various programs to tackle the challenges related to informal settlements. Notably, Italy, Portugal, Spain had a significant share of informal (illegal) housing and have developed various strategies to formalize and integrate it into the cities and regions. Similarly, Greece and Turkey have contemporary experience in the sector and may provide lessons learned in the process. In terms of squats and slum-like developments, France may be an interesting example as it most recently set up a central governmental body for the prevention of the formation of slums and squats. New European member states that have tackled the challenges of informality and have previously shared socialist pasts with the eastern parts of the UNECE region may also provide relevant good practices for consideration, as noted previously.<sup>36</sup>

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<sup>36</sup> The government representatives interviewed for this research advise that their 'informal settlements' are very different from those in Latin America, or other types of informal settlements in the Global South.

## Chapter 4. Conclusion: Implications for the development of potential technical guidelines on informal settlements

As already noted throughout the present literature review, tackling causes of the emergence and growth of informal settlements in EECCA and the Western Balkans still poses an enormous challenge at all levels of governance. Recognizing the economic, social and environmental challenges that are deeply rooted in informal settlements is an important step towards the alignment of existing programs and the design of future ones, as well as practical solutions. This is seen as a vital step in addressing the ongoing problems and adapting relevant strategies. The conclusions in chapters 1, 2 and 3 have provided links with selected relevant VGGT themes covered in each chapter. The present section highlights some remaining issues that emerged in the process of the literature review of informal settlements in EECCA and the Western Balkans, and which seem particularly important for the development of potential technical guidelines for informal settlements in the UNECE region in general, and for members with economies in transition in particular (i.e. EECCA and the Western Balkans).

### Information and data on informal settlements in EECCA and the Western Balkans

Within informal settlements across EECCA and the Western Balkans, there is a great variety of settlement patterns and historic circumstances. Therefore, ‘any discussion of land tenure and property rights needs to recognize the importance of cultural, historical and political influences, as well as those of technical and legal systems’ (Payne and Durand-Lasserve, 2012:2, see also OHCHR, 2012). Each of these influences results in subtle differences to the way in which key terms and relationships are defined. For this reason, development of effective TGs depends on critical examination of the meaning (interoperation and relevance) of the term ‘informal settlement’ in the UNECE region in general, and EECCA and the Western Balkans in particular.

While a number of publications are available, the examination of informal settlements in the UNECE region in general, and countries in transition in particular, presents an under-researched area that lags significantly behind the quality of data and variety of theoretical approaches developed since the 1960s in the Global South. As the majority of the literature on informal settlements is based on the Global South, the term ‘informal settlements’ seems to carry strong assumptions about the phenomena that are based on this part of the world. Special attention should be paid to the imminent link between the term ‘informal settlements’ and countries labelled as ‘developing’. Payne and Durand-Lasserve (2012: 17) point out that the term ‘informality’ is only defined negatively and it raises the same definition problems for human settlements as when it is applied to economic activities. Following this line of thought, informal settlements are linked to poverty (Payne, 1997). UNECE (2009) highlighted the need to move away from this narrow understanding of the phenomenon.

Most importantly, the governments interviewed for this research emphasize the need to avoid making simple comparisons of informal settlements in the eastern parts of the UNECE region with those of the Global South. This is especially important when considering potential solutions and best practices that may be relevant for addressing the challenges in the UNECE region. The critical matters of spatial planning, policy development, transition of housing productions systems must be taken into account when examining informal settlements in the eastern parts of the UNECE region. There is a need for more research on the nature of informal settlements and appropriate solutions in EECCA and the Western Balkans.

### Selective legalization

In general terms, informality refers to activities that go beyond formal rules and procedures, which authorities establish and periodically review (Payne, 1997). Informal housing construction and land occupation (in a legal sense), refer to an illegal, irregular (not meeting the urban norms) and/or

unauthorized occupation of land. In strictly legal terms, each of these situations can qualify as a violation of the law.

The majority of the literature examining the challenges of ‘informal settlements’ is based on empirical data (as well as political context) from the Global South.<sup>37</sup> This large body of literature argues that the legal view of informal settlements is narrow. According to this line of thought, most of the residents in informal settlements and slums are poor and have no other way to satisfy their housing needs but to illegally occupy land and build on it (see, for example, Smolka and Biderman 2011: 2). In this body of literature, informality is closely linked with the notion of poverty. With this in mind, it has been argued that families who cannot access ‘formal’ housing have a ‘legitimate’ right to occupy unused urban land and build on it. Thus, informal construction is viewed not only in terms of the violations of existing laws and regulations, but with legitimacy to do so (Payne and Majale 2004; Smolka and Biderman, 2011; Roy, 2005).

UNECE (2009) argued for the need to move away from the interpretation of informal settlements and their definition based on images from the developing world. This literature review, supported by the interviews by selected government representatives, highlighted the fact that ‘informal settlements’ in EECCA and the Western Balkans are dissimilar to those in the Global South. UNECE research (2009, 2015a) showed that contrary to the established perception of ‘informal settlements’ as areas of poverty and despair (primarily deriving from the Global South), ‘informal settlements’ in the UNECE region are varied in terms of the income groups living in them, housing quality, reasons for resorting to informality (e.g. basic need vs. speculative development).

In the development of the potential technical guidelines for informal settlements in the eastern parts of the UNECE region, the variety of informal housing types and the reasons for their development must be taken into consideration. Namely, policies which promote tenure security based on the assumption that this derives from poverty as the key driver, while ignoring the vast variety of informal housing (EECCA and the Western Balkans), may not only further exclude those who built to satisfy their basic housing need but unintentionally help legitimization of those properties that were built speculatively. In these terms, the findings of this literature review fully support the Geneva UN Charter for Sustainable Housing in its efforts to promote selective legalization where and when appropriate. The recommendation [VGGT 10.1] that recommends that ‘States should promote policies and laws to provide recognition of informal tenures’ should be addressed in this context.

#### [Lack of tenure security that cannot be tackled by regularization of informal settlements](#)

This literature review aimed to examine issues related to tenure security in informal settlements in EECCA and the Western Balkans. However, during the research, several issues that are not strictly related to informal settlements (i.e. illegal construction) were identified. These issues are a blind spot in informal settlements discourse, but are of fundamental importance in the future work on tenure security in the UNECE region as a whole.

As the Special Rapporteur for Housing (OHCHR, 2012) pointed out, informal or ‘self-made and unplanned settlements with precarious housing conditions, epitomize tenure insecurity in a very visible form’ (OHCHR, 2012: 4). A challenge that this literature review highlighted is that no informal settlements in EECCA and the Western Balkans resemble slums. Moreover, not all tenure insecurity is ‘visible’. As noted earlier, people living in overcrowded conditions or tenants in the illegal rental sector may as well be sections of the population with the highest levels of tenure insecurity. These sections of the population cannot benefit from legalization initiatives simply because they could not afford to self-build or did not resort to squatting.

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<sup>37</sup> It should be noted that the majority of the literature examining informal settlements is based on empirical evidence from the Global South. More recently, several authors examining the issue in the countries of the Global North have underlined the literature gap with regard to informal settlements in the Global North.

Given that the goal of the VGGTs (FAO, 2012) is improved security of tenure, it must be stressed that: (1) informal settlements exist in other parts of the UNECE region that are not covered in this examination, however to a much lesser extent, as these are systematically cleared in line with national regulations. The demolition of squats and slums is closely related to efforts to limit and prevent formation and expansion of informal settlements in the UNECE region (West); (2) the subprime mortgage crisis resulted in informality in the form of homelessness, squatting, overcrowding, housing cost overburden and housing cost-induced material deprivation and poverty (see UNECE, 2015c). Here, the tenure insecurity is related not to informal settlements, but to the operation of housing markets, with a subprime mortgage crisis that led to unprecedented number of evictions and loss of legal tenure rights among the homeowners that have taken mortgages legally; (3) squatting related to illegal immigration is equally reported (the response to this is chiefly on a central government level e.g. Spain, France). While the examination of these factors is beyond the scope of the project focusing on informal settlements in the World Bank's countries of operation, these issues should be taken into consideration in order to achieve the goals and objectives of the VGGTs through responsible governance of tenure.

### Lack of access to affordable housing

UNECE (2015b) highlighted that the lack of housing affordability presents one of the key challenges in the UNECE region as a whole. It has shown that as a result of the policies leading up to the global financial crisis in 2008, the UNECE region is a region of homeowners. In EECCA and the Western Balkans, the high level of home ownership was achieved through privatization. However, access to housing for the first generation of home buyers remains one of the most critical challenges.

Addressing the question of informal settlements in the UNECE region is critical. There are two key reasons for this. First, there is a steep increase in the occurrence of informal building related to a decrease in housing affordability. According to UNECE (2009), the lack of sustainable social and affordable housing solutions is one of the key reasons for the increase in housing informality. Second, EECCA and the Western Balkans have seen a sizeable shortfall in housing output. The housing output of the majority of the countries is around 50% of that in the 1980s and 1990s. The public sector, which was responsible for housing provision in the socialist period, no longer builds, while the private sector consistently underperforms (and focuses on the supply of high-end products). In a number of countries where the data is available, the informal sector has outperformed legal construction.<sup>38</sup>

It is increasingly acknowledged that 'informal practices remain the only affordable option for low income [and increasingly middle income] groups to access housing and land' (UNECE, 2009: 37; see also NALAS, 2011). Gabriel (2007) points out that 'there is a growing awareness that informal settlements, while undeniably a 'problem' from an urban management point of view, may have to be seen rather as the only currently feasible 'solution' in terms of social response to a deficit produced by largely artificial imbalances in the supply of land, resulting in the escalation of land prices' (Gabriel, 2007 quoted in UNECE, 2009: 47). For this reason, if informal settlement interventions are to be efficient and sustainable, the 'achievements' and capacity of the informal sector to deliver affordable housing<sup>39</sup> must be appreciated.

However, UNECE (2009) also notes that while the tolerance of informality may have been the strategy to allow many people to access homes, 'the economic, environmental and social challenges have largely been underestimated' (UNECE, 2009: 35). Namely, reducing social spending may generate short-term savings, but can translate into much higher costs in the future, including infrastructure spending, management of urban environment, etc. These competing issues need to be addressed in future technical guidelines.

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<sup>38</sup> In many cities, various forms of unauthorized development now represent the largest single channel of land and housing supply. As they have expanded, so they have diversified in terms of the level of security provided, the rights that they provide in practice (if not in law) and the social groups which they serve. Empirical findings have demonstrated that a substantial and increasing proportion of all urban and peri-urban land in rapidly urbanizing countries was not formally registered, but some were almost indistinguishable from formal arrangements in terms of security and market value (Payne, 1997).

<sup>39</sup> The focus of the argument here is structurally sound buildings that can later be legalized.

The issue that makes examination of informal settlements in EECCA and the Western Balkans particularly timely is the fact that the majority of the governments are reviewing their housing policies, and social housing policies in particular (UNECEb, 2015). Past housing policies have resulted in a focus on home ownership, while investment in social and other affordable housing has been significantly reduced. There is an increased interest in tenure balanced/neutral policies. The future work on the development of TGs should take this trend into account.

### Integration of the initiatives, policies and disciplines

The present literature review examined VGGTs themes considered relevant for the issue of informal settlements (see Annex 4). Considering the limitations in time and resources available, final reporting focused on selected VGGT themes that are deemed especially important for the first stage of TG preparatory work. However, it should be stressed that the VGGT themes relevant to informal settlements require the expertise of thematic experts. In planning the future steps of the TG development, workshops and discussions facilitating much-needed interdisciplinary and intersectoral collaboration should be considered. While significant progress has been made in terms of legislation for the formalization of informal settlements (in the Western Balkans and selected EECCA countries), the integration of laws on legalization of informal housing with other laws and policies could still be improved. While legalization of informal housing and settlements brings benefits (provided that the title is secured and of value), legalization of informal housing should be considered only as one of a series of reforms required to achieve tenure security and access to adequate housing. The common criticism of existing legislation is that it lacks synchronization with other laws and that there is a lack of coordination with other related procedures, such as expropriation, restitution, privatization, agricultural land, land ownership, taxes, the planning and construction process, construction and usage permits, cadastre, banking and mortgages, security and traffic regulations, communal infrastructure, public services, ecology, etc. This problem should be solved at the same time as, or shortly after, the legalization of illegal buildings and regularization of informal settlements. To achieve efficient and long-lasting results in order to combat the remaining challenges of informal settlements and tenure insecurity, alternative measurements are needed, such as: skilled institutional capacities of the public sector, proper and adequate distribution of financial resources at central and local levels, empowerment of local tenant associations, neighbourhood organizations, education and trainings of builders from the informal sector, and finally, complete integration of informal settlements into the regular planning system.

## Annex 1. Assessment of tenure security by type of informal settlement in the UNECE countries with economies in transition (EECCA and the Western Balkans)

This section examines security of tenure for each of the seven informal settlement types in EECCA and the Western Balkans identified in this report and presented in **Table 3** Types of informal settlements in the . It is understood that the degree of tenure security provided by each of the identified categories can vary, and is ultimately dependent upon official attitudes, land governance practices, policy orientation of governments with regard to social integration and inclusiveness. It is also influenced considerably by the degree of social legitimacy that a tenure system enjoys with those operating within it. For these reasons, any tenure typology of the examination presented below should be used as a guidance only. The tenure security needs to be assessed in its local context, since factors may vary from place to place and from time to time within a given place.

The analysis presented below is the result of available literature and secondary data review and is supported by interviews with selected government representatives. For this reason, rather than providing a quantification, a system of ‘traffic lights’ is used – red, meaning ‘mostly no’, green – meaning ‘mostly yes’, yellow – meaning ‘possibly, depending on the case’. The indicators used have been developed for accessing tenure security in other parts of the world (see Payne and Durand-Lasserve, 2012). Furthermore, these categories have been expanded by (a) categories relevant to the UNECE region and (b) the VGGTs. Notably, ‘access to home insurance’ (related to VGGTs 23 and 24, natural disasters and climate change), ‘restitution in case of war’ [VGGT 25] and ‘compensation’ (in case of expropriation) [VGGT 16].

### 1. Legal title to land and property – unauthorized adaptation (existing buildings)

**Description:** These are incremental adaptations in the existing built environment.<sup>40</sup> They include various types of unauthorized adaptations and extensions of existing buildings (family homes and multi-family homes). They may be done by the owner of the family home on own land, but also by multiple (uncoordinated) owners of apartments in multi-family housing (e.g. closing balconies, conversion of garages, basements into living space, lateral extensions, partial additions on the roof); larger interventions include private developers adding a floor or several floors on to the existing building.

**Key reasons for resorting to informality:** Lack of living space and difficulty and lengthy procedure for securing permissions (although some extensions without a permit may be done to a high standard, including luxury homes). In the case of existing family homes, for example, the key motivation for resorting to informal adaptations is the difficulty and/or lengthy procedure for securing building permission; in the case of multi-family housing, the key reason was the limited living space;<sup>41</sup> the motivation may also be securing affordable housing solutions for the children of residents in multi-family housing (e.g. conversion of attics, garages into living space) – see Serbia case study. The subdivisions were also found to be used for housing illegal immigrants (see UNECE, 2009).

**Location:** Inner cities, old city quarters with family housing, newer (1960s -1980s) multi-family housing neighbourhoods, usually in suburban areas relatively close to the old centre. Properties are located in the areas that were planned in the pre-transition period.

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<sup>40</sup> It is important to note that the changes may be carried out (a) in compliance with the existing plans (e.g. detailed urban plan with regulation line, heights etc.) but without an actual permit; (b) non-compliance with the existing plans.

<sup>41</sup> In Central Asia, Caucasus and Western Balkans, the average living space provided during the socialist period was around 60 m<sup>2</sup>.

**Access to infrastructure and services:** There is infrastructure planned for the original development, however that may be old and need upgrading. There is relatively good access to social and public services (schools, health etc.). There is access to the services as these were planned for the original development of the neighbourhood (pre-transition).

**General income level:** The inhabitants belong to the lower- to medium-income group (see Serbia case study). The adaptations and extensions are done incrementally by the original owner of the property. However, it should be noted that unauthorized extensions may be also done by owners of good quality or even luxury homes, because of the lengthy process of securing permission.

**Quality:** In single family housing, the quality of the extension depends on the income level of the owner. In the case of multi-family homes, the lateral and vertical additions, as well as independent adaptations of balconies, insulation etc., in combination with lack of overall planning and maintenance, may endanger the structural soundness of the building and lead to degradation of the whole structure.

**Tenure security assessment:**

- *De jure*: high (based on the registered land/property).
- *De facto*: high

**Records of tenure rights, valuation and taxation:** In cases where the records of tenure rights are complete as planned, residents have relatively high tenure security, as this is linked to the original apartment or dwelling. If changes are not recorded, the transfer of inheritance is done based on the original residence, and so is the selling or other transfer. Taxation is calculated based on the original dwelling, therefore residents who have increased their homes significantly may be paying considerably less tax than their living space should attract.

**Home insurance (natural disasters, climate change and conflicts), expropriation and compensation:** In cases of expropriation and compensation, the value is calculated based on the registered structure; for this reason, residents may make a loss if they are obliged to move property. Insurance can be secured based on the registered structure.

**Key challenges:** The key challenges that this type of informal development presents are: degradation of the existing building stock (primarily in the case of multi-family buildings and increased use of the existing infrastructure. Most importantly, in the case of those living in multi-family housing, the decrease in quality may lead to decrease of housing prices (especially in low demand areas) that may render the property worthless, meaning that the owner cannot sell and secure an alternative property in an alternative (legal) location. This means that residents are trapped in multi-family housing, leading to (a) further extensions and adaptations, or (b) illegal subletting.

**TABLE 7** TENURE SECURITY: LEGAL TITLE TO LAND AND PROPERTY – UNAUTHORIZED ADAPTATIONS

Rights	<i>De jure</i>	<i>De facto</i>	Note ( <i>de facto</i> )	Control group: Legal freeholder
Use			Based on the registered property.	
Occupy			As above.	
Restrict others			As above.	
Buy/Transfer/Dispose			As above.	
Inherit			As above.	
Develop/improve			Depending on the income of the owner.	
Sublet			Based on the registered land and property.	
Access services			As above.	
Access formal credit			Access to credit depends on the income not property.	
Access home insurance			On basis of the recorded property.	
Home restitution (War)			On basis of the recorded property.	
Compensation (expropriation)			On basis of the recorded property.	

## 2. Legal title to land – unauthorized construction (new construction)

**Description:** The practice is quite common in the construction of new buildings. The category covers the unauthorized construction of entirely new housing on own land. Three subcategories exist: building without a permit, but in line with existing plans (see Serbia case study); in excess of existing plans (detailed master plan of the area); and without building permission. One particularly worrying practice, according to selected government representatives interviewed for this research, is the excess of approved permits, including building multi-storey apartment buildings, instead of approved family homes.

**Key reasons for resorting to informality:** The key reasons for informality in in this category are the difficulty in obtaining the building permit, or the failure to secure a building permit (due to lack of information about the procedure, length, cost, inability or unwillingness to pay taxes and utility costs).

**Location:** These developments can be found in the existing built environment, in the form of urban in-fills on own land, instead of a smaller demolished building purchased from the original owner (e.g. Serbia). They are generally on serviced urban land (or in proximity thereof) in areas planned for urban development.

**Access to infrastructure and services:** relatively good access to services due to proximity to the city, and/or building on urban land.

**General income level:** Middle to upper-middle class families building their own homes or developers developing properties for the same class of the population.

**Quality:** Generally good quality housing, not always energy-efficient. Built from solid construction materials. May also include luxury homes and property development for sale (in cases where more apartments are built than planned).

**Tenure security assessment:**

- *De jure*: high (based on the registered land).
- *De facto*: high

**Records of tenure rights, valuation and taxation:** Based on empirical research conducted for this study (see Case Study), records for these types of properties may be mixed; this means that the properties may not appear in cadastres at all, appear with a note that they are illegal, be in the process of legalization, or be legalized. Therefore, a neighbourhood may present a very mixed picture in terms of land registry and property records may need attention on a case-by-case basis. In cases where the records of the land tenure rights are complete as planned, the residents have relatively high tenure security as this is linked land. However, buying/transfer/disposal of the property may be challenging, depending on the case. This does not present a problem for owners who do not wish to trade the property, but wish to secure a family home (that is in many cases multi-generational). The challenge may concern the right to inherit the property, which is not always possible (but land title to land may be used). Taxation is done based on land; therefore the residents may be paying a significantly lower amount of tax than if they were registered.

**Home insurance (natural and man-made disaster), expropriation and compensation:** The key threats for tenure security for these types of informal settlement are natural and man-made disasters. In particular, the owners of such properties cannot secure full home insurance, and may be rendered homeless in the case of natural disasters such as floods (including landslides); they may have difficulty in negotiating the restitution of property in case of conflict. In the case of planned demolition for public purposes, residents may not be eligible for full compensation; however, residents with the legal title and the same size of the property are eligible. However, the case of Serbia shows that a fast-track procedure for legalization may be available in the case of planned demolition, in order to provide statutory compensation to the owners of the ‘illegal properties’.

**Key challenge:** The key challenge for residents is the total loss of a home in cases of natural and man-made disasters, along with limited access to insurance, compensation and restitution. In this case, the residents may be rendered homeless and fall into poverty, as investment in property (albeit illegal) is frequently used as a coping strategy in an economically risky environment. The key challenge for the local authorities is loss of tax income, coupled with unplanned intensification of infrastructure use.

**TABLE 8** TENURE SECURITY: LEGAL TITLE TO LAND – UNAUTHORIZED CONSTRUCTION

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal freeholder
Use	Red	Green		Green
Occupy	Red	Green		Green
Restrict others	Green	Green	Based on land title.	Green
Buy/Transfer/Dispose	Red	Yellow	Based on land title.	Green
Inherit	Red	Yellow	Based on land title.	Green
Develop/improve	Green	Green	Yes, based on land ownership, depending on the income.	Green
Sublet	Red	Yellow	Yes, sublets are in the unregistered rental sector.	Green
Access services	Green	Green	Yes, usually declining infrastructure.	Green
Access formal credit	Green	Green	Access to credit depends on the income of the owner, can use land as collateral (usually not used).	Green
Access home insurance	Red	Yellow	Depending on the country	Green
Home restitution (War)	Red	Red		Green
Compensation (expropriation)	Red	Red		Green

### 3. Legal title to land – unauthorized subdivision of rural land and unauthorized construction

**Description:** This category covers the construction of entirely new housing on non-urban land that is owned by the builder of the ‘informal structure’ (this includes selling of own rural land in parcels to other owners in excess of the approved urban/rural plans); unclear ownership status (as a result of the unresolved/unfinished restitution process); or right to use granted by the local authority in excess of the approved plans (e.g. dividing rural land into parcels and giving it for use/selling to im/migrants). In all three cases, the construction is *de jure* ‘unauthorized’; however, the literature shows that the local authorities in question have not taken action to stop the development, or have allowed it.

In many transitional countries the establishment of title to property though restitution has been a process tangled up in legal, social and ethnic conflicts.. In addition, bureaucratic procedures and lack of political will further impeded the revision of existing regulations and the timely preparation and adoption of new plans. These circumstances often exhausted the patience of private investors who decided to take the risk of initiating development without clear title to the land or without an official building permit in the hope that legalization will eventually follow’ (Hirt and Stanilov, 2009: 59).

In number of countries, a practice of turning public (usually rural) land into parcels and giving them to use/selling them to im/migrants in their constituency has been observed. These developments are *de jure* informal as they do not follow existing urban/rural plans, are not equipped with infrastructure, and building permits are not issued. Depending on the country and the location, the residents may enjoy high tenure security or low. Equally, the self-built structures can be either of good quality or low, depending on the income of the ‘owner’. It remains to be examined whether local authorities knowingly acted in breach of the statutory system, as they had limited resources to house the im/migrants, limited land approved for construction, and simply wished to leapfrog the procedure of land use change and planning, which can take several years in these environments; or whether these practices were speculative.

**Location:** These developments are chiefly located in the suburbs of cities where rural land is available. They lead to large-scale sprawl and loss of arable rural land. In the case of non-resolved restitution procedures, developments can be in the found in existing built environment, depending on the location of the land in question.

**Access to infrastructure and services:** Good quality housing, but access to infrastructure and services may be challenging. Depending on the national context, city, and location in relation to the city, the residents may be able to negotiate connections to the infrastructure (and possibly finance the extensions). While the connections to electricity are relatively easy, developments may lack sewage and water (which in some cases can be secured either by either making wells or septic tanks), heating is obtained using electricity, but primarily with coal and wood in the case of low-income residents (this increases CO2 emissions).

**General income level:** The residents in these developments range from low- to medium-income residents who have solved their housing need through self-building, to those with high incomes who have built luxury homes without a permit.

**Quality:** The quality of homes may range from acceptable to relatively high. However, based on the literature review and the interviews with the government representatives conducted for this research, the properties are not energy-efficient.

**Tenure security assessment:**

- *De jure*: relatively low (based on the registered land).
- *De facto*: high

**Records of tenure rights, valuation and taxation:** Properties built in these categories may or may not appear on the records of tenure rights. For instance, in the case of Serbia where several laws on legalization have been active since the 1990s, the situation is mixed – some of the properties do not appear in cadastres, appear partially, or appear in cadastres with a note that they are unauthorized. The valuation of the tenure rights (in cases of conflict over property rights) may be very complex.

**Home insurance (natural and man-made disaster), expropriation and compensation:** While the residents of the properties developed in this category of informal construction enjoy *de facto* high security of tenure (perceived and real security of tenure also grows with the increase in size of informal settlement, see NALAS, 2011), the key challenge for their tenure security is the inability to secure home insurance in cases of natural disaster. While the occupants of these properties would normally not be eligible for compensation in cases of expropriation for planned development, a fast-track legalization procedure may be available to secure statutory compensation (but its existence and its application need to be examined on a country-by-country basis).

**Key challenges:** Key challenges related to these kinds of informal settlements are the following: (1) Urban sprawl and loss of arable land; (2) limited access to infrastructure and public services (especially schools); (3) overload/degradation of the existing city infrastructure that has been extended either illegally (illegal connections) or *ad hoc* (negotiated with the distributor); and (4) total loss of property in cases of natural or man-made disaster no possibility of compensation, or no right to compensation in the case of expropriation.

**TABLE 9** TENURE SECURITY: LEGAL TITLE TO LAND – UNAUTHORIZED SUBDIVISION AND CONSTRUCTION

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal freeholder
Use (property)	Red	Green		Green
Occupy	Red	Green		Green
Restrict others	Green	Green	Based on land title.	Green
Buy/Transfer/Dispose	Red	Yellow	Based on land title.	Green
Inherit	Red	Yellow	Based on land title.	Green
Develop/improve	Red	Green	Depending on income.	Green
Sublet	Red	Yellow	Yes, sublets are in the unregistered rental sector.	Green
Access services	Red	Yellow	Connections negotiated where possible.	Green
Access formal credit	Green	Green	Access to credit depends on the income not property title.	Green
Access home insurance	Red	Yellow	Depending on the country	Green
Home restitution (War)	Red	Red		Green
Compensation (expropriation)	Red	Red		Green

#### 4. No legal title to land (public and/or private) – unauthorized construction

**Description:** The category covers the unauthorized construction of entirely new housing on illegally occupied land. These are relatively good quality residential developments. Two subcategories exist: 1) illegal land occupation, housing without planning/building permits, not integrated into the broader urban system (relatively good living standards); and 2) building in protected zones: national parks, natural reserves, coastal areas, protection areas (e.g. highways, industrial, flood barriers etc.). In some cases, these developments evolved into established vibrant neighbourhoods with viable rental and homeownership markets (UNECE, 2009: 6).

**Key reasons for resorting to informality:** There are two main reasons for informality within this category: 1) securing access to housing as a basic need; and 2) developments of a speculative nature built for tourism, illegal rent, or securing profit from the sale of properties with little or no investment in infrastructure or tax compensation.

**Location:** Subcategory 1): located in city centres or in peri-urban areas; subcategory 2): located within close proximity of, or in, natural and cultural heritage areas, including protection areas (e.g. coastal areas, corridors of infrastructure).

**Access to infrastructure and services:** The access to infrastructure is relatively good.

**General income level:** Middle income to high income.

**Quality:** Relatively good quality residential developments.

**Tenure security assessment:**

*De facto* legality is implied by the fact that the settlements have not been demolished (often due to a lack of affordable housing policy), and that infrastructure is gradually secured either by the residents (negotiation, investment) or by the local authorities themselves.

- *De jure*: low
- *De facto*: high

**Records of tenure rights, valuation and taxation:** The legal status of these settlements varies; while most begin with an illegal occupation of land, over time, some security of tenure is acquired with a formally recognized legal title of land. The construction is variably registered in the cadastral records, which means that the valuation of tenure rights needs to be examined on a case-by-case basis; the illegal construction is not subject to tax (the owner does not pay it).

**Home insurance:** Generally not available, but the situation may differ depending on the country.

**Key challenges:** Social services, such as schools, hospitals, libraries, recreation areas and organized open spaces are variably accessible to those living in this type of informal housing (although this depends on the location of the illegal construction/informal house). Most often, residents use services available in the formal and established urban areas within the proximity of their property. Therefore, the major challenge that informal construction is causing to the city development is the overloading of the existing infrastructure, not just communal (electrical networks, water, etc.), but also social (schools, hospitals, public spaces, etc.), originally designed for a much smaller number of users. In cases where legalization of this type of informal settlement has taken place, the challenge that has been reported (see UNECE, 2009) is the lack of integration of these settlements into the wider urban plans.

**TABLE 10** TENURE SECURITY: NO LEGAL TITLE TO LAND – UNAUTHORIZED CONSTRUCTION

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal freeholder
Use	Red	Green		Green
Occupy	Red	Green		Green
Restrict others	Red	Yellow	Depending on the country	Green
Buy/Transfer/Dispose	Red	Red		Green
Inherit	Red	Yellow	Physical presence needed.	Green
Develop/improve	Red	Green	Depending on income.	Green
Sublet	Red	Yellow	Yes, sublets are in unregistered rental sector.	Green
Access services	Red	Yellow	Connections negotiated where possible.	Green
Access formal credit	Red	Green	Access to credit depends on income, not land/property.	Green
Access home insurance	Red	Yellow	Depending on the country	Green
Home restitution (War)	Red	Red		Green
Compensation (expropriation)	Red	Red		Green

## 5. No legal title to land (public and/or private) – squatter

**Description:** There are two types of squatter settlements in the eastern parts of the UNECE region: (1) new squatter settlements that are a direct result of the recent rural-urban migrations and conflicts; and (2) old squatter settlements related to primarily Roma population in the Western Balkans.

The first type of informal squatter settlements in the eastern parts of the UNECE region are comprised of clusters of unauthorized housing built on non-serviced public land and/or private land by those migrating to major cities and unable to find low-cost accommodation (Kyrgyzstan, Tajikistan) or by internally displaced persons and/or refugees who migrated as a result of the ethnic and civil wars in South-East Europe, the Caucasus region and Central Asia during the 1990s. While in the first cases tensions have been noted by local and international non-governmental organizations, in the second ‘quite understandably, the state and local governments in these cases were unwilling to take action against squatter developments built by refugees and displaced residents’ (Hirt and Stanilov, 2009: 59).

The second type of informal settlements in this group are described thus: ‘clusters of squatter dwellings inhabited primarily by Roma minority residents, for example, are common throughout eastern Europe. These settlements, however, are not a new phenomenon. They have been present in eastern European cities for decades and illustrate the severe and chronic problems faced by this minority group (Hirt and Stanilov, 2009: 59). In the Western Balkans, several international initiatives financed by the European Union and carried out by OSCE have been noted.

**Key reasons for resorting to informality:** No income or low periodical income that does not allow the residents of this informal settlements to secure any other alternative accommodation; lack of social housing and shelters.

**Location:** Non-serviced land in the urban periphery of and within urban territories. Roma settlements are often on public land that is not zoned for residential development (corridors of transport, under the transport bridges, in the industrial zones). The squatter settlements of the refugees and IDPs are usually located in the proximity of the refugee centres. The squatter settlements of the rural migrants may be in proximity of their employment areas (usually industry) or other non-used land.

**Access to infrastructure and services:** In the informal settlements in this category, there is extremely low or no access to infrastructure and services.

**General income level:** These areas are usually inhabited by the poorest and/or most vulnerable strata of the population.

**Quality:** Very low, slums made of non-construction, non-building materials. Because of the low quality of the construction (usually shacks and/or adobe housing) the structures cannot be legalized, even if there were a law allowing for legalization of informal settlements.

**Tenure security assessment:**

- *De jure:* none
- *De facto:* depending on the case. In many instances, local authorities have been hesitant to take action to remove IDPs, refugees and rural migrants, but equally did not have the financial capacity to provide them with alternative affordable housing options. Roma population may face a long-term tenure insecurity that dates from before the transition period.

**Records of tenure rights, valuation and taxation:** The residents in the squatter settlements of this type have no record of tenure rights (these may be improved by active pilot projects, subject to further examination); being vulnerable, they have little influence and ability to secure increased tenure security. Consequently, they are not taxed.

**Home insurance (natural and man-made disaster), expropriation and compensation:** none.

**Key challenge:** Informal settlements of this sort are most detrimental for the residents that inhabit them, as the quality of the housing and access to infrastructure and public services is minimal or non-existent. Because of their location (non-urban areas and non-serviced land) and substandard construction, it is usually impossible to provide the residents with registration or legalization of property. For the same reasons, the possibility of clearance of this housing is more likely - this may render the residents homeless. The residents of these settlements are particularly vulnerable to natural and climate change disasters.

**TABLE 11 TENURE SECURITY: NO LEGAL TITLE TO LAND - SQUATTER**

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal freeholder
Use	Red	Green	Depending on the country	Green
Occupy	Red	Green		Green
Restrict others	Red	Yellow		Green
Buy/Transfer/Dispose	Red	Red	Lack of income.	Green
Inherit	Red	Red		Green
Develop/improve	Red	Red	Yes, sublets are in the in unregistered rental sector.	Green
Sublet	Red	Yellow		Green
Access services	Red	Red	No infrastructure available.	Green
Access formal credit	Red	Red	No/low income, cannot access credit.	Green
Access home insurance	Red	Red		Green
Home restitution (War)	Red	Red		Green
Compensation (expropriation)	Red	Red		Green

## 6. Illegal tenancy

**Description:** The legal private rental sector in EECCA and the Western Balkans is underdeveloped, and while the private rented sector exists, it is negligible. For example, UNECE (2015b: 41-42) notes that Albania has 0% private rental sector, Armenia 1%, Montenegro 5.5%, and Serbia 11%, while other countries such as Georgia, Kyrgyzstan, Kazakhstan and Moldova do not list this tenure in their tenure reports. This said, a private rental sector exists in the informal economy. While the data are unavailable, anecdotal evidence suggest that an informal rented sector exists both in legally and illegally built properties. The price depends on the comfort the property offers rather than its legal status (this is not required when making an agreement about the rent). The rent can cover: (1) parts of the property that are not designated for residential use (e.g. basements, garages, common rooms); (2) one or several rooms in the property, in which case other facilities are shared with the owner; (3) part of the property, or one of the extensions of the property, with own facilities; or (4) an entire apartment or home.

**Key reasons for resorting to informality:** limited availability in the regulated private rental sector, lack of affordable housing.

**Location:** All built environment.

**Quality:** Varying from squats, to standard properties, second homes and luxury villas.

**Access to infrastructure and services:** Varies depending of the type of property rented (see above).

**General income level:** While illegal tenants can be found from all strata of the population (depending on the reason the property is rented: e.g. tourists, students), special attention should be paid to those illegal tenants who resort to this type of habitation because they lack any other choice. In other words, they earn too little to be able to afford to self-build a home and do not wish to resort to squatting.

**Tenure security assessment:**

- *De jure*: none
- *De facto*: minimal

**Records of tenure rights, valuation and taxation:** none.

**Home insurance (natural and man-made disaster), expropriation and compensation:** none. Insurance of personal belongings may be possible depending on the country.

**Key challenges:** In terms of tenure security, illegal tenants are a vulnerable group. However, their level of vulnerability *de facto* depends on their economic standing and income. The most endangered type of illegal tenants are those who resort to this kind of tenure because they are unable to access affordable housing in any other way and do not wish to resort to squatting. This population, as a rule, inhabits the stock of the lowest quality, and is in danger from eviction as their tenancy often depends on a verbal agreement with the owner.

**TABLE 12 TENURE SECURITY: TENANTS – UNAUTHORIZED CONSTRUCTION**

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal tenant	
Use	Red	Green	Depending on the country	Green	
Occupy	Red	Red		Green	
Restrict others	Red	Yellow		Green	
Buy/Transfer/Dispose	Red	Red		Red	
Inherit	Red	Red		Red	
Develop/improve	Red	Red		Red	
Sublet	Red	Red		Red	
Access services	Red	Red		Tenant cannot ask for a connection.	Green
Access formal credit	Red	Red		No/low income, cannot access credit.	Green
Access home insurance	Red	Red		No, cannot insure property, can insure belongings.	Red
Home restitution (War) Compensation (expropriation)	Red	Red		Green	

## 7. Temporary legal residence

**Description:** ‘Informal settlements’ that have been established with the permission of the State (and/or municipality) as a temporary, rapid response to forced migration that happened as a result of a major crisis, such as armed conflicts or natural disasters. There are generally three categories within this type: 1) custom-built collective accommodation centres (e.g. for refugees/IDPs); 2) temporary accommodation consisting of tent camps and prefabricated temporary houses; and 3) temporary accommodation in buildings not built for residential purposes (e.g. public buildings, former hotels, schools).

**Key reasons for resorting to informality:** Natural disasters (e.g. earthquakes, floods) and/or armed conflicts.

**Location:** These temporary settlements are generally found in the urban periphery, in pockets of marginal land, or in close proximity to collective accommodation centres.

**Access to infrastructure and services:** While basic access to services is secured, these settlements often present extremely poor living conditions.

**General income level:** Low or no income (except for aid, if available).

**Quality:** These are temporary housing solutions of acceptable quality for a rapid response to a crisis. However, the key challenge is that they often become more permanent housing solutions. The temporary housing deteriorates rapidly. In older ‘informal settlements’ of this type, the quality is very low.

**Tenure security assessment:**

- *De jure*: low (but enjoying safeguards related to this type of accommodation)
- *De facto*: medium

**Records of tenure rights, valuation and taxation:** N/A for temporary accommodation. It is well worth mentioning here that returns to the location or country of origin are still a major challenge.

**Home insurance:** N/A for temporary accommodation.

**Key challenges:** These settlements present extremely poor living conditions. Residents are often expected to stay in the accommodation described above for just a short period of time. However, these solutions often turn out to be long-term or permanent. Often, the ‘first generation’ of displaced population is joined by the next, leading to overcrowding and further deterioration of temporary housing solutions (UNECE, 2009: 16). These vulnerable groups often continue to face obstacles in relation both to returning and to local integration.

**TABLE 13 TENURE SECURITY: TENANTS – DISPLACED POPULATION**

Rights	<i>De jure</i>	<i>De facto</i>	Explanation ( <i>de facto</i> )	Control group: Legal tenant
Use	Green	Green		Green
Occupy	Green	Green		Green
Restrict others	Green	Green		Green
Buy/Transfer/Dispose	Red	Red		Red
Inherit	Red	Red		Red
Develop/improve	Red	Red		Red
Sublet	Red	Red		Red
Access services	Green	Yellow	Subject to quality of infrastructure.	Green
Access formal credit	Red	Red	No/low income, cannot access credit.	Green
Access home insurance	Red	Red	No, cannot insure property, but can insure belongings.	Red
Home restitution (War)	Red	Red		Red
Compensation (expropriation)	Red	Red		Green

## Annex 2. Example of the typology of informal settlements in the UNECE region

UNECE (2009) shows that settlements considered informal may span from slum-like developments, through low and middle income neighborhoods, to luxury villas (illegally built). It stresses that the informality in the UNECE region is not a static category. It stresses that ‘within the informal settlements across the region, there is a great variety of settlement patterns and historic circumstances. Some that started as squatter settlements in the peri-urban areas in the 1960s have evolved into more established neighbourhoods’ (It provides examples from Greece, Turkey, Italy, Spain and Portugal, spanning from the 1960s onwards). It provides a typology of informal settlements based on the case studies carried out for UNECE (2009) research.

<b>Typology of informal settlements according to UNECE, 2009.</b>			
	<b>The formal/informal continuum</b>	<b>Distinctive characteristics</b>	<b>Operational sub-categories</b>
1	<p><i>De jure:</i> Illegal land occupation, informal housing with no planning permit, not integrated into a broader urban system</p> <p><i>De facto:</i> Relatively good living standards, tolerated (recognized)</p>	<p>Secure tenure, relatively good quality residential developments, good access to infrastructure; in some cases integration into master plans could be achieved over time, located in city centres or peri-urban areas; in some cases evolved into established vibrant neighbourhoods with viable rental and homeownership markets</p>	<p>Upgraded ‘squatter’ settlements</p>
2	<p><i>De jure:</i> legal title to, but illegal subdivisions of suburban land, housing with no planning permits, built in violation of land use plans, building standards</p> <p><i>De facto:</i> Tolerated, relatively good housing, commodified and used by developers to provide housing to middle class families</p> <p><b>Can also include:</b> <i>De jure:</i> Occupation of urban land with unclear legal status, housing built in violation of established regulations</p> <p><i>De facto:</i> Good housing conditions to provide housing to upper-middle class families; may be approved but in most cases is contested</p>	<p>Good-quality housing (in some cases luxurious) and access to infrastructure, dwellings are not only owner-occupied, but include a vibrant commercial rental housing sector, controlled by individual homeowners and by speculative developers</p>	<p>Unauthorized land developments or illegal subdivisions on the fringes of cities in South-Eastern Europe—from Serbia to Bosnia and Herzegovina and Greece. Extra-urban settlements in protected or recreation zones and coastal areas. Unauthorized infill housing constructions in cities</p>
3	<p><i>De jure:</i> Temporary legal residence</p>	<p>Settlements, although newer, often present extremely poor living conditions, generally found in the urban periphery, in pockets of</p>	<p>Temporary housing/settlements for refugees</p>

	<i>De facto</i> : Unacceptable living standards	marginal land, or close to collective centres for refugees	Temporary structures, <i>domiki</i> , small caravans set up in public places. Dormitories and damaged unsafe housing as temporary shelter for refugees. Former hotels, schools and kindergartens converted to temporary housing
4	<i>De jure</i> : Formal residential areas developed on public or private land  <i>De facto</i> : Inadequate housing conditions (does not meet minimum living standards)	Degraded or unsafe physical conditions, unhealthy or overcrowded living conditions (subdivision of apartments, shared facilities), poor access to infrastructure, obsolete technical systems, location in urban or peripheral areas; secure tenure might be a problem, occupation by homeowners/tenants with weak economic and political status or, in some cases, by illegal migrants	Degrading multi-family housing stock (includes private as well as public housing stock). Housing stock below safety standards. Illegal use of basements and attics of multi-family houses to accommodate illegal migrants. Overcrowded housing (inadequate living space for a growing family). Deprived inner-city neighbourhoods with slum-like conditions originally developed as planned areas with high concentration of low income groups.
5	<i>De jure</i> : Illegally occupied private or public land, spontaneous housing.  <i>De facto</i> : Threat of eviction, demolition, multiple exclusion, self-help response to limited access to housing	Self-built substandard housing units often lack basic necessities, sanitation and running water (slums), can grow into complex, organized settlements, located in peri-urban areas and on public or private land.	Squatter settlements (e.g. shanty towns, peri-urban settlements and slums, <i>baracas, favelas, bidonvilles, gecekondu, chabolas</i> ). Smaller pockets of informal housing built illegally under bridges and overpasses, and on vacant plots of land close to industrial zones and railway reserves, river banks, landslides, waste dumps and landfill sites.

Source: UNECE, 2009:7.

## Annex 3. Available guidance for tackling challenges related to informal settlements issued by selected international organizations (since 2000)

### Council of Europe

- **Council of Europe. 2012.** Human rights of Roma and Travellers in Europe. Council of Europe [Online].
- **Council of Europe. 2004. Congress of Local and Regional Authorities.** Declaration of the 5<sup>th</sup> Forum of Cities and Regions of South-East Europe – 11<sup>th</sup> Economic Forum. Budva, Serbia and Montenegro, 11-12 October 2004.  
Available at: <https://wcd.coe.int/ViewDoc.jsp?id=884693&Site=COE>

### European Commission

- **European Commission. 2015.** Towards a Country-Wide Mapping and Monitoring of Formal and Informal Settlements in South Africa. Pilot-study in Cooperation with the South African National Space Agency (SANSA). JRC Science and Policy Reports [Online].  
**Available at:**  
<http://publications.jrc.ec.europa.eu/repository/bitstream/JRC92657/lbna27024enn.pdf>
- **European Commission. 2010.** Improving the Tools for the Social Inclusion and Non-discrimination of Roma in the EU. European Commission [Online]  
Available at: <http://www.errc.org/cms/upload/file/improving-the-tools-for-the-social-inclusion-and-non-discrimination-of-roma-in-the-eu-2010.pdf>

### FAO

- **FAO and UN-Habitat. 2013.** Governing land for women and men. A technical guide to support the achievement of responsible gender-equitable governance of land tenure. FAO [Online]  
Available at: <http://www.fao.org/docrep/017/i3114e/i3114e.pdf>
- **FAO. 2012.** Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. FAO [Online]  
**Available at:** <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>
- **FAO. 2011.** Governing Land for Women and Men. Gender and Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources. FAO [Online]  
**Available at:** <http://www.fao.org/docrep/014/ma811e/ma811e00.pdf>

### Global Land Tool Network

- **GLTN – UN-Habitat. 2015.** Framework for Evaluating Continuum of Land Rights Scenarios. Available at: <http://www.ucalgary.ca/mikebarry/files/mikebarry/2-barryaugustinus-framework-for-evaluating-continuum-of-land-rights-scenarios-150915-review-copy.pdf>
- **GLTN – UN-Habitat. 2013.** Tools to support transparency in land administration. GLTN.
- **GLTN – UN-Habitat. 2012.** Managing Urban Land Information. Learning from Emergent Practices. UN-Habitat [Online]

Available at: <http://unhabitat.org/managing-urban-land-information-learning-from-emergent-practices/>

- **GLTN – UN-Habitat. 2011.** Innovative Land and Property Taxation.  
Available at: [https://www.ucl.ac.uk/qaser/pdf/publications/UN\\_HABITAT](https://www.ucl.ac.uk/qaser/pdf/publications/UN_HABITAT)
- **GLTN – UN Habitat. 2010.** A training package. Improving gender equality and grassroots participation through good land governance.  
Available at: <http://unhabitat.org/books/improving-gender-equality-and-grassroots-participation-through-good-land-governance-a-training-package/>

### **OSCE**

- **OSCE. 2014.** Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans. Best Practices for Roma Integration.  
Available at: <http://www.osce.org/odihr/115737?download=true>
- **OSCE. 2014.** Housing Models for Substandard Roma Settlements. Guidelines for Local Self-Governments, Civil Society Organizations and Roma Communities.  
Available at: <http://www.osce.org/serbia/126315?download=true>

### **UNDP**

- **UNDP. 2015.** Building more inclusive, sustainable and prosperous societies in Europe and Central Asia. A common United Nations vision for the post-2015 development agenda.  
Available at:  
[https://www.unece.org/fileadmin/DAM/publications/oes/images/Building\\_more\\_inclusive\\_sustainable\\_societies-English.pdf](https://www.unece.org/fileadmin/DAM/publications/oes/images/Building_more_inclusive_sustainable_societies-English.pdf)
- **UNDP. 2012.** The Housing Situation of Roma Communities: Regional Roma Survey 2011.

### **UNECE**

- **UNECE. 2015.** Challenges and Priorities in Housing and Urban Development in the UNECE Region – Short National Reports on Housing and Urban Development. Draft.  
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- **UNECE. 2015.** Outcomes of the Survey on Building Standards and Building Regulations in the UNECE Region.  
Available at:  
[https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Building\\_standards\\_survey\\_outcomes.pdf](https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Building_standards_survey_outcomes.pdf)
- **UNECE. 2015.** Formalizing the Informal. Challenges and Opportunities of Informal Settlements in South-East Europe.  
Available at:  
[https://www.unece.org/fileadmin/DAM/hlm/wpla/workshops/informal\\_settlements\\_2015/advanced\\_formalizing\\_informal.pdf](https://www.unece.org/fileadmin/DAM/hlm/wpla/workshops/informal_settlements_2015/advanced_formalizing_informal.pdf)
- **UNECE. 2014.** Survey on Land Administration Systems  
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- **UNECE. 2013.** Draft Outline of Informal Settlements. Note by the Working Party on Land Administration. Committee on Housing and Land Management. Seventy-fourth session. Geneva, 7 and 9 October 2013.
- **UNECE. 2009.** Self-made cities. In search of sustainable solutions for informal settlements in the United Nations Economic Commission for Europe region.  
Available at: [www.unece.org/publications/oes/SelfMadeCities.pdf](http://www.unece.org/publications/oes/SelfMadeCities.pdf)

### **UN-Habitat**

- **UN-Habitat. 2015.** HABITAT III Issue Papers, « 22 – Informal Settlements ». Available at: <http://unhabitat.org/wp-content/uploads/2015/04/Habitat-III-Issue-Paper-22-Informal-Settlements.pdf>
- **UN-Habitat. 2015.** International Guidelines on Urban and Territorial Planning.
- **UN-Habitat. 2013.** The State of European Cities in Transition, 2013  
Executive Summary available at: <http://unhabitat.org/books/the-state-of-european-cities-in-transition-2013-executive-summary/>
- **UN-Habitat. 2012.** Going Green. A Handbook of Sustainable Housing Practices in Developing Countries.  
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Available at: <http://unhabitat.org/books/sustainable-housing-for-sustainable-cities-a-policy-framework-for-developing-cities/>
- **UN-Habitat. 2012.** Evictions. And the rights-based approach to Urban Development.  
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- **UN-Habitat. 2012.** Handling land. Innovative tools for land governance and secure tenure.  
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- **UN-Habitat. 2003.** Slums of the World: The face of urban poverty in the new millennium? Monitoring the Millennium Development Goals, Target 11-World-wide Dweller Estimation. UN-Habitat, Nairobi.

## **The World Bank**

- **The World Bank. 2014.** Achieving Roma inclusion in Romania. What does it take?  
Available at:  
<https://openknowledge.worldbank.org/bitstream/handle/10986/18663/866710WPOP14500ary0Report00English0.pdf?sequence=1&isAllowed=y>
- **The World Bank. 2013.** Planning, Connecting and Financing Cities-Now. Priorities for city leaders.  
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- **The World Bank. 2013.** Eurasian cities. New Realities along the Silk Road.  
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- **The World Bank. 2012.** The Land Governance Assessment Framework. Identifying and Monitoring Good Practice in the Land Sector.  
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## **Other:**

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Available at  
[http://www.chance2sustain.eu/fileadmin/Website/Dokumente/Dokumente/Publications/pub\\_2013/C2S\\_PB\\_No10\\_WP3\\_City\\_Approaches\\_to\\_the\\_Upgrading\\_of\\_Informal\\_Settlements.pdf](http://www.chance2sustain.eu/fileadmin/Website/Dokumente/Dokumente/Publications/pub_2013/C2S_PB_No10_WP3_City_Approaches_to_the_Upgrading_of_Informal_Settlements.pdf)
- **Internal Displacement Monitoring Centre. 2015.** Urban Informal Settlers Displaced by Disasters: Challenges to Housing Reports.  
**Available at:** <http://www.internal-displacement.org/assets/publications/2015/201506-global-urban-informal-settlers.pdf>
- **Vienna Declaration on Informal Settlements in South Eastern Europe. 2004.**  
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## Annex 4. VGGT themes

The literature review consisted of the identification and examination of the available literature related to aspects of informal settlements selected in the Voluntary Guidance of Responsible Governance of Land, Fisheries and Forests (VGGTs). These included:

- 1. General matters**
  - a. Guiding principles of responsible governance
  - b. Rights and responsibilities related to tenure
  - c. Policy, legal and organizational frameworks related to tenure
  - d. Delivery of services
- 2. Legal recognition and allocation of tenure rights and duties**
  - a. Informal tenure
- 3. Transfers and other changes of tenure rights and duties**
  - a. Land consolidation and other readjustment approaches
  - b. Expropriation and compensation
- 4. Administration of tenure**
  - a. Valuation
  - b. Taxation
  - c. Regulated spatial planning
  - d. Resolution of disputes over tenure rights
- 5. Responses to climate change emergencies (to be addressed)**
  - a. Climate change
  - b. Natural disasters
  - c. Conflicts in respect of tenure of land, fisheries and forests

The recent document focuses on clarification of the concept of informal settlements in countries with economies in transition [VGGT 10] as a precondition for the development of effective TGs. The emerging themes that were most relevant at this stage were [VGGTs 10, 5 and 20]. In the next stages of the preparatory work for the TGs, other themes listed above are recommended to be examined in depth (subject to data availability).

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