Why 'Cities for All' means flipping urban planning on its head: 'Informal' Settlements and the Right to the City

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Executive Summary

As the pace of global urbanisation intensifies, the role of urban planners as stewards of human rights, dignity, and justice becomes ever more important. UN Habitat's *New Urban Agenda* (NUA), ratified in 2016, enshrines social inclusivity as one of the fundamental pillars of just urbanisation under the mantra '*Cities for All*'. However, its implementation risks marginalising or disempowering the inhabitants of so-called 'informal' settlements in both the global north and south. Avoiding this outcome requires a careful reflection on the role of the urban planner and planning systems.

Adherence to the principles of the **Right to the City** (RttC) in planning systems is an intuitive, viable way of achieving such change. This policy brief outlines why *Cities*

for All requires turning planning on its head, providing empirical examples of how to do so through legislative reform and the promotion of an active, organised and empowered civil society.

Cities for Whom? The NUA as a threat to 'informal settlements'

The NUA outlines the aspirational objectives of UN-Habitat and its signatories for urbanisation, to be achieved by 2030. It aims to make cities the conduit for achieving the UNDP's *Sustainable Development Goals,* aligning urbanisation with the 'three pillars' of sustainable economic growth; environmental protection; and social justice.[i] These three pillars are interconnected and inseparable; economic growth, for example, must not come at the expense of the environment or social justice.[ii] However, in contravention

of this interconnected approach, there is a risk that the NUA's economic and environmental objectives might be used to legitimise the further marginalisation of inhabitants of so-called 'informal' settlements. This outcome is unacceptable; implementation of the NUA requires upholding its commitments to the universality of human rights, dignity, and justice.

This risk arises because urban planning systems are often framed purely as the rules by which private and public space should be organised, in which urban stakeholders may resolve their conflicting interests by arbitration through official channels.[iii] When such settlements as those colloquially known as 'favelas', 'shanty towns', or 'tent cities' are declared by planning systems to be 'informal', they are directly and indirectly presented with significant barriers to engaging with their arbitration systems, giving them little recourse to challenge decisions made against their inhabitants' interests.[iv] Designating a settlement as 'informal' in planning systems is pejorative as opposed to descriptive, and often reason enough for

the forced removal and destruction of their communities; usually (if at all) with woefully insufficient suitable alternative habitations.[v] Already, there are countless examples of how the sentiment of urgency behind the ideas of 'environmental sustainability' and 'economic development' have been used to legitimise the exclusion of 'informal' settlements from planning systems.[vi,vii] Preventing such outcomes requires careful reflection on the purpose, principles, and practices of urban planning.

Flipping planning on its head with RttC

The NUA inadvertently calls for this reflection to lead to a fundamental overhaul of the nature of planning. It recognises the need to empower 'informal' settlements in its vision of urban inclusivity, '*Cities for All*'. The NUA sees the spirit of this vision being embodied by RttC, framed as the right of all to inhabit, use, and crucially *make* cities:

*"We share a vision of **cities for all**, referring to the equal use and enjoyment of cities and human settlements, seeking to*

*promote inclusivity and ensure that all inhabitants, of present and future generations, without discrimination of any kind, are able **to inhabit and produce** just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements to foster prosperity and quality of life for all.*

*We note the efforts of some national and local governments to enshrine this vision, **referred to as "right to the city"**, in their legislation, political declarations and charters."*[viii]

By acknowledging its vision being embodied by RttC, translating *Cities for All* into policy has significant implications for planners. RttC is not a 'right' in the conventional sense, nor is it fully captured by the vision of *Cities for All*. In academic language, it is the understanding that cities are socially and politically produced phenomena as well as geographic formations. In other words, they are both physical entities and networks of communities, ever-changing spaces where peoples' different interests come together, clash with one another, and are

mediated.[ix] All inhabitants of the city are entitled to participate in these processes, occurring with or without planning systems; their absence renders the city a meaningless collection of buildings.[x]

This understanding of cities challenges the idea that planning systems are the creators of urban space and the arbitrators of conflict, meaning implementation of the NUA requires reconsidering many principles of modern urban planning. A planning system informed by RttC recognises that, with or without officially sanctioned procedures, people will produce cities and mediate conflicting interests, sometimes through violence but often through negotiation.[xi] A RttC-based planning system ensures through legislation and participation that the moral claim of all to inhabit cities is made a legal, redeemable, and dignified reality.[xii] The role of the planner in this system is to ensure that the mediation of conflicting urban stakeholders respects individual and collective rights, regardless of their capacity to navigate bureaucracies or their ownership of private property. Planning is flipped on its head; rather than people

being invited guests to the planner's city, the people of the city invite the planner to help them thrive!

Creating such a system is viable and necessary, if challenging, with steps towards it made easier and granted legitimacy by RttC's inclusion in the NUA. While this is not a quick-fix to the social injustices of cities, it offers a path towards just urbanisation. A planning system's consistent adherence to RttC would mean the forced eviction or demolition of communities is never legitimate. Claims would have to be mediated in a participatory and democratic way irrespective of the 'formality' of a settlement. Where unavoidable, relocation would have to be thoroughly consensual and just. However, ensuring that the 'necessity' of an eviction is not legitimised on false pretenses requires going further than changing legislation as is suggested by the NUA. Civil society must be empowered to shape, participate in, and hold to account planning systems. The following examples, which are by no means comprehensive, demonstrate how a RttC-based planning system can be created, both legislatively from the top-down, and in civil society from the bottom-up.

Embedding RttC in Planning Systems

Many planning systems have RttC embedded in their administrative and legislative structures. Brazil's 1988 Federal Constitution and 2001 *Statute of the City* explicitly proclaim property as serving a social function, requiring participatory urban master-planning and budgeting with respect to 'informal' and 'formal' settlements alike.[xiii] South Africa's 1996 constitution enshrined similar commitments, explicitly requiring legal entitlement to secure tenure and participatory upgrading of 'informal' settlements resulting from the legacy of apartheid.[xiv] The common thread between such legislative changes is that they enshrine housing and habitation as a right and make planning systems accessible regardless of the 'formality' of said habitation; they recognise the city as more than collections of private and public property.

Legislative reforms cannot be considered a 'magic wand' for creating *Cities for All*. For example, many 'informal' settlements have been 'formalised' through land titling schemes in countries such as Peru, in theory providing access to housing markets and planning systems.[xv] However, many of these communities still face exclusion and exploitation from the political, social, and economic life of cities; they were granted a right to property, as opposed to RttC.[xvi] Even embedding RttC in the highest levels of legislation is no guarantee of *Cities for All*, with some of the worst state-sanctioned injustices in 'informal' settlements occurring in Brazil and South Africa.[xviixviii]

For legislative RttC planning reforms to work they must be accountable to and shaped by their citizens through the empowerment of civil society. Grassroots mapping initiatives such as Slum/Shack Dweller International's *Know Your City* (KYC) campaign are an example of how this can be achieved. KYC organises communities to collect and aggregate standardised data about 'informal' settlements.[xix] The data charts the geographic and lived reality of areas of cities that are 'invisible' to authorities unable, and more often unwilling, to collect it themselves.[xx] Community data collection both upholds accountability by identifying where planning systems and governments have failed in their responsibilities to citizens, and, if implemented carefully, empowers communities to draw attention to their RttC without aid of the planning system[xxi]. Mapping and data collection is just one example; the key is for planners and policy makers to allow and support such initiatives, so that their accountability to urban stakeholders can be upheld inside and outside official channels.

Further to these efforts, RttC-based planning systems must facilitate direct participation in the production of the city. For example, *Ocupa tu Calle* is a Peruvian based NGO that performs urban design interventions to improve public spaces in both 'formal' and 'informal' places.[xxii] Interventions are carried out with the permission of, but independently from, authorities. These interventions are accessible and participatory, innovating

techniques such as use of the videogame *Minecraft* as an intuitive way of allowing communities to design public spaces. The result is technical knowledge, resources, and organisation being *lent* to communities as opposed to dictated to them by planning 'expertise', meaning the needs of inhabitants are met acutely and directly. Such participatory creation of cities is fundamental to creating *Cities for All*.

Concluding remarks

For the just implementation of the NUA, RttC principles must be embedded in planning systems. The precise nature of how these principles are embedded must be particularistic to every city. RttC is not only important for the global south, or to 'informal' settlements, but to all urban spaces across national, regional, and local contexts. The inclusion of *Cities for All* in the NUA grants legitimacy to such efforts. This brief has outlined how all urban inhabitants' RttC can be upheld in legislation and be strengthened by civil society. To this end, urban planning must be flipped on its head.

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iv Colin McFarlane, "Rethinking Informality: Politics, Crisis, and the City," *Planning Theory & Practice* 13, no. 1 (March 1, 2012): 89–108.

v Lorena Zárate, "They Are Not 'Informal Settlements'—They Are Habitats Made by People," *The Nature of Cities* (blog), April 26, 2016, https://www.thenatureofcities.com/2016/04/26/they-are-not-informal-settlements-they-are-habitats-made-by-people/.

vi "Mexico Uses Climate Threat to Justify 'Slum Clearance,'" Climate Home News, May 4, 2015, http://www.climatechangenews.com/2015/05/04/mexico-uses-climate-threat-to-justify-slum-clearance/.

vii "Zimbabwe's 700,000 Victims of Forced Eviction Still Ignored Five Years On," accessed February 17, 2018, https://www.amnesty.org/en/latest/news/2010/05/zimbabwes-700000-victims-forced-eviction-still-ignored-five-years/.

viii "The New Urban Agenda," Habitat III, accessed February 17, 2018, http://habitat3.org/the-new-urban-agenda/.

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[xiii] Alison Brown and Annali Kristiansen, *Urban Policies and the Right to the City: Rights, responsibilities and citizenship* (2009), UN-Habitat, Nairobi

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[xvi] Ann Varley, "Property Titles and the Urban Poor: From Informality to Displacement?," *Planning Theory & Practice* 18, no. 3 (July 3, 2017): 385–404.

[xvii] Edésio Fernandes, "Implementing the Urban Reform Agenda in Brazil," *Environment and Urbanization* 19, no. 1 (April 1, 2007): 177–89.

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