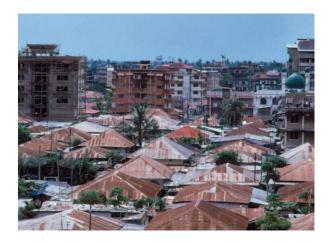


DEGREE PROJECT, IN REAL ESTATE AND CONSTRUCTION MANAGEMENT DEPARTMENT OF REAL ESTATE AND CONSTRUCTION MANAGEMENT MASTER OF SCIENCE, 30 CREDITS, SECOND LEVEL STOCKHOLM, SWEDEN 2016

# Urban Renewal Policy on Housing Conditions in Dar es Salaam, Tanzania



**ROYAL INSTITUTE OF TECHNOLOGY** 

DEPARTMENT OF REAL ESTATE AND CONSTRUCTION MANAGEMENT

## **Master of Science thesis**

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## **Abstract**

With increased urbanization around the world, accessing land as well as housing in urban areas presents huge development limitations. This master thesis will explore the relationship involving law as well as development through examination of ways in which law affects the regulatory structures that govern official accessibility to land along with housing processes. It can be argued that legal reforms affect ways in which regulatory frameworks are articulated that in turn influence the efficient and unbiased processes whereby poor people in urban areas may have formal access to housing as well as land. This thesis focuses on the urban renewal policy on housing conditions in Dar es Salaam in Tanzania. Other mega cities within Africa such as Johannesburg in Southern Africa tends to have several post-legal-reform positive trends involving the processes compared to Dar es Salaam, thus illustrating the role played by law as an important tool that can be used to achieve development and bring change in urban areas.

**Note**: Picture on front page is taken from United Nations Human Settlements Programme (UN-HABITAT), 2009, publication named TANZANIA: DAR ES SALAAM CITY PROFILE.

# **Dedication**

thesis would not have been possible.

This is a dedication to my dear wife Johanna and my wonderful boys Oskar and Oliver.

Thank you for your love and support, without you this great adventure of writing the master

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## 1.0 INTRODUCTION

At present, most people are living in increasingly urbanized societies, whereby cities offer strategic opportunities for development. Urban areas provide unique economic, political as well as social opportunities; however, in some instances they have been attributed to inequality and segregation. Obtaining the benefits originating from these opportunities, while avoiding possible problems associated with development in urban areas is one major challenge affecting cities, particularly among developing countries. While challenges relating to development in urban areas are several and multifaceted, they are commonly observed in areas of human habitations where millions of poor urban residents who earn insufficient incomes live in inhumane and dangerous conditions, particularly in informal settlements. Since they are not able to get authorized access to cheap and enough land as well as housing, most of them are not included in the official and legal urban domain attached with the opportunities as well as security provided therein.

## 1.1 Background

Apparently, several factors combine to exclude the official as well as legal city thus relegating many urban residents, particularly the poor, towards unofficial and illegal urban domain. The focus of the current study is on one critical hindrance to authorized accessibility to land as well as housing, which includes the regulatory structures or the rules, processes and standards, which govern official accessibility to land as well as housing procedures. Regulatory structures are capable of operating as key barriers to accessing formal possibilities, and in the entire developing world are ranked high among impediments the hinder poor urban dwellers from formal access to housing as well as land.

A correct assessment of the legal role involving development in urban areas in general together with the formal access towards land as well as housing procedures in particular is critical to scholars, lawmakers and policy planners who are committed to a comprehensive city development agenda. The legal role pertaining to development in urban areas has generated much interest and debates linking law in to positive change in cities. However, it should be noted that some studies have placed much emphasis on techniques through which such relationship occurs; i.e. ways in which the law enhances change. The aims of this study involves contributing towards bridging of this gap through examination of ways in which the law, using legal reform

procedures, affects the articulation involving regulatory structures that govern formal accessibility procedures and factors that influence this have on accessing opportunities for poor city dwellers.

Therefore, the main concern of this study refer to areas as well as associations involving official access to housing attached with land in urban areas, regulatory structures, law as well as urban development. These critical concerns will be studied using the framework that involves case studies of city of Dar es Salaam - Tanzania. Since legal reforms on the issue of land as well as housing have taken place in the country since 1990s and the variations in efficiency and parity of procedures whereby poor urban dwellers are able to access housing as well as land within the city of Dar es Salaam.

The longitudinal comparative research will use both historical as well as analytical account involving recent legal reform combined with an examination of official access procedures in Dar es Salaam.

It may be argued that legal reforms have an influence on the way regulatory structures are expressed that in turn affect the efficient and equality surrounding formal accessibility to land as well as housing procedures in urban areas. This analysis shows the relationship that exists between law as well as the appropriate developmental results proceeding from better housing options for poor people, through examination of approaches through which the law acts as an opportunity for achieving change. Through exploration of the ways in which the law improves the articulated regulatory structures that in turn influence effective and justifiable process of formal access, the critical developmental ability of law to act as an opportunity for attaining change in urban areas is demonstrated. The structure of this thesis is as follows. The theoretical structure of this research alongside the exposition involving challenges of formal access to housing and land in urban areas, legal role in urban growth is laid out in in this study.

## 1.2 Objectives of the study

In view of the above, the study intends to achieve the following objectives:

- I. To analyse the process of access to land and housing in the city (Dar es Salaam Tanzania)
- II. To establish short falls that hinders the overall process of access to land and housing to its urban citizens
- III. To analyse whether the existing land markets and the government role in facilitating the operation of the market is transparent and sufficient enough to bring about an efficient land and housing delivery system.
- IV. To give examples on success story on urban renewal.

## 1.3 Disposition

Chapter one contains the introduction. This includes the background and objectives of the study. Chapter two contains the methodology. Chapter three contains a summary of Tanzania. Chapters four and five brings out the theoretical and regulatory frameworks. Chapters six and seven contain policy issues and housing situations in Dar es Salaam. Chapter eight brings out reflections of urban renewal and strategies. Chapters nine and ten contain recommendations to Dar es Salaam policy makers and the conclusion.

## 2.0 METHODOLOGY

The research is based on several sources of data. This strategy is adopted largely because of the purpose of the study, the nature of the data required and the availability of resources. The nature of the problem, objectives and the research questions also has a bearing on the strategy adopted. Access to land and housing as espoused in the constitution of Tanzania is meant for every citizen who would like to own a land and finally a home. Government programmes as well as legal instrument in support of this endeavour should be formulated and implemented in a manner that will enable every citizen who is willing to access land in urban areas to be able to do so. These policies, programmes and legal instruments will be used as a source of data. Observation of what is actually happening on the ground is yet another tool employed. This involves observations made in advertisement in both public newspapers and advertisements to see where the adverts for plots sale emanate from. Deeds registry also offers another data source especially where private developers are concerned. Population drift to urban areas due to urbanisation prompted the special emphasis to be put on urban centre in Tanzania. The country has high rate of urbanisation partly due to the rapid population growth of some of the villages. These villages are district or sub district headquarters, Primary centres and the National settlement policy. This study is focuses on Dar es Salaam.

## 3.0 TANZANIA: A BRIEF SUMMARY

## 3.1 Location

Tanzania, officially the United Republic of Tanzania (Swahili: Jamhuri ya Muungano wa Tanzania), is a country in East Africa in the African Great Lakes region. It is bordered by Kenya and Uganda to the north; Rwanda, Burundi, and the Democratic Republic of the Congo to the west; and Zambia, Malawi, and Mozambique to the south. The country's eastern border is formed by the Indian Ocean. Mount Kilimanjaro, Africa's highest mountain, is in north-eastern Tanzania. Tanzania has a total area of 947 303 km2 and 64% water body.

The head of state is President John Pombe Magufuli, elected in 2015. Since 1996, the official capital of Tanzania has been Dodoma, where the National Assembly and some government offices are located. Dar es Salaam remains Tanzania's principal port and commercial city and is the main location of most government institutions. (<a href="http://en.wikipedia.org/wiki/Tanzania">http://en.wikipedia.org/wiki/Tanzania</a>)

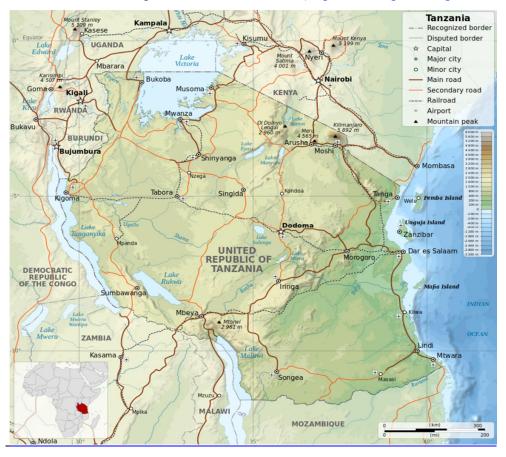


Figure 1:- Map of Tanzania

## 3.2 Dar es Salaam environment

Dar es Salaam is the one of the capital cities in Tanzania and around the East African region. It was formerly called Mzizima. It is an important administrative centre housing three administrative districts namely Kinondoni, Temeke and Ilala. According to the 2012 census the city of Dar es Salaam had 4, 363,541 people. It is worth to note that the Dar es Salaam was the capital city of Tanzania from 1960s up to 1974 when the title was given to Dodoma, which was centrally located. However, despite the shift Dar es Salaam remains the centre of government bureaucracy as well as an important capital centre within the region.

There are several reasons for Dar es Salaam being a favourite city in the region. Firstly, is the proximity to the equator coupled with warm conditions that are influenced by the Indian Ocean; this enables the city to have a tropical climate that is characterized by high temperatures and humidity throughout the year. Secondly, the city enjoys hot and wet climatic conditions with an annual rainfall of about 1100 millimetres. The city experiences two seasons of rainfall namely the long rainy season that runs from April to May as well as the short rainy season that begins from October up to November.

#### 3.3 Climate data for Dar es Salaam

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Average high	31	31	31	30	29	29	28	28	28	29	30	31	29.6
°C (°F)	(88)	(88)	(88)	(86)	(84)	(84)	(82)	(82)	(82)	(84)	(86)	(88)	(85.2)
Average low °C	25	25	24	23	22	20	19	19	19	21	22	24	21.9
(°F)	(77)	(77)	(75)	(73)	(72)	(68)	(66)	(66)	(66)	(70)	(72)	(75)	(71.4)
Precipitation	66	66	130	290	188	33	31	25	31	41	74	91	1,066
mm (inches)	(2.6)	(2.6)	(5.12)	(11.42)	(7.4)	(1.3)	(1.22)	(0.98)	(1.22)	(1.61)	(2.91)	(3.58)	(41.96)
Avg. rainy days	8	6	12	19	15	6	6	7	7	7	9	11	113
Mean monthly	248	196	217	150	217	210	217	279	270	279	240	248	2,771
<b>Sunshine hours</b>	2.10		_1,	130	_1,	_10	_1,	_,,	_,0	_,,		10	_,,,,
Source: BBC Wealth													

Figure 2:- Climate data for Dar es Salaam

## 3.4 Dar es Salaam's population growth

The growth rate of Dar es Salaam is the highest in Tanzania at 5.6 percent, translating to a population increase of 250,000 annually (National Census 2012). A huge portion of the growth is influenced by demographic changes to the influx of people from rural areas to urban areas, thus causing an urban sprawl (Lwasa, 2002). The city's growth has led to population changes from 1,958,192 in 1991-2,194,298 in 2002 and by 2012 the population stood at 4,368,541 (National Census 2012).

From a historical perspective, Dar es Salaam's population growth has experienced spatial expansion coupled with urban sprawl. According to Kombe (2005), this growth can be described as 'complex organic urban structures that expand horizontally'. There has been a drastic increase in the city's surface area. For instance, in 1969 the distance from the central point towards the edges ranged between 12 and 20 kilometers. In late 1990s, it had increased to 40 kilometers (Olvera et al. 2003). However, according to Sawio (2008), the geographical expansion may be higher with a distance of up to 60 kilometers if the city is seen from a functional perspective. Notably, expansion in space for Dar es Salaam in 1970s as well as 1980s was characterized by a star shaped format along key roads that bore a reflection of transport problems at the time. Initially, spatial expansion was influenced by the desire of residents to be self-sufficient by having enough food in periods of increasing economic crisis (Briggs and Mwamfupe 2000, Owens 2010).

The 1990s witnessed the emergence of additional conditions, which created the peri-urban area an avenue of investing in housing as well as commercial agriculture. Emerging elite that consists of business people and politicians started seeing the peri-urban zones as opportunities for investing their newly created wealth that included houses, land as well as farms (Briggs & Mwamfupe 2000, Briggs & Yeboah, 2001, Olvera et al. 2003, Owens 2010). An explanation on the ways in which the structural adjustment initiatives influenced special expansions in 1990s is provided by Briggs and Yeboah. With liberalized trade as well foreign currencies, there was capital from trading profits and fees paid by foreigners from the Diaspora. A large portion of the capital has been directed to housing as well as real estate investments. The revision of transport regulations in late 1980s enhanced urban expansion by allowing private owned vehicles to penetrate into peripheral zones a practice that enhanced accessibility (Briggs and Yeboah 2001). In

1990s, spatial expansion was characterized by infilling and densification instead of expanding along key roads (Briggs & Mwamfupe 2000, Olvera et al. 2003).

A large portion of spatial expansion in urban areas has been characterized by informal settlements. According to a UN –Habitat report, an estimated 7000 housing units within unplanned areas existed in Dar es Salaam by 1962.

By 1972, the housing units had increased in number up to 28,000 (UN-Habitat 2010). The statistics from the Ministry of Land, Housing and Human Settlement Development indicate that about 80% of Dar es Salaam population lives in informal housing, contrary to satellite images, which put the put the figure at 70%. From the satellite image analysis, the Ministry identified about 500, 000 housing units within the city and 400,000 of these were located in unplanned areas. Given the high rates of occupancy in unplanned areas, it is factual to infer that more than 80% of urban residents are living in unplanned areas (UN-Habitat et al. 2010). Expansion within unplanned areas has occurred without the presence of proper infrastructure, thus contradicting the existing belief held by policymakers that lack of infrastructure may hamper growth (Kombe 2005). The term 'informal' is not a hindrance to people who establish structures in unplanned areas because most of them tend to perceive a security of tenure thus end up building housing units using permanent as well as modernized building materials. A rare characteristic in Tanzania is based on the belief that different socio-economic groups border each other in unplanned settlements (Fagerlund 2010, UN-Habitat 2010).

Table 1: Population Counts of Dar es Salaam and Tanzania; 1967 - 2012

1. Population counts of Dar es Salaam and Tanzania, 1967 - 2012					
	Dar es Salaam	Tanzania			
<b>1967</b> <sup>1)</sup>	433,145	12,313,469			
<b>1978</b> <sup>1)</sup>	851,534	17,512,610			
<b>1988</b> <sup>1)</sup>	1,360,865	23,095,882			
<b>2002</b> <sup>1)</sup>	2,487,288	34,443,603			
<b>2012</b> <sup>2)</sup>	4,364,541	44,928,923			

<sup>1)</sup> Source: 2002 census (National Bureau of Statistics Tanzania 2006a). The counts for Dar es Salaam in 1967 and 1978 are extrapolations from 1988 count and the intercensus average annual growth rates (see table 2)

2) Source: 2012 census (National Bureau of Statistics Tanzania et al. 2013)

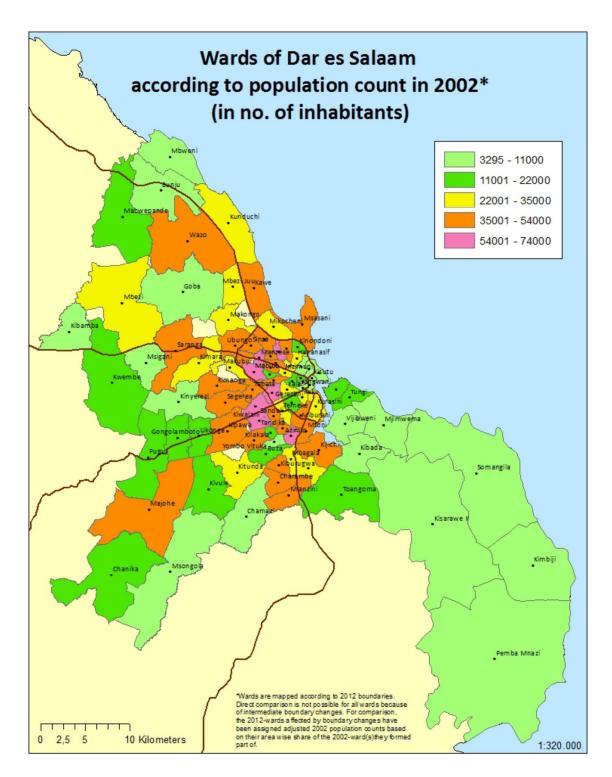


Figure 3:- Wards of Dar es Salaam 2002

Source: National Bureau of Statistics Tanzania

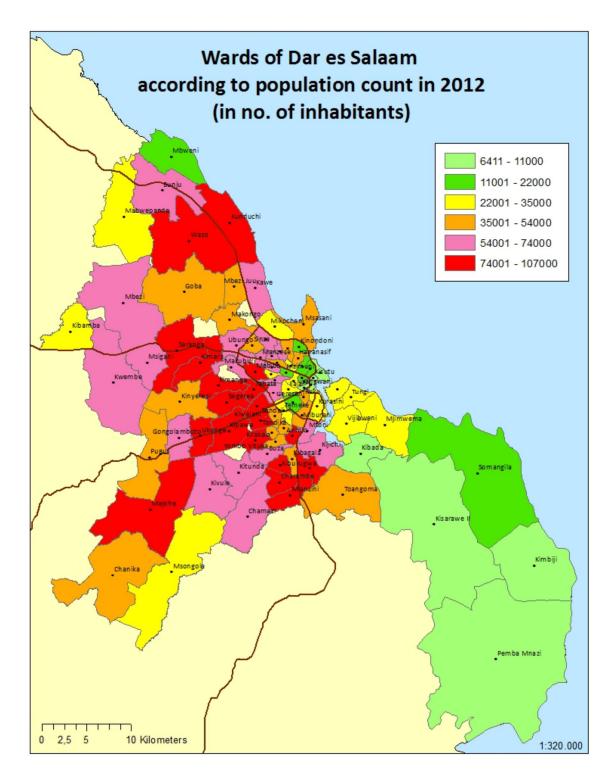


Figure 4:- Wards of Dar es Salaam 2012

Source: National Bureau of Statistics Tanzania

Table 2:- Average annual population growth in Dar es Salaam and Tanzania, 1967 - 2012

2. Average annual population growth rates of Dar es Salaam and Tanzania, 1967 - 2012					
	Dar es Salaam	Tanzania			
1967-1978 <sup>1)</sup>	7.8 %	3.2 %			
1978-1988 <sup>1)</sup>	4.8 %	2.8 %			
1988-20021)	4.3 %	2.9 %			
2002-2012 <sup>2)</sup>	5.8 %	2.7 %			

1) Source: 2002 census (National Bureau of Statistics Tanzania 2006a)

2) Source: Own calculations based on population counts for 2002 and 2012 (see table 1)

## 4.1 Access to land and housing in cities

Recently urbanization trends have resulted to rapid increase in urban population, a trend that threatens most cities in developing countries. The development of cities is termed as inevitable as well as irreversible, partly because of the projected global urban population, which is set to increase to 5.5 percent billion in 2025 (UNDP 1991; UN-HABITAT 2003a). Notably, 2007 was the turning point when it comes to balancing human settlements because many people prefer to live in cities rather than in the countryside (Beall et al. 2006, 1). Additionally, statistics show that by 2039 the global population growth will be accommodated in urban areas located in the Southern part and by 2030 urban residents will constitute 61 percent of total world population (ibid; UNPD 2003).

The trend of urbanization has been characterized by several complicated and correlated challenges. Poverty levels in cities are projected to increase from 45 percent to 50 percent among the total population that are residing in urban areas by 2020 (UN-HABITAT 2003b, 7). A particularly common manifestation of poverty in cities is portrayed in human habitations within cities that are located to the South of the Sahara. As suggested by McAuslan, one critical and overwhelming problem stands out within the relentless urban growth phenomenon; it includes the demand for land within urban areas (2003, p.354). In several cities involving, the developing countries about a half of populations in urban areas live in neglected/filthy, unsafe housing conditions in the informal settlements (UN-HABITAT 2003b, 7). With about 1 billion of the population residing in city slums a figure that may increase to 1.5 billion in 2015 and 2billion in 2030, accessibility to land as well as housing by poor city dwellers in the South of the Sahara is a serious challenge affecting national governments alongside global development community (Beall et al. 2006, 2; Payne & Majale 2004, 113).

## 4.2 The formal and the informal city

A response to this limitation will demand bridging the gap involving the formal as well as informal city. Several cities in the South of Sahara are grouped into distinctive formal as well as informal realms. McAuslan (2003, 6-7) borrows Santos' (1979) formulation involving two circuits in the economy of urban areas to explain different land circuits, which exist in the society. Based on this concept, it can be stated that formal land markets in urban areas constitute

upper circuits and are determined by legal legislative codes defined and used by state officers. Adherence to rules, regulations and laws is observed within this realm when access to land is actualized. On the other hand, informal land markets in urban areas constitute the lowest circuits and are determined by informal customs. In this realm, basic access to land takes place outside the formal structures, where formal rules, regulations as well as laws are ignored. Many urban residents in developing world, particularly the poor operate in the lowest circuits within the informal structure. According to Durand-Lasserve (2005, 2) as well as Fernandez and Varley (1998, 3), the attractive nature of informal circuits is strengthened by the ineffective government land as well as housing policies coupled with the failure of formal private sectors to offer land for settling poor people who have shifted towards informal procedures to access housing.

City residents who have informal access to land as well as housing face several limitations. They are at a high risk of facing diseases, violence as well as economic, political and social discrimination (Beall et al, 2006, 2). They do not enjoy benefits that come from adequate safe housing as well as tenure, right to physical as well as social amenities and secure living conditions, which are given to residents within the formal urban domain. (Rakodi & Leduka 2003, 8). Furthermore, De Soto (2001) suggests that the informal status coupled with the absence of security tenure discriminates them further because they are not able to use title deeds to acquire loans and advance their economic aspirations. Moreover, informal residents are ineligible to access social packages that are provided by the city (CoJ 2005b, 35). The consequences originating from these limitations are beneficial to city residents' ability in accessing their land as well as housing in secure formal domain (Rakodi and Leduka 2003, 8; UN-HABITAT 2006, 7).

However, the limitations surrounding informal access to land as well as housing coupled with arguments relating to the informal urban domain or structures through which access to land is seen as deviant or irrelevant are not sophisticated and are ignored. The presence of informal land policies as well as markets, why they exist attached with their enormous nature has been recognized. The existence of informal land markets and systems, reasons for their existence, as well as their enomity has been widely recognized (See Hardoy & Satterthwaite 1989; Fekade 2000; Kombe 2000; Jenkins 2001; Durand-Lasserve 2005). Literature pertaining to positive potential in informal structures as effective solutions to the problem of land as well as housing has been on the increase. Arguments that support the importance of working within formal structures when designing land as well as housing policies tend to be common (Cross 2000,

195; Payne 1997; Balamir & Payne 2000; McAuslan 2003, 6). Kombe (2001) emphasizes the significance of facilitating informal structures that support the fragile formal sector. While accepting the above-mentioned literature bodies as well as recognizing the critical function of informal land as well as housing structures, this thesis proposes a returned emphasis to formal structures and access procedures. It suggests that improvements pertaining to efficiency as well as equitability of formal accessing procedures are important for incorporation of more urban residents into formal as well as legal urban domain by reducing pressure on the informal structure. Multiple crises in urban development require diversified mechanisms to overcome. Informal structures play a critical role; however, formal access structures that are inclusive remain indispensable components, which can be used for providing realistic solutions' to problems associated with land as well as housing.

## 4.3 The challenge: Bridging the formal and informal divide

Cities that have many residents locked out of the formal structures are divided, not inclusive and un-sustainable. Locating mechanisms of improving formal access opportunities for poor urban residents' constitutes a critical step towards creation of inclusive cities and reduction of the disparity that surrounds formal and informal cities. Notably, the more formal access opportunities for poor city dwellers are improved, the more realistic it becomes to achieve the goals of formal as well as legal city. The final objective entails creating inclusive as well as equitable cities that allow residents to be integrated within the city structure and given safe land as well as housing rights to enable them have better living standards (Aldrich & Sandhu 1995).

The problem of land as well as housing in cities in the South of the Sahara is enormous and complex, thus requiring multiple mechanisms to be applied to tackle it. This thesis investigates one such mechanism that includes improvement of formal access opportunities for poor city residents. Similarly, barriers to accessibility that hinder poor urban residents from formally accessing land as well as housing in the cities are several and complex thus requiring additional description. The study places emphasizes solely on one critical reason, namely prohibitive regulatory domains, which act as limitations to formal access opportunities. It is because of analysing such regulatory domains, what they constitute, ways in which they become barriers as well as actions which need to be undertaken to change them that the following section will direct its focus.

## 5.1 Definition of regulatory frameworks

Regulation may be defined as a requirement or manner set by any authority, either spelling out behaviors that are required or prohibited for different reasons (Payne & Majale 2004, 25; Baldwin et al. 1998; Mitnick 1980). According to Payne and Majale regulation occurs through a continuous administrative process (2004, 26). Because of its objectives, this thesis explains regulatory domains to imply the rules, standards as well as procedures, which control processes where there is formal access to land as well as housing in cities. In view of this, the term will not include the primary legal policies that inform it. This meaning originates from the definitions of Payne and Majale (2004) as formulated by Royston and Ambert (2002) in their conclusive research study that involved many countries. Regulatory frameworks therefore entail planning regulations that explain the type of development that is allowed on land in urban areas and planning standards that explain the level as well as quality, which all legally accepted land and housing development ought to follow. Additionally, administrative procedures that explain the legal steps, which urban development should follow to be accepted officially (Payne and Majale 2004).

#### **5.2** Barriers to formal access

A huge percentage involving urban housing in the developing world is developed without following some key aspects such as the formal processes, formal planning regulations, standards as well as administrative procedures (Payne 2001, 308). While several factors combine to explain this scenario, the expensive costs associated with adherence to official regulatory frameworks emerge high amongst the factors. This is well explained by Payne who says that possibilities of accessing legal housing are largely influenced by social as well as economic costs that conform to formal requirements. In situations where the costs are expensive for households to afford, they have no option but to apply other alternative (ibid).

There are several ways through, which regulatory systems can act as impediments to poor urban residents' proposition to have formal access to land as well as housing (Payne 2001; Struyk et al.1990; Kitay 1985; De Soto, 1980). Regulatory frameworks may act as

impediments by prescribing long and inconvenient procedures that involve several complex steps, which increase costs in terms of duration as well as money on willing applicants. Kitav(1985, 20) observes that the numerous years, it takes to actualize land transactions on formal title registers as well as how it hinders the participation of the private sector in affordable housing in different developing countries. Similarly, Struyk et al. (1990) observed that in West Java it took about 32.5 months for issuance of titles involving land transfer procedures to be concluded, increasing the costs of acquiring land by about 10 percent -29 percent(Payne 2001, 309). According to De Soto (1989, 2000), the administrative procedures in Peru were a burden, thus making it difficult to initiate development without contravening the rules (Payne 2001, 309). This led to the formulation of 159 bureaucratic stages to make informal settlements legal in Lima, a process that will take about 20 years (De Soto 1989; Payne 2005, 137). Within the Dar es Salaam - Tanzanian context, Kironde (2004) shows how it may take 7 years between identification of a site for planning the scheme as well as acquiring the relevant letters; a process that involves 13 steps all containing sub-steps (Silayo 2002; Payne 2005, 138). Similarly, in Bolivia, acquiring formal permission to carry out legal development involving residential land requires at least 20steps that are time consuming (Farfan, 2004).

Additionally, regulatory frameworks act as impediments to access through prescription of expensive standards that originate from inherited practices as well as beliefs, at the expense of appropriate local realities (Payne 2005, 137). Circumstances whereby inefficient regulatory frameworks are applied inappropriately exist in Lesotho, where building rules are borrowed from those of Sweden, or in Papua New Guinea where regulations are borrowed from those of Australia (Payne 2001, 309). According to Hardoy and Satterwaithe (1989,31), existing codes as well as standards hinder citizens in third world countries from accessing formal housing markets. Regulatory frameworks, which prescribe expensive, time-consuming, complex procedures that, are irrelevant. Regulatory frameworks that prescribe costly, time-consuming, impose huge time as well as financial expenses on potential applicants, thus acting as formidable access barriers.

## **5.3** Reforming regulatory frameworks

The basic objectives of development can be fulfilled through structured regulations that enhance accessibility to inexpensive housing for all city residents, inclusive of the poor (Mike Majale, 2002, 4). A suitable regulatory framework should be able to provide definition and protection of stakeholders' interests without using irrelevant conditions to lock out the participation of local communities (Payne & Mike Majale 2004, 116). The existing inequality that denies a large population of urban residents from formalized access procedures shows the existing gap between regulatory frameworks as well the real needs of residents. In view of this, a quick solution to the problem is required. Several investigations have placed emphasis on this need by advocating for the review of the regulatory structures (Kitay, 1985; Hardoy & Satterthwaite, 1989; Farvacque & McAuslan, 1992; Payne, 2001; Payne & Majale, 2004). Notably, a comprehensive reformation of the regulatory frameworks can increase the opportunities of formal access thus allow many poor urban residents to access the formal city. These reforms are critical, particularly in bridging of the gap surrounding the formal as well as informal housing alternatives attached with the formal as well as informal urban domains.

A critical question that asks about the type reforms required to address this issue arises. Various suggestions have surfaced for formulation of convenient, open, flexible, suitable and affordable regulatory frameworks (Payne & Mike Majale 2004; Mike Majale 2002; McLeod 2003; Kironde 2004; Payne 2007). The countrywide study conducted by Payne and Mike Majale (2004, 116) recommends the simplification of administrative processes that characterize legal access to land in urban areas. Additionally, reforms should be conducted in aspects that deal with promotion of partnerships among major stakeholders as well as inclusive planning alongside strategies of development.

The aforementioned reforms can work jointly to overcome the impediments that are caused by irrelevant regulatory frameworks by increasing the opportunities of formal access for poor city residents. The critical question then is how the aforementioned reforms relating to regulatory frameworks may be implemented. It is through this question as well as the legal role within the process that builds up the following section.

## 6.1 Law and development

Law has significant influences for development in urban areas, particularly in the definition of government systems in cities, establishment of systems used in urban planning as well as regulation of developments on urban land attached with the definition of powers that city planners as well as managers have. (McAuslan 2003, 139). In view of this, accurate identification of legal roles is critical. Within the land and housing perspective, evaluation of the link involving the law as well as the regulatory structures, which hinder formal access, emerged as an indispensable element to pragmatic attempts of mitigating the challenges originating from land and housing problems in urban areas. However, in the past the important role played by law in influencing development in cities is largely ignored. According to McAuslan; past legal dimensions towards general development and human settlement was regarded as irrelevant. This led to the emergence of illogical paradox whereby in spite of law as well as development being similar in the urbanization world; within the field of researching on urbanization, the legal aspect was not significantly emphasized (McAuslan 1998a, 18). Similarly, Fernandes and Varley (1998, 3) noted on the slighter underestimation of the legal dimension of the urbanization process.

However, it should be noted that the relationship surrounding law as well as urban development has continuously been given much attention. Challenges towards the nature of doctrine in legal scholarship, which existed before 1960s considers law in form of a self-centered discipline that originated from legal realism (McAuslan, 1998a, 18-21). After 1960s, the transparent as well as the social science based approach started influencing legal scholarship, thus led to the emergence of the "Law and Development" movement that placed much emphasis on the importance of understanding the legal perspectives in urban development (ibid, 21; Fernandes & Varley 1998, 11; ILC 1974, 20-21).

According to McAuslan(2003, 110), the significance surrounding the legal aspect in development processes in urban areas was strengthened by provisions that were catered for in the 1996 Habitat Agenda at the UN City Conference that placed much emphasis on critical role, which law plays in implementing the GPA (Global Plan Action). Significant bodies of legal as well as development literature within the field of urbanization currently

exist. This thesis tries to covers a broad area and its development has been occurring at different paces as well as with different forms of emphasis around the world. Notably, some areas such as informal settlements, land management as well as formal legal aspects that include rent control have been accorded much attention (McAuslan, 1998a; 23, 31; see Manaster 1968; Karst, 1971; Smart, 1988 & Westen 1990). However, several studies that focus on legal issues in urban land in Africa have been directed at land tenure. Whereas certain success have been achieved within the urban legal planning, particularly through criticisms directed at the elitist as well as the locally inappropriate nature (Kanyeihamba, 1980; Farvacque & McAuslan 1992) several research loopholes within the urban planning and land are yet to be sealed.

## 6.2 Law and change

With the increasing recognition on the importance of the correlation between law and development in urban areas, several studies that associate relevant and stringent laws that contribute positively to development in urban areas have emerged. Regular arguments on the existence of a significant relationship between law as well as positive outcomes of development exist. For example, North (1990) and De Soto (2000) suggest that law envisaged in the property rights plays an important role by influencing economic growth. Additionally, according to Acemoglu et al. (2000), appropriate property rights are related to the growth in the economy with the cause ranging between property rights up to growth. Although the presence of a relationship between law and constructive development results is acknowledged, ways in which the relationship is formed and ways through, which the law functions to influence positive changes is frequently ignored.

The objective of thesis is to try and come up with mechanisms of reducing this disparity by examining ways in which law affects the implementation of regulatory frameworks that govern process of formal access and afterwards the influence it has on access opportunities for the poor residents in urban areas. Through such means, the developmental capacity of law may be analyzed by examining the link that involves law as well as regulation frameworks attached with exploring ways in which the law acts as a catalyst of change.

The problem surrounding lack of formal access towards land and housing within urban areas is clear as that of the significance that surrounds the understanding of the roles, which regulatory frameworks play as well as the legal role in increasing formal access opportunities for poor residents in cities. It should be noted that although there is a crisis, to a certain extent in many cities of the developing world, this extent varies from one country to another. For instance, the level of effectiveness and equity when providing formal lands as well as housing to the poor urban residents are not high in Dar es Salaam whereas other big cities in southern Sahara like Johannesburg performs better by providing effective and equal formal access opportunities.

## 7.0 THE HOUSING SITUATION IN DAR ES SALAAM

## 7.1 Urbanization effects on housing in Dar es Salaam

Urbanization effects on housing in the city of Dar es Salaam may be explained by examining ways in which lowly remunerated people access housing within the city when there is scarcity to the supply of land coupled with a rising demand for housing as well as urban poverty.

The environment surrounding the aspect of housing in Dar es Salaam is not satisfactory; this is because most housing units are sub-standard, in terms of quality as well as quantity. It is estimated that 80% households do not have toilets, 34% of housing stock in the city need to be upgraded and an additional 36% are not permanent (DISH, undated). Furthermore, 65% of Dar es Salaam residents are accommodated in rental houses, with 71% living in rooms instead of houses. 54% of the residents in the city are living in tenements, 12% are accommodated in stores as well as garages, and a large portion of the housing is non-upgradable because the materials used are semi-permanent. Poor living conditions are more common amongst residents of Kigogo, Kisiwani, Mwananyamala, Tandale and Manzese. In such areas, living conditions are unacceptable and pose a health risk to the inhabitants (UNEP, 2002; Rakodi, 2005). Many households' members in the city are predominantly employed in the informal sector, mostly engaged in small businesses on a subsistence basis. In the current scenario, home-based business ventures play a critical role by supplementing households' incomes, as well as offering a certain social protection standards. Incomes of city residents who live in unplanned settlements are usually low, intermittent as well as uncertain, with about 80% restricted to low income class. These conditions reduce the opportunities of accessing better housing for Dar es Salaam residents. Sources of finance for housing are mainly informal, with a large portion coming from the residents' savings as well as rental remittances whereby tenants are required to pay rent 3 to 6 months in advance. Such financial sources are not substantial in meeting the rising demands for better housing in informal areas such as Manzese, Kigogo, Mwananyamala, Kisiwani and Tandale. The supply of housing in Dar es Salaam is based on informal practices that are driven by people from the private sectors, however, at a rate, which is not in line with the rising demand of housing within the city. Existing patterns show that the demand for housing will continue rising unless the government comes up

with appropriate mechanisms of addressing the problem. The increase in unplanned settlements in the city of Dar es Salaam, though a natural trend, owes its origin to historical issues within the country. The situation has become worse because of policies, which the government has implemented at different periods. The strategic location of Dar es Salaam, which puts it as the prime urban hub in Tanzania increases development disparity that was mentioned earlier.

A framework that sought to fix the chaos relating to housing to benefit various population classes was established by the National Shelter Strategy. Furthermore, the government has also acknowledged the importance of revising the mechanisms used because earlier efforts have failed to provide housing opportunities to poor city residents (Tanzania Investment Authority, undated: 3). While poor household struggle to survive and improve their living conditions there is little assistance extended to them by the state, let alone recognition of the role they play in the whole housing supply process. The public housing program that was introduced in late 1950s up to 1970s could not be sustained thus failed to offer a solution to current problems facing the housing sector. Notably, the initiative became a source of wealth for government bureaucrats (Ouma, 1991).

In view of the complexity, surrounding different types of housing that exist within the city, comprehensive study coupled with knowledge on the peculiar nature of such forms is critical, particularly when interventions, which may contribute towards improving living standards of poor residents in Dar es Salaam, are being developed.

## 7.2 Difficulties related to land supply

Because of rapid urbanization, accessing land for development of housing has become unrealistic in Dar es Salaam. In recent years, the pricing of land was exponentially high, thus many people in the lowest and middle tier could not afford. The situation was aggravated further by the existence of complicated land tenure systems within the city as well as land speculation (Manzese, Tandale, Mwananyamala-Kisiwani and Kigogo, 2008).

## 7.3 Increase in demand for housing

The rapid growth in urban population has increased the demand for housing, thus making it difficult for the current housing supply system to meet. Because the process of expanding the economy has been slower compared to population growth, there have been insufficient funds to facilitate development and maintain infrastructure; and reduce unemployment, thus many people have been unable to access cheap housing as well as services. The demands for housing in Dar es Salaam have been on the rise for some years. In 2002, there was a housing deficit of about 44,228 housing units for accommodating the population. Additionally, the estimation showed that both the public as well as the private formal sectors offered about 50-70 units, whereas the informal sector accounted for about 200-300 units annually (Government of Tanzania, 1992b). It was anticipated that the population of the city would increase to 1,607,000 people by 2006, thus requiring 244,000 housing units to cater for this population (Government of Tanzania, 1992b). In contrast, this demand had surpassed the estimate by rising to 302, 136 housing units alongside the current 251,780 units with 25,178 of these requiring replacements (Nyakana et al, 2007). Additionally, the population of Dar es Salaam has increased drastically. The city of Dar es Salaam has a night population of about 1.5 million people and a daytime population of 2.5 million, yet it was planned to accommodate 350,000 people (Oketch, 2010). This implies that if interventions for improving the supply of housing or containing rural-urban migration were not implemented, the housing problem would worsen considerably in future.

## 7.4 Increase in urban poverty

The shortage of housing in Dar es Salaam is not limited to poor residents but middle-income earners as well. In a discussion of effects caused by micro-adjustment initiatives on the housing investments in the city of Dar es Salaam, Nuwagha (2000) argues that problems associated with housing in Tanzania are caused by several factors such as the country's historical changes, discriminatory land tenure structures, unplanned urbanization as well as dynamic demographic phenomenon. In a report released by UN-Habitat (2007,1), an increase in informal settlements in Dar es Salaam is caused by the inefficiency of the Dar es Salaam Structure Plans to take into account the growth as well

as development involving African neighbours' rapid increase in population, land tenure structures, which are complicated and multifaceted, poverty as well as low wages.

Apart from the above-mentioned causes, poverty in urban areas to a certain extent contributes to the poor housing situation that characterizes Dar es Salaam. 20 years ago, unemployment as well as other factors had reached an alarming level courtesy of poorly structured reform programs initiated by the Bretton Woods Institutions namely IMF (International Monetary Fund) and World Bank (van der Hoven, 2000).

The challenge associated with accessing decent housing amongst poor residents of Dar es Salaam has increased further compared to previous times. Rapid increase in the city's population has led to an upsurge of people who are seeking shelter on daily basis. Notably, majority of the population growth originates from the migration of people from rural areas to urban areas seeking for employment possibilities that pay well. The declining prices of agricultural products around the world have rendered agricultural activities, which were previously seen as main sources of finance in rural areas of Tanzania unattractive. This has caused an influx of productive people, particularly the youth into the city. High rates of inflation have complicated the situation by denying poor Tanzanian citizens from building their own houses. According to UN-Habitat (2007), 38.9% of Dar es Salaam residents are living in utter poverty, without supportive social structures as well as infrastructure, clean water, sanitation, transport systems, without security of tenure coupled with high unemployment rates.

A majority of Dar es Salaam housing is provided by private developers with low incomes. Such developers lack the capacity of providing better shelter because the costs that characterize them are not affordable.

Moreover, the process of providing better housing is hampered by the failure on the part of tenants to remit payments because they have limited incomes. Hence, majority of these poor residents end up in rental housing within unplanned settlements such as Kigogo, Kisiwani, Mwananyamala, Tandale and Manzese. Without a nationwide social welfare structure, poverty has denied many poor residents an opportunity of accessing decent housing. Because of the prevailing situation, an upsurge of slums and informal settlements has been witnessed in Dar es Salaam.

## 8.0 REFLECTION OF URBAN RENEWAL AND STRATEGIES

#### 8.1 Benefits of urban renewal

Urban renewal can support to alleviate neighborhoods and add value to areas by helping in the reinvestment of these regions, and by also concentrating in innovative improvement where it is most suitable. Methods of urban renewal can be exercised by allowing detailed planning structure for cities in Tanzania, particularly in Dar es Salaam. A comprehensive and also a natural strategy will certainly be embraced to revive the existing urban location. The Government's plan should be based upon a people-oriented approach as well as on the objective to improve the lifestyle in the existing city location. The Government should anticipate following the concept of the protection of the civil liberties of the people in these areas. In addition, the urban renewal policy should include the concepts of sustainable advancement in preparing and also implementing its city renewal program. It should appraise sustainability problems in its long term growth plans.

There are a lot of benefits of urban-renewal and some of them are as follows:

- It develops value of life in the urban area
- The growth rate of the area may go up and reduce slumps
- It enhances the actual international financial competition of the communities
- It enhance social as well as interpersonal amenity
- It enhances possibilities to improve security in the society (Olawepo, 2010; Yu, 1988).

#### Cities Without Slums;

"The Cities Without Slums initiative is a creative and daring response to urban poverty. Poverty reduction and upgrading of informal settlements will not be possible unless cities are productive and efficient and capable of providing the poor with economic opportunities to build their assets and incomes".

Nelson Mandela, 1999

## 8.2 Approaches of urban renewal

According to Miller (1959) it required three standards and techniques for urban renewal as follow:

**Redevelopment:** It focuses on renewal activities in areas where there are immediate needs for eliminating run-down buildings and slums, protecting structures of heritage worth, and replanning wide area and restructuring for better future of the people concerned.

**Rehabilitation:** For any new production, the task for the policy makers should be to suggest a good method to integrate correct maintenance and also good administration throughout the entire life expectancy of the buildings. Actually, some policy makers as well as expert have actually already have intension on building new houses with the measures for preparing future upkeep and management using resources that are long lasting and quickly maintained, and also give longer lasting and guarantee. This plan would also allow a routine for service and maintenance of the new properties. Establish bank accounts which in return will enable to plan for maintenance cost.

**Integration:** Conservation of old houses of historic, cultural and architect passions in metropolitan locations is just one of the legal obligations of the urban renewal policy makers. Conserving and also sustaining the cultural structures will assist in the retention of local character of different districts, include passion and also range to our metropolitan fabric, and help encouraging tourism.

# 8.3 Success Story: Formalization of informal settlements and slum upgrading (example from Lagos –Nigeria)

The issues of urban concentrates in Nigeria as investigated are that the greater part of them are scattered, stuffed, declined, climate beaten and devastated stretches and with unwanted made ghettos. These urban ghettos are portrayed by pitiable living conditions with poor neighbourhood exploitation bad planning, lacking social organizations, coupled with anomalous measures of transferrable diseases, and presentation to fire scenes, surges and brutality. According to *International Journal of Education and Research* (Vol.1 No. 5 May 2013), Ghettos in Nigeria constructs yearly, for instance 42 ghettos were found in Lagos in 1981which have moved to more than 100 at the point of this study. Ghettos in Nigeria are by and large achieved by fast

urbanization, glumness, insufficient urban housing supply, poor and deficiency of new execution of urban plans and organization regulations by city powers, nonappearance of repairs and accommodation support. These ghettos need to be changed by destroying old structures, upgrading and building new and modern structures and bases on that rename the areas. The issues of these progressions are this areas get-together, relocation and sensibility. With a particular deciding objective to have a productive urban restoration, environmental impact assessment of the area to be recuperated must be finished viewed as the first inhabitant and the nature's turf of the area

## 8.3.1 Redevelopment

Redevelopment comprises of the evacuation of existing structures and utilization of cleared area for the usage of new undertakings. Redevelopment prompts the pulverization of seriously required housing units and it doesn't keep ghettos from returning in different parts of the city. It additionally adds to the impoverishment of the first inhabitants by decrease of openings for work, as resettlement regions are typically situated outside of the city fitting (Mirbod, 1984). This methodology is relevant to zones in which structures are in truly disintegrated condition and have no safeguarding worth, or in which the plan of structures are such that the territory can't give acceptable living conditions. In such cases, pulverization and remaking, of entire pieces or of little segments, is regularly thought to be the main answer for guarantee future solace and security of the occupants.

#### 8.3.2 Rehabilitation

In Rehabilitation, is frequently termed as a protection or safeguarding, which means taking into account saving, repairing, and restoring the regular and man-made situations of existing neighbourhoods. It is appropriate to regions where structures are by and large in fundamentally solid condition yet have crumbled due to ignored upkeep. It exploits the current housing as an important asset and adjusts old houses to present day life and adequate measures by giving advanced accommodations (Zhu, 1989).

Recovery perceives that the constrained accessibility of capitals for new development and the genuine housing scarcity make the choice of wrecking of existing lodging seem both exorbitant and unwise. It perceives the estimation of old neighbourhoods and, by saving what is interesting,

antiquated, and particularly native, it can equally add to the expansion of the tourism, business and empower the economy.

Although, various groups of people don't consider restoration to be a sensible methodology due to the specific difficulties and the degree of work and consideration included. Rehabilitation is frequently seen as a complex and lengthy methodology which is harder to fully portray in reality than redevelopment. It obliges a high level of social association and social obligation, and an aggregate redesign of the housing methodology.

## 8.3.3 Integration

The strategy for urban refurbishment referred to as assimilation, 147 J. Environ. Sci. Water sees restoration and redevelopment as reciprocal powers and joins the best parts of both methodologies. It comprises of restoration of what can reasonably be spared, joined with recreation of new structures set up of those past the compass of attainable recovery (Yu, 1988). Integration is distinguished today to be the most adequate approach to recover long-standing neighbourhoods. It takes into consideration adaptable task execution which can save the conventional urban environment and its human scale while attaining respectable outcome. It regards the social request of the group by relocating most of the first occupants on the site and welcomes mass involvements. Integration brings about the production of rich surroundings through the combination of new structures inside the current neighbourhoods and takes into account the improvement of another appearance of modern structural planning with neighbourhood attributes, enhancing the presence of the old city while keeping up its personality.

## 9.0 RECOMMENDATION TO DAR ES SALAAM POLICY MAKERS

There is no doubt that the crucial function of cites and metropolitan regions is that they are the driving force of development as well as success; no nation could progress without industrial development and urbanization. Furthermore, some nations, particularly third world nations, encounter significant challenges in preparing as well as handling and sustaining cities. There is also a challenge of understanding the urbanization processes. If these policy criteria are not put together for future generations it will pose difficulties regarding urban development and sustainability for many generations to come.

There are a number of well-thought-of ideologies of lasting urbanization, yet I prefer to write how I interpret my material in this paper. It is important to have an incorporated preparation standpoint and to implement the correct methods of long terms plans to enable long-lasting cities advancement and urbanization. The policy makers should consider country characteristics and also rural growth needs within their preparation and planning. It is also very important to engage all applicable participants in the preparation and handling of maintainable cities as well as urbanization procedures. Networking should be encouraged amongst local and federal governments and also city supervisors to discuss ideas as well as methods in the preparation and implementation of justifiable urbanization. Transport systems should be planned at the same time and people should be discouraged to used private cars to ease the traffic negative impact as well as to keep the environment clean.

## 10.0 CONCLUSION

Because of increased urbanization in Tanzania, majority of people tend to migrate and live in peri-urban zones, particularly of Dar es Salaam, resulting in exponential growth of urban centres. Because of this, the centres grow as informal settlements that have no basic services. Furthermore, urbanization has increased the demand for housing as well as shortage of housing within the city, and poverty in urban areas, particularly amongst poor city residents, leading to a decline in affordable housing coupled with the worsening conditions in housing. In Tanzania, increased urbanization coupled with slow pace of economic growth has contributed enormously to the upsurge of slums in urban areas, for instance Dar es Salaam. Additionally, the demand for housing has gone up because of the same factors. Migration of people from rural areas to urban areas has negatively affected the economy of rural areas, particularly because the productive age group that comprises mostly of young people has migrated to urban areas. Migrants into the city encounter problems when it comes to being incorporated into core of urbanized society, because they are locked out major economic opportunities and they cannot access basic needs. Because of this, majority are subjected to miserable lives and deprivation. In contrast, rural migrants are cheap sources of labour, which is needed to drive the economy. In view of this, it is important that the disparity involving rural and urban areas is examined. The prevalence of poverty should be addressed because it mainly influences migration of people from rural to urban areas. This initiative should be supported by formulation of a land policy that will govern land use, land speculation as well as increased land costs. In addition, the aspect of rental accommodation that is cheap for poor city residents, need to be prioritized. This may be achieved by developing inclusive mechanisms of housing finance.

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