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Author

Ranganathan, Malini

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Understanding the Link between Tenure and Services for the Peri-Urban Poor
Case Studies from Senegal and India

Malini Ranganathan
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Right to the City and the Politics of Space

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"Security of Tenure is one of the most important catalysts in stabilizing communities, improving shelter conditions, reducing social exclusion, improving access to urban services, leveraging corporate and individual investment and improving urban environment". –UN Habitat (2003)

Introduction
Neo-liberal restructuring and the pressures of rapid urbanization in Africa and India have had a profound impact on urban residents, the spaces they inhabit, and the mechanisms by which they cope with numerous dimensions of pervasive poverty. The most widespread of these dimensions is the poor quality or often complete absence of basic services, including housing, electricity, water, and sanitation – a dimension that has been exacerbated by rapid urbanization and cuts in government spending. Those who occupy the urban fringes (the peri-urban poor[1]) are not only the most spatially marginalized, but also live in woefully under-serviced slums without proper security of land tenure.

After years of expensive and largely unsuccessful World Bank slum upgrading projects, tenure security has come to the fore as a powerful and hitherto ignored catalyst in the improvement of services and infrastructure in slums and peri-urban squatter settlements, although it is not without its criticisms. The emphasis on tenure security as a pre-condition for infrastructure improvements is founded in the belief that only when there is lower risk of eviction will the poor invest in maintaining the services provided to them, thereby allowing greater cost-recovery in an era when the private sector is playing an increasing role in the provisioning of public services. Recently, the tenure security argument has also been invoked within a human rights framework by the UN Habitat's Campaign for Secure Tenure. Thus, tenure security seems to be the basis for a seemingly unlikely convergence between a human rights angle and neo-liberal discourse. Through both a literature review and fieldwork in Dakar, Senegal and Bangalore, India, this paper will investigate the implications of this convergence.

The rest of the paper is structured in the following way: In Part II, the paper lays out the causes of urbanization in both Senegal and India. Evidently, the colonial histories, governing structures, and socio-cultural contexts of these two countries are very different, but even with these differences, it is interesting to examine similar tendencies of proliferating peripheral squatter settlements. Part III sets out the theoretical underpinnings of tenure security as a precursor to urban services. As mentioned, urban fringe populations are often the most underserved in terms of electricity access, water and sanitation services, and also have extremely tenuous tenure arrangements. Part IV then discusses two case studies: Fondation Droit à la Ville (Foundation for Rights to the City) in Dakar, and Janaagraha (People's Life Force) in Bangalore. These are two civil society organizations who claim the importance of tenure security for servicing the poor (land titling in the case of FDV, and land titling and proper zoning laws in the case of Janaagraha), but are also noticeably allied with neoliberal discourses. My cases show that FDV was created in response to the government's inability to provide adequate infrastructure in peri-urban neighborhoods, and continues to justify its existence and its slum upgrading programs on this basis. By embracing the discourse of self-help and the merits of cost-recovery in their approach, FDV's mandate has strong overlaps with the overall state agenda to restructure social

[1] Poverty in Senegal is defined as a daily income that is able to purchase 2400 Calories a day – or $0.60 – or below (Sokona et al 2003).

provisioning. Similarly, Janaagraha, while advocating the need for a proper land titling system in India, also stresses the importance of privatized microfinance in expanding housing for the urban poor. In the concluding part, I draw some overarching observations and conclusions from these two case studies.

2. Urbanization in Senegal and India
2.1 Urbanization and Structural Adjustment in Senegal

Predictions that world population will be 50% urban in 2020 have already come true in many African countries, including Senegal, which crossed the halfway mark earlier this year according to a projection by the United Nations (UN 2002). Throughout Africa, explosive urban growth – caused both by natural increases in population, as well as rural-urban migration (Tacoli 1998) – combined with the collapse of government programs, have led certain scholars to paint a picture of "crisis" in African cities (Tosetensen et al 2001, Stren and White 1989, Rakodi 1997, Abdoul 2005). Quality water, sanitation, shelter, electricity, and transportation services remain elusive to a majority of the population, necessitating alternative, and often illegal forms of service provision and access. Some estimates say that nearly 75% of urban services are provided through informal channels (Simone 2005).[2] Local production capacities, while having always been thin, are increasingly being eroded by inflows of cheap foreign goods, leading to a growth of the informal economy (Simone 2005). These worsening trends, however, cannot be examined without considering the history of Senegal's post-colonial dependence on France, spiraling debt during the late 1970s, and structural adjustment programs.

Senegal bears the unenviable legacy of French colonial favoritism. Dakar, once the seat of the colonial empire, concentrated the educated political elite, while the interior consisted of peasants mercilessly exploited for groundnuts, the chief export crop of the country. At independence in 1960, France supplied approximately 80% of Senegal's export revenue earnings (Gellar 1995). Such exclusive dependency on France and on groundnuts meant that Senegal's precarious economy was extremely vulnerable to external and weather-related shocks.

The origins of Senegal's debt crisis can be traced to a prolonged drought and a downturn in the terms of trade of two of its main exports from the mid-70s onwards. Six years of drought in this period had such a negative impact on the groundnut crop that it caused GDP per capita to fall 26% in 1978 (Lewis 1987). Compounding this was an increase in the interest rates of commercial banks from whom the government had borrowed heavily from 1974-1979 at floating market rates (Somerville 1991). Foreign debt climbed from $103 million in 1970 to over $2 billion in 1980. As neo-liberal development paradigms took force across the globe in the 1980s (Peet 2003), political elites in Senegal succumbed to external pressure by the Bretton Woods Institutions and accepted a set of structural adjustment loans geared at cutting government spending and reducing the country's trade deficit and foreign debt. A new phrase coined by then President Abdou Diouf – *moins d'etat, mieux d'etat,* meaning "a smaller government is a better government" – reflected the state's withdrawal from major sectors of the economy, especially agricultural subsidies. In large part, rural-

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[2] Informal provisioning in the case of water and sanitation are quite common, e.g. independent water vendors and trash collectors.

urban migration can be explained by the discontinuation of government support for agricultural inputs, as well as prolonged drought (Fall and Gueye 2005).

In 1988, the IMF proclaimed Senegal to have achieved "growth with adjustment", but despite the high level of resource inflows, Senegal's debt continued to climb, reaching more than $4.3 billion in 1987, with a debt service burden of $400 million (Gellar 1995). Thus in the early 1990s, the IMF and Bank put even greater pressure on the government to cut back public spending, affecting areas such as education and health, gasoline taxes, and a reduction in the wages of government employees. In terms of urban welfare, the last straw came in 1994, when Senegal and other francophone countries underwent a 100% currency devaluation. One French franc was suddenly worth 100 CFA francs, instead of the former rate of 50 CFA francs. The impacts of devaluation were particularly severe on the poorer segments of the population, with prices of staples skyrocketing overnight (Gellar 1995).

Subsequent rounds of structural adjustment loans have been tied to the privatization of infrastructure sectors, such as electricity (which was the focus of my fieldwork), with the purported goal of improving the financial performance of the sector, rather than improving access to the 70% of the urban poor (predominantly living in peri-urban settlements) that are currently without access (Sokona et al 2003).[3] In 1999, the state electricity utility SENELEC was sold to the private multinational Hydro Quebec–Elyo. However, shortly after the sale, the inability of the privatized utility to meet supply targets, long blackouts, and riots protesting the loss of jobs to expatriates convinced the newly elected government to reclaim ownership and control of the utility (Dmbele 2003). In my conversations with officials at SENELEC and the Energy Ministry, I learned that, while the government intends to go ahead with a new round of privatization, improving access continues to be off the reforms agenda. More disturbingly, these reforms are not cognizant of urban sprawl patterns, and currently fail to address how a growing number of peri-urban settlements (discussed in Section 2.2) will be serviced. Thus, not only is "urban planning poorly equipped to coordinate or control development across the regionally extending polycentric metropolis (Graham and Marvin 2001: 116)", but infrastructure reform also does not sufficiently take into account outwardly extending growth.

We have already seen how sweeping macroeconomic changes were largely responsible for undermining economic opportunities and livelihoods in rural (through the withdrawal of subsidies), as well as in urban (through the influx of cheap foreign goods) areas. These changes, combined with widespread drought in the Sahel throughout the 1970s and 80s, led to unprecedented rates of rural to urban migration. Whereas once migrants came to the city to look for temporary employment during the off-season, they now began to install themselves permanently on vacant public lands in the city of Dakar (Fall and Gueye 2005).

To counteract this trend, the state took to massive slum clearing during the 1980s – what was subsequently termed *la politique du bulldozer*, or the practice of forcibly evicting squatters and demolishing their settlements for urban development projects.[4] Displaced

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[3] In Senegal's rural areas, an even lower percentage has access to electricity – approximately 8% (Sokona et al 2003). However, rural electrification has received much attention in policy statements and international projects, leading to the creation of a separate rural electrification agency. My pre-occupation with peri-urban electrification stems from the conviction that this growing group risks falling through the rural-urban gap, unless explicit attention is accorded.

[4] Slum demolition is common practice in many megacities of the global South, either to vacate land for private interests or to dissuade urban migration, or both. In a recent BBC article (3 February 2005), Vijay Patil of the

squatters were relocated to the urban peripheries of Pikine, Medina Fass M'Bao, and Dalifort (FDV 2005). As these peripheral settlements expanded, new waves of urban migrants flocked to them, causing the population to grow from 100,000 in the early 1970s to over 1 million today (World Bank 2002).

After enormous social unrest during the mid-1980s, the government finally abandoned its brutal slum demolition policies in 1987 (GoS 1998). This was accompanied by a new policy of slum regularization in 1991 based on the results of a major slum upgrading project undertaken by the German aid agency GTZ. Slum regularization was on the belief that tenure security would allow access to services and persuade people to invest in their habitats. For instance, an electricity connection *requires* a legal title of occupation (SENELEC 2003), a type of "propertied citizenship paradigm (Roy 2003)", suggesting that there is a strong link between electricity access and legal tenure. These linkages are explored in the next section.

2.2. Urbanization in Bangalore: The Dual City Emerges
How does an unexceptional mid-sized town, known predominantly for its salubrious climate and rolling gardens, transform itself into a sprawling metropolis almost overnight? As Janaki Nair (2005) chronicles, Bangalore, the capital of the south Indian state of Karnataka, is hurtling towards a destiny for which it is largely unprepared. Since independence, the city's population and expanse have grown roughly ten-fold to concentrate today 6 million people over a conurbation of 500 sq. km. Very few other contemporary Indian cities allow us to track the passage from small town to metropolitan status within a few decades as well as Bangalore does. In fact, the transition of the city's physical landscape over fifty years is a testament to India's own post-independence development policies – from the ubiquitous textile mill in the 1950s symbolizing import-substitution industrialization policies, to the glass-exterior high-rise building in the 1990s symbolizing economic liberalization.

Following independence in the 1950s, the city housed many of the country's main public sector units and national laboratories with research and development complexes.[5] At the time, Jawaharlal Nehru, India's first prime minister, famously dubbed Bangalore as the "city of the future" implying that it was a destination for the intellectual elite and economically powerful of the country. With the arrival of Texas Instruments in the city in the 1980s, the city's attraction as a center for computer software and hardware development dramatically increased. The presence of a critical mass of engineers made Bangalore an attractive destination for Indian and multinational firms engaged in software and related services (Nair 2005). This was also an era in which the city experienced a significant real estate boom, as developers from Delhi and Mumbai descended on the market to convert large plots – many of which had colonial bungalows – into multi-storey apartment blocks (Benjamin 2000). Insisting on making the city a favored and cheap destination for new multinational and Indian corporations and maintaining the 3000 foreign firms already present, the government aggressively pursued a strategy of isolated technology parks and corridors. Many critics have in recent past highlighted the problem of land speculation (e.g.

Bombay municipality (aka "Demolition Man") says "We want to put the fear of the consequences of migration into these people. We have to restrain them from coming to Mumbai". See
http://news.bbc.co.uk/2/hi/south_asia/4222525.stm
[5] The city's emergence as a center for information technology stems from decisions in New Delhi shortly after independence to locate strategically sensitive industries well away from borders and coastlands.

pittances being paid to farmers) and illegal construction in and around the city, condemning the city for being grossly skewed towards IT interests (Nair 2005; Jamwal 2006).

Key areas of infrastructure (roads, water, power, sanitation, public transport), however, have not kept pace with economic, demographic, and spatial growth. In a comparative study of Mumbai, Ahmedabad and Bangalore collecting opinions from the private sector working within these cities, Bangalore received the worst ratings. Over 60% of respondents indicated that water was becoming difficult to obtain, and in electricity, 35% of firms had their own generators, and 76% of them experienced more than thirteen hours of work interruption in a week because of power cuts (Gopakumar 1998).

Bangalore's success as India's technology boom town, exists in what Graham and Marvin (2001) call "enclave urbanism", or the emergence of pockets of high-end residential complexes with dedicated infrastructure, expensive shopping malls, and technology complexes complete with broadband internet connectivity. Yet, about 20% of Bangalore's population lives in slums (Connors 2005), and if the non-slum poor are included, approximately 40% of Bangalore's population can be classified as poor (Solomon 2000). Many argue that as cities like Bangalore attempt to carve their place in the global information economy, they increasingly do so through neglecting the housing and infrastructure needs of the urban poor, concentrating a majority of the population in informal settlements on city fringes (Benjamin 2000; Davis 2004).

Infrastructure and the deteriorating quality of the urban environment are becoming a unifying problematic for organizations and citizens who worry that Bangalore is not "planned" sufficiently enough to cope with such rapid urbanization and the influx of migrants from surrounding villages and states. The problem of land speculation in Bangalore and slum bulldozing in Senegal have both led citizen groups to advocate for more secure system of property rights for the poor. In the next section, I review the basis for these arguments.

3. Tenure security: Theoretical background
3.1. Debates surrounding tenure security and slum upgrading
Considerably influenced by the writings of John Turner, a number of multilateral institutions such as the World Bank and the UK Department for International Development, undertook slum upgrading projects during the 1980s and 90s (Werlin 1999). Embracing a favorable view of participatory development and a hostile view towards bureaucracies, Turner argued that the solution to slums is not to eradicate them forcibly, but to improve the living environment of slum dwellers. As a result, slum upgrading projects, carried out in cities such as Calcutta, Jakarta, Manila and Indore, aimed at improving slum environments and services through intricately engineered solutions, including concrete roads, community toilets, street lighting, and storm water drains. It was believed that once the squalor and unsanitary conditions were addressed, squatters – who often showed great organizational initiative – could also be trusted with maintenance and further investment in their surroundings (e.g. Davidson 1998). But as Verma (2000) points out, while many of these projects were initially lauded for their successes, subsequent evaluations raised serious doubts about the sustainability of the upgrading approach. What ensued was a gaping difference between the "on paper" and "on the ground" results of the projects.

Werlin (1999), too, exposes the "slum upgrading myth", explaining that the benefits of initial upgrading efforts in the 1970s proved ephemeral: by the late 1980s, there were

leakages in sewage pipes, and the disposal of human excreta and solid waste in most Asian slums continued to be near absent. Rebuffing Turner's earlier notion of a minimal state, Werlin argues that slum upgrading ideally "requires a very powerful as well as humanistic bureaucracy (1999: 1526)" to acquire the land for resettlement purposes and to adjudicate over the granting of tenure to slum dwellers. The notion that secure tenure is a pre-condition for infrastructure improvements was also echoed in a 1996 review of World Bank experience with slum grading which concludes that "secure tenure is the only way to avoid eviction for inhabitants of a newly equipped settlement and is essential for recovering infrastructure and service delivery costs (Durand-Lasserve 1996: 27)". In the end, Werlin concedes that what is needed is not "less government" but "better government" in dealing with the terrible living conditions of slum dwellers.

Werlin's emphasis on tenure security is consonant with Hernando De Soto's notion that "the greater the security, the greater the investment and vice-versa (1989: 24)". In his recent book, De Soto further argues that the lack of formal titling is perhaps *the* key reason why the poor are not able to turn their assets into liquid capital. Property titling provides the security to enable the poor to improve their informal settlements and collateral to mobilize fixed capital assets for loans (De Soto 2000). However, there are also voices that caution against the promise of tenure and titling, arguing that they derive from dualistic and simplistic conceptualizations of "illegal" and "legal" (not unlike the simplistic "public/private" dichotomy) that are so prevalent in Western thought (Varley 2002). Varley questions legalization as an engine of change, not only because she finds the distinctions between legality and illegality tenuous and often crosses the socio-spatial hierarchies assigned to them as sin the case of Mexico, but also because legalization brings no guarantee that the urban poor are protected from other private forces, and even neighbors, from eviction.

3.2. The Human Rights Angle
Varley's main criticism of the tenure security approach – that it relies too heavily on culturally inappropriate illegal/legal dichotomies – is countered by yet another strand of literature. Recently, the tenure security argument has been invoked within a human rights framework by the UN Habitat in an Istanbul +5 background paper which says "there is compelling evidence world-wide that secure tenure is one of the most important catalysts for stabilizing communities. Such stability helps cities to attract corporate and individual investment, which in turn can improve access to services and the living conditions of the urban poor (UN Habitat 2000:3)". UN Habitat's Campaign for Secure Tenure invokes the Universal Declaration of Human Rights and the International Covenants on Economic, Social, and Cultural Rights, arguing that secure tenure is one of the seven components of the human right to adequate housing. Yet, as a qualifier, the UN Habitat asserts that titling is not the only form of granting tenure security; a variety of other flexible and creative mechanisms – indeed constituting a *continuum* of options – are available for increasing tenure security. Geoffery Payne, one of the key authors on the UN Habitat's Global Campaign for Tenure Security "Urban Land for All" document highlights the complexity of customary, private, public, and non-formal tenure systems, and cautions against drastic intervention in land markets unless a full range of *de jure* and *de facto* tenure systems are first assessed (Payne 2001, UN Habitat 2004). The FDV approach to granting tenure to the peri-urban poor is precisely in this creative spirit, in that it opts against full titling and for a temporary (50 years) Right of Occupation contract with the squatter. The modalities of FDV's tenure security approach

will be discussed in a later section. However, I would be amiss if I limited the human rights discussion to the UN Habitat's rhetoric that tends to downplay the highly political and contested nature of the rights discourse.

Other scholars, such as Mark Purcell and Don Mitchell following a tradition of a Lefebvrian urban scholarship have also discussed the city from a rights angle. In Henri Lefebvre's seminal 1968 work *Right to the City*, his primary position is that the right to the city is earned by the everyday act of living in the city ("la vie quotidienne"): those who go about their economic, social, and cultural routines in the city possess a legitimate right to the city (Purcell 2003). Drawing from this logic, it would seem that now, more than ever, must the Lefebvrian vision be revived for the peri-urban poor in Dakar who are such a pivotal part of the local economy.

Lefebvre's challenge also poses some important questions about the politics of the rights discourse, the nuances of which are picked up by Don Mitchell. In his book *Right to the City: Social Justice and the Fight for Space,* Mitchell chronicles the increasingly draconian anti-homeless laws in US cities, bemoaning the fact that landed property has become a prerequisite for legitimate citizenship. To Mitchell, the right to the city is a process of constant negotiation and struggle, and anti-homeless laws signal an erosion of this process. If the right to the city is in fact always a negotiation as Mitchell says, then it must also be seen as an inherently *political* discourse, hinging upon who is employing it, for what reason, and to what end. Thus, for what strategic end does FDV claim a human rights angle in its mandate? As a close partner of the government, is the rights angle a mechanism for recruiting political allies and winning the hearts and minds of those who were previously displaced? It may be too early to provide an answer to these question given the newness of the organization and the slum upgrading initiative, but the political appeal of a human rights discourse must not be underestimated. I turn below to the modalities of FDV's tenure security approach to slum upgrading because it is very much indicative of the UN Habitat's position that a variety of options exist in securing tenure.

4. Case Studies on FDV and Janaagraha
FDV in Dakar and Janaagraha in Bangalore are both examples of new forms of urban governance. In this section, I detail the approaches of these two organizations.

4.1 FDV's approach to tenure security
FDV is an organization is very much in partnership with the state and foreign lenders, and in fact works to advance the goals of the neo-liberal agenda, all the while claiming that it is responding to, and arose as a result of, state inadequacies. On the other hand, while Janaagraha often criticizes the state for its failures, some of its basic approaches are very much allied with neoliberal restructuring.

My understanding of FDV and Janaagraha supports the notion that the convergence of the civil society discourse and neo-liberal perspective is particularly evident in the case of urban service delivery. Both view the state as having fundamentally failed in the provision of urban public services like land tenure, water, electricity, housing upgrades, and waste management. For instance, in explaining why the organization came about, the chief urbanist of FDV told me that, in executing its own policy of slum regularization, the "government was not seriously invested and had no expertise (Mbaye 2005)". FDV was thus established in

2001 as an "autonomous, private operator" charged with the two-pronged task of 1) granting tenure security to peri-urban slum dwellers and 2) enabling access to infrastructure. As such, FDV is very much in partnership with the Senegalese government, and also has a wide network of partnerships with municipal governments, community organizations, other NGOs, urban planning departments, the private sector, and importantly, the German Aid Agency, GTZ. One of its main stated goals is to "supercede the monopoly of the state as the soul operator specialized in slum upgrading and tenure regularization by involving private sector actors (FDV 2005)". Let us pause a moment here. How blatantly obvious it is from this statement that FDV's mandate fits nicely into the neo-liberal agenda of minimizing the state! So then, can we in fact classify FDV as a civil society organization? In the case of Cameroon, Gabrielle Tati (2001) says community organization, wherever it is taking place, has more linkages with the goals of cost sharing or cost reduction in the public sector than it had in the past, reflecting a convergence between community groups and the neo-liberal mode of social provisioning. Why this seems palatable in the case of FDV, however, may be because of the organization's strategic human rights approach as evidenced by its name. The politics of the human rights angle of FDV is essential in understanding why, as a human face to neo-liberalism, FDV has had such apparent success.

FDV's approach did not involve full land titling, but rather a more creative system of assigning property rights. In this system, the goal is to first provide peri-urban squatters with a Right of Occupation ("Droit de Superficie") for which residents pay $4.50 per m^2 of land occupied. Through this right, the squatters are allowed to occupy the land for 50 years without the option of selling the plot and with the obligation to build a house. Presumably, the stipulation of not selling the land is linked to the government's fear of land speculation by private developers. Moreover, full titling is likely to have been much more expensive for the squatters. The funds collected from the occupants are then put into a revolving fund that is used to fund other slum regularization projects. Once a Right of Occupation is granted, a tender is put out for private sector involvement in building the requisite infrastructure in the slum. The cost of the infrastructure is borne by the German lenders, however it is expected that once the infrastructure (electricity poles, roads, pipes, etc) is set up, the residents will bear the recurring costs and the appropriate utility will take full responsibility for service provision (Diakhate 2005).

Cost recovery is a major component of the project, with an original target of $600,000 for the peri-urban neighborhood of Dalifort (World Bank 2002). Although this amount has not been recovered in full, the infrastructure improvements in the settlement have been notable, with more than 600 households in Dalifort alone obtaining a water and electricity connection (World Bank 2002).

Over all, FDV's creative tenure security and cost recovery approach has enabled an improvement in access to electricity for peri-urban dwellers – although electricity is only one in a bundle of services. In the words of the chief urbanist at FDV "As soon as you give slums even the least bit of infrastructure and a minimum of security, they will invest in their habitation. All it took was to grant them tenure security. Look at Dalifort. It's very modern now (Mbaye 2005)." Perhaps not too surprisingly, this view has much overlap with the rhetoric of the UN Habitat. Yet, the cost-recovery component of the plan resonates with the neo-liberal paradigm of service provisioning and increasing involvement of private sector actors in infrastructure sectors.

4.2 Janaagraha's approach to tenure security
<mark>[This section to be completed]</mark>
Established in 2001, Janaagraha calls itself a citizen-led initiative for participatory democracy. It runs campaigns dealing with citizen monitoring of infrastructure in "model" wards, participatory budgeting, and was recently also involved in heated negotiations with the Indian government and the World Bank over water privatization in Bangalore. One area that Janaagraha has been particularly vocal is in criticizing the government for not having a guaranteed land title system. Janaagraha's philosophies are very much in line with that of Hernando de Soto. They claim that while many countries are changing their ways, no state in India has exhibited leadership in cleaning up the land title process. Janaagrha has so far suggested two policy tools: (1) A thorough revamping of land title systems, to move to a guaranteed system, and (2) The creation of zoning and land-use planning that specifically encourages low-income housing, and mixed income neighborhoods. At the same time, however, Janaagraha advocates the use of market-driven solutions to provide housing and services for the urban poor.

5. Conclusion
<mark>[To be completed]</mark>

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