

Rationalizing urban land allocation policy in Khartoum for sustainable and effective urban planning

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Abstract

Khartoum is an example of city where the land is predominantly controlled by the State. Land is allocated for housing and different urban activities through a specific process and procedures under specific rules, laws and institutional structure and policies. The paper discusses these issues with a view to explore how sustainable the system is and how effective is the allocation process. Having a large number of interfering factors inherent in the urban land allocation, the paper discusses the rationality of the process and how it could be appraised. Adopting a deductive research method the paper portrayed the complex nature of the system and highlighted the need for more sustainable and rational methods of allocation that can enhance the urban land development.

Keywords: Khartoum, land policy, land allocation, sustainability, urban planning.

1. Introduction

Urban land issues are central to all urban development projects. It is also a central issue in sustainable development. Provision of enough land for all urban activities and investments related to housing, retail, business, industry and other uses is a crucial issue in urban development. Land markets are not effectively responding to the needs and the increasing demand for those activities. Access to land is becoming increasingly difficult for all society groups. Resolving complicated urban land issues and achieving appropriate and fair land allocation for the purposes of improved planning is a difficult task to achieve. Land allocation for different uses and different beneficiaries is a process that pertains adherence to the right ethical conduct.

The paper aims to highlight the adopted systems of urban land allocation, regulatory systems laws procedures and processes and the impact on the planning of Khartoum and the avenues by which sustainability can be achieved, concomitantly adhering to the appropriate and effective land allocation rules.

2. Theoretical review

2.1 Sustainable development and land

Sustainable development is an important globally recognized concept that has achieved broad support as a guiding notion for development. Appropriate allocation of urban land for different uses, the land patterns and reform are critical factors in promoting sustainable development. Rooted applications of

outmoded land policies and rooted land-related regulations and legal aspects are difficult to change or even reformed which makes it difficult to achieve sustainable development.

Sustainable development addresses how the arising needs of food, shelter, clothes, water, materials and industrial products of human beings can be provided under the limited resources of land and the continuously increasing population and how can the negative consequences of these human activities can be mitigated. Sustainable development is about considering the carrying capacity of the planet earth.

Sustainable development is dependent on the State having overall responsibility of land management regarding information about land tenure, values and use. Sustainability is associated with State's good governance that includes a number of characteristics viz., sustainability, subsidiarity, equity of access, efficiency, transparency and accountability, civic engagement and citizenship and security.

2.2 Land policies in the developing countries

Availability of land is a key issue not only in the housing supply but also in the provision of all urban activities. In most cases, there is no absolute shortage of land to meet the urbanization demand. The population concentration in the city region makes land a finite resource that should be managed efficiently for the benefit of all, reduce conflicts, combat speculation on land and prohibit encroachment and squatting. In physical planning land is not only the source of the natural resources, but it is also a platform on which most forms of human activity take place, and on which all human activities depend, so changes on land affects the lives of the citizens.

Land is a sensitive political issue that is often connected to the political patronage of those vested groups. Conflicts on land and its miss-allocation are actually behind many of the political conflicts around world. One of the causes of the Darfur crisis in Sudan is the conflict on land. On the other side adopting appropriate land policies will be a contributing factor to the development and political stability of the country.

The central issue in the urban land policies has is that the urban and environmental design protagonists concerned with land policy issues focus on the role of the governments in terms of ensuring that land is planned and supplied in the right time, in the right location, at the right price. The state can adopt a mix of roles in land policy including acceleration of the economy, capital accumulation, favour particular groups, act against vested groups who irrationally benefit from the process of land allocation and distribute or maintain the inequality of income and wealth through the land policy [1] .

Housing land policies and land acquisition issues are inseparable from fiscal policies concerning wealth distribution, planning strategies, affordability equations, and the tenure arrangements, which the authorities will subsequently have with housing projects beneficiaries [2]. Land value taxation seems to be a desirable strategy for central cities to employ in seeking to encourage development and to attract households. However this not likely to be the case in Sudan, as the tendency always in such policies is to keep high revenue rates for the government, leaving no room for such mechanism to take place. If it intended to mobilize the urban housing land resources, the authorities must intervene to act upon the market forces through an appropriate fiscal policy.

3. Land policy in Khartoum

3.1 Historical evolution

Khartoum grew as a colonial town having typical traits of the British colonial planning. The initial impetus of urban planning in Britain's African colonies was explicitly race and hygiene-related [3]. Part of the colonialism's housing strategy and was very much dependent on the socio-spatial order.

Khartoum was designated as a capital during the Turkish rule in 1830. Khartoum restored further significance after it was designated as a capital city in 1898 by Lord Kitchener after The English campaign against the Mahdists. Khartoum was built as a colonial city having a European style given a priority of development and provided with higher level of services and infrastructure based on designed master plan for the first time in Sudan. New residential districts for natives were added. The city plan was based the housing classification system that will be discussed in the next part. After independence in 1956 the capital became an attractive centre of rural-urban migration. The land tenure in Sudan was traditional type dominated by Islamic modes of tenure. Payne [4] identified three main types of national tenure policies, freehold, conditional freehold, leasehold, and other options, which include condominium ownership and co-operative ownership.

3.2 The housing classification system

One of the unique features of housing policy in Sudan urban centres in general and Khartoum in particular is the housing classification system, which classifies housing into first, second, third and fourth classes. This classification of housing is a colonial system that remained after independence hitherto without substantial changes. It is an inherited method of standardisation of the housing and social stratification that is primarily income-based. No similar system was found. In such form, the housing classification system emphasises the social stratification of the community and completely ignores the dynamic nature of the social statuses and income levels of households. Table 1 shows detailed characteristics of the housing classification system.

The application of the regulations of the housing classification system in Khartoum dates back to 1912, the year when MacLean's Master plan of Khartoum was adopted. Although housing officials admit this fact they did nothing to change the system. Officially it is not highly restricted to improve or redevelop any plot in any of the housing areas, if the household could afford to. This makes the system less beneficial in the absence of effective city development controls and the changing income or social statuses of the household. The residential zoning was clearly on 'class-and-race' basis; and that official report of the town planning committee in 1933 openly spoke about first class zones as European. Nevertheless, the classification system is currently in the process of being ruled out by the dynamically changing market forces. It was criticized as implying social stratification and segregation of income groups and denying the poorest groups from basic infrastructure and services [5]. Another criticism is raised by Post [6] that "it is astonishing to see that the obsolete, British-inspired classification of residential areas according to wealth – as laid down in 1957 Town and Building Regulations – still dominates the planning action".

Table 1 Housing classes in Khartoum (1947)

Housing Class	Land lease duration			Income	Minimum area (sq. m.) 1957	Building materials
	Term	First renewal	Second renewal			
First class	50	30	-	high	800	Red bricks, stone, cement, concrete
Second class	30	20	20	medium	400	Red bricks, stone, cement, concrete
Third class	20	10	10	low	300	Mud, and mud with red brick facing

The problem with the housing classification system is that the household size is taken as a critical determinant to qualify the household for a plot, but it is not considered as a determinant factor in the plot size. Income levels are ever changing influenced by the unstable fiscal and wealth distribution policies. As no ceiling restrictions are imposed on building standards, households are allowed to build the highest standards they can afford. This clearly justifies the adoption of the classification system. As it existed over the past sixty years, medium rise concrete frame buildings developed within the low-income housing areas. This created a heterogeneous urban fabric where environmental and social problems often occur. On the other hand some advantages can be noticed in terms of the positive social interaction between the different income groups and reducing the social gap between the poor and the rich and creating better and coherent communities.

3.3 Land supply

Rapid urbanization which characterizes developing countries has created a problem of shortage of land in urban areas. Land markets require appropriate assessment of its performance for the policy makers. They need to establish data bases and to furnish techniques of dealing with the available sources of data that are often found in different forms and the documentary sources including government records, cadastres, subdivision records, decrees, newspapers, and private property valuers. Such data are highly necessary for policy makers to monitor the available land resource and apply appropriate allocation techniques. [8]

Sudan is an example of a developing country where land is controlled by the state. So, the land shortage is more accentuated in the urban concentrations that are located at the riversides and large inland urban centres. An advantage of the public land ownership is that it could be allocated equitably to all social groups including the low-income households. Not only this, it also could be easily allocated for different land uses and urban functions. However, under the lack of sufficient land allocation legislations and measures, the adopted practices do not reflect appropriate measures of equality, justice, binding planning regulations and transparency. In cases where land is privately held, land supply will depend on the willingness of the private sector to dispose of it.

For a family, a secure plot or a house can be the basis for a small commercial and industrial enterprise, in which the family becomes economically productive. It provides security against loss of employment or any economic downturns. Plot ownership also acts as collateral for obtaining credit for investment purposes where individuals become productive members in the society. Households who acquire a plot of land would be able to establish themselves in the urban economy and will be exposed to gradual capitalization of the assets. Access to a plot of land means access to wealth, but access to land is becoming increasingly difficult overtime. The government in Sudan is tolerant towards public land invasions and squatting. Obviously the reasons are inability to control and combat these invasions and conversion of agricultural land into residential land and for political patronage. The large-scale subdivision of land as sites-and-services represents an extensive exploitation of the publicly owned land that caused an urban sprawl.

Land supply in urban areas can be done by reducing the attractiveness of the urban land as a vehicle for the storage of capital through taxation, land-use controls, credit controls and price freezing. Better land management can be done by better legislation for compulsory acquisition of land and establishing inventories for publicly owned land.

The land speculators are the most effective actors in this market. They buy plots on a commercial basis and sell them for mainly financial profits. The middle and high income population are important purchasers for financial or family security purposes. Owing to the high inflation rates, characterizing the economy in Sudan, investment in land seems to be a dominant strategy in fighting inflation instead

of depositing money in the banking system. This, in fact, has a negative impact on the overall resource mobilization process.

3.4 Land tenure

Nearly ninety nine percent of land in Sudan is government owned and allocated on a leasehold basis [9]. The remaining one percent is mostly freehold land along the inhabited parts of the rivers sides, including cities.

In 1925 the colonial authorities issued The Land Registration and Settlement Ordinance which was a landmark in the land tenure system where land ownership was divided into freehold and leasehold. All unregistered land became in the hands of the government and disposed as leasehold for different purposes based on law. This made Sudan having multi tenure systems, the lease system which was used in urban areas and the traditional Islamic modes which were used in the rural areas.

The central issue around the urban land tenure policy is to realize an equitable balance between the interests of the landowners, developers, residents, and the state, whilst recognizing the need to increase the efficiency of utilization and increased productivity. Such issues are clearly difficult to achieve, as they are often conflicting [4].

The advent of Islam modified the indigenous tenure system which was prevalent in Sudan during the pre-colonial period [10]. The Islamic tenure system is incorporated into the laws in Sudan as a reference for settling land disputes, but it is not used by people in urban areas to acquire land through vivification. Instead, the leasehold is used by the government to dispose plots to the people as sites-and-services. However, special laws were enacted under the policy of the government to encourage and attract foreign and local investments in real estate during the last decade.

3.5 Land laws and institutions

There are a number of departments responsible for implementing government laws, judicial and ministerial decrees and ordinances regarding urban land. The land department's task is to allocate land for different purposes and for different beneficiaries and issuance of title deeds and pass it on to the Land Registration Department under the Land Usufruct Act. It is also responsible for land acquisitions of the privately owned land for urban uses and tenure clearance and enforcing tenure terms. The land registration was applied by Lord Kitchener, the first Governor-General of the Anglo-Egyptian Sudan after the Reoccupation of Sudan in 1898. The land registration system is a replication of the system applied by Kitchener in Cyprus, which he took as a model.

Regulatory framework is one of the few instruments available to governments to influence urban land and housing markets, and the investment decisions of private-sector developers [11]. The regulatory instruments in Khartoum include a number of planning and land laws that date back to the early period of the Anglo-Egyptian colonial rule. These laws at their early stages were colonial-based laws, reflecting the power of control and authority over the land and its disposal methods. The advantage of these laws is that they bring land ownership in the hands of and at the disposal of the government, which facilitated undertaking government decisions on land use and its planning and allocation until recently. The disadvantage is that these planning laws have become outdated and continued to exist without substantial modifications to cope with the post-colonial developments in housing policy and the with the new international development frames as well. Most other regulations are focusing on the preservation of tenure rights, not stimulating urban development and housing supply.

Another problem is that these laws lack enforcement and institutional capacities that are in need of reform as well. Sudan is dominated with inadequate planning laws, building byelaws and rental laws

[8]. Nothing much has changed since independence with respect both to planning legislations and regulation, as well as the leading views in the profession, and it is mostly still the same today.

Land Usufruct Act is the most important law that govern land allocation. The ultimate government objective behind the Land Usufruct Act is to realize land development and construction for the benefit of the citizens, on condition that it must be disposed through the application of equality and justice principles and maintain the real land value when they are allocated for the different uses. According to this Act, land should not be disposed unless it is verily owned by the government and subdivided by the planning authorities. Generally, land should not be disposed for any governmental use unless they are ensuring availability of enough funds for the construction of the site, because this will be conflicting with the objective of land development. Astonishingly, the law states that land for housing should be granted free of charge except for an estimated infrastructure provision cost, but the land for commercial uses must be disposed through open auctions. However, the Act remained with no substantial changes, besides its incomprehensiveness un-tightness and lack of enforcement giving chances for corrupt practices.

The department of land registration is one of the important departments responsible for keeping land registers under the judicial authorities. The function of land registration is to provide safe and certain foundations for land acquisition, enjoyment and disposal of the rights of land. Although one of its main tasks is to collection of revenues and taxation, and does not effectively serve the land management objective and land market assessment purpose. The department keeps a record of formal housing sector and regularized squatter areas. The land registration in Sudan seems successful. Although it is was established during the colonial period it still operates with its inherited characteristics. A computerised registry records replaced the old manual system to simplify the process of issuing title deeds. The official planning and building standards in most African countries are based on those imported from Europe during the colonial period. Such standards have served only the needs and interests of an elite ruling minority, but were not responding to the needs of the native majority [7]. Generally, It is assumed that the public sector's role is to adopt effective land laws that combat speculation, utilize the public land holdings efficiently, and establishing land development agencies with sufficient authority and accountability [12].

4. Land allocation system

4.1 The allocation criteria

The land allocation process is a result of three types of criteria; the broad community goals of equality and justice; the planning and design criteria and the government strategic guidelines and rationing system.

4.1.1 Equality and justice

Equality and justice are presumably principal underlying forces behind the allocation process. Equity is a function of human values prevalent in the society, which occurs where there are conflicting interests or various benefits that need to be dealt with. The principles of justice and equality are core issues in most government policies as a constitutional right. If ever there are equal circumstances and capabilities of individuals to obtain a specific benefit, it would be a significant issue to provide equal opportunities for all them to obtain that benefit, avoiding differentiation on the basis of ethnicity, gender, origin, beliefs, religion, race or colour. On the other hand the lack of justice and equality might lead to instability, loss of confidence, social and political eruptions.

The forms of realization of equality in practice include equality in law, equality in judiciary, equality in fiscal policies and equality in employment. In practice equality can hardly be realized in a society

but definitely it should be an ultimate guiding value. Justice is the most appropriate tool that could be utilized to balance and realize equal distribution of opportunities among people. It involves man-made

measures or criteria under which the opportunities are fairly allocated to various beneficiaries. Rules, regulations and laws are governing tools to ensure realization of fair allocation of scarce land resources. Un-tightly designed rules, regulations and laws will lead to occurrence of corruption.

4.1.2 Planning and design standards

The planning and design objectives issue brings up two types of the planning and design criteria, quantitative and qualitative. Both of them are common professional guidelines and conventional methods that are based on the theory and practical experience. They form the general basic rules adopted by the planners and designers as de-facto tools of the professional practice.

Quantitative planning standards

Generally, these could be defined as those measures based on experimental methods and statistical assessment, of the human physical, social, and psychological requirements that focuses on the utilization of space. This type of standards could be developed with high levels of accuracy using the previous methods and are often tested. Examples of such measures include all space standards such as what is the optimum area per person that fulfils an acceptable living condition.

Qualitative design standards

This type of standards are generally regarded as urban design standards that takes into account aesthetical considerations, responsiveness to climate, environmental qualities and locational appropriateness that have been unambiguously considered as good. Land policies usually contain some of these visual qualities that are adopted within these qualitative design criteria. Generally, to have specific visual qualities for the housing unit or a whole residential neighbourhood, the plot size, the built-up area of the plot and the setbacks might be affected in some way, and therefore they need to be carefully assessed.

4.1.3 Government strategic and rationing criteria

Some of the sites-and-services plots allocation criteria in Khartoum are neither a result of equality and justice criteria nor planning and design criteria, but they are essentially a result of a specific policy orientation. Such criteria are, therefore, part of the government policy or rationing. In democratic governments the allocation criteria often conform to the factors of equality and justice and the technical planning and design criteria. Government's intervention to classify the housing areas into income groups falls into this category. Around 45% of the plots were allocated to the employment associations, mainly to gain political support, and another considerable number of plots were allocated to the military, police, the lawyers and the judiciary. The housing project therefore tends to be more wealth distribution oriented or politically oriented.

4.1.4 The allocation indices

The plots in the government housing schemes are allocated through points score system for the various allocation criteria in three groups, migration, social status of the household and fulfilment of the general conditions. The first include points for place of birth, place of application, and the date of application. The second includes marital status, number of wives, number of children, and the number of maintained relatives. The third type does not have points, but they are only general conditions that every applicant must fulfil. These include, nationality, the applicant must not have previously have obtained a plot in a previous housing scheme, the applicant must bring attested official documents supporting the information, and finally he must give an oath and must meet the deadline of the application.

The process did not incorporate a comprehensive coverage of the detailed criteria that would realize an efficient system of allocation taking into account all the aspects. Emphasis was given to the married status households while other gender types were not included and weighed out within the point system. The system does not include data that could be utilized in assessing the affordability and considering income. To conclude, it is clear that the whole process is a politicised, rationing and a short listing process no matter what will be the end results. The land allocation decisions are best made in market framework. Land should be allocated on the basis of technical criteria, with the quality and value of land being taken into account.

5. Sustainability issues in land allocation in Khartoum

5.1 Land commercialization

Speculation on land becomes an alternative to the monetary value of the savings is dominating the land market in Khartoum. Under the conditions of unstable economic conditions and increasing rates of inflation land is considered as a vehicle for storage of capital. Land prices increase more rapidly than the general consumer price index. It is assumed that governments should make all possible efforts to curb the land speculation activities. In such conditions, large urban areas remain vacant because of speculation or inefficient land management. The increased demand on land affects its price thus giving opportunity to those who hold the right of its investment and use to generate more wealth through speculation. Owners often tend to maintain the land as vacant until expectations for higher prices can be realized

The government's role is changing from a primary land disposer to a land seller causing commercialisation of land which adds more fuel to the land price increase. The government tends to sell valuable land for quick revenues or to convert the land tenure from illegal to legal, as is the case in many upgrading and rehabilitation programmes [9]. Obviously such processes did not consider the appropriate land use planning techniques, which determines that land should be allocated for specific functional under specific development controls. Lands were not clearly sold under restrict and organized procedures to avoid cloud decisions. Parts of the plots were allocated under decisions of the planning board and investments law with prices far below the market prices. The government can activate the leasehold law where it can re-hold the land by the end of the lease period that varies according to the housing class area.

5.2 Land as government income source

The major source of income for state government and the sub-municipalities is the public land sale. The monetary revenues that are concerned with urban land in Khartoum are primarily from three sources, taxes on real estate sales, direct sale of urban land at the market value, and the nominal cost of land paid by the beneficiaries in the housing plans. The first include a betterment levy on resold land ranging from between 25 to 40 percent of the total cost, 10 percent direct income tax, 5 percent registration fee, and 2.5 percent zakat. The total mounts up to between 42.5 and 57.5 percent of the resold house.

5.3 Misuse of land and corruption

The corruption in land administration is likely to be a widely spread phenomenon around the world. Corruption as is defined as the “abuse of the public office for the private gain” or an abuse of entrusted power for personal gain”. Governments are advised to eradicate corruption and ensure greater transparency, efficiency, accountability, responsiveness and community participation in the management of local resources, which include land. The vaguely designed allocation criteria adopted in Khartoum in the allocation of the housing plots have a clear influence on the leakage of some plots

to untargeted people. These criteria are not tightly customized to reach the target groups or to avoid unethical attitudes of both the officials and applicants. A research by the author revealed that 1.5% of the plots illegally fell into the hands of nonqualified persons.

5.4 Urban housing land development

The government housing projects in Khartoum have failed to provide real housing. Observation shows a high rate of vacant plots twenty five years since they were allotted in the government project of the 1990s. In addition the majority of the plots are incrementally built. Plot coverages are low. However, the distribution of plots was a starting point of launching the building construction by the beneficiary households who are mostly low-income. The vacancy is partially ascribed to the ‘raiding’ phenomenon which happens in the allocated low-income housing areas in Khartoum where some households sell their plots because they could not afford to build them and because of their need for cash for other necessities. They sell their land to high-income groups at low prices.

5.5 Land use strategies

The town planning in Sudan gives an impression that decisions are often improvised and taken on ad hoc basis and town planning activity is seen as something of a subordinate field of interest. Plans are designed on a drawing board at the Planning Department [6]. It could be added that no land use planning process is applied in Khartoum. During the last twenty five years or so the focus was on subdividing whatever vacant land was available within the city region, as residential and commercial, often for investment, not fully complying with a local development plan or the structural plan of the city. Whenever a project is to be done, or a need arises for any purpose, officials often search in the map for whatever available pieces of land that would be suitable. It is usual to find high officials concerned in the daily work with a small problem of allocating a plot of land for a small investment project or a person.

The government land use strategies shows an irrational method of assessing plot sizes which are clearly high. Plot sizes are important and determinant factors in the housing supply process and the optimum utilization of the urban housing land. It was found by the author that the plot size per person has reached 61.5 square meters in the government housing plan. Not only this, in one of the districts the roofed area per person was only five square metres. It is argued that plot sizes in many parts of Africa are among the largest in the world [7] .

6. Conclusions

The government needs to review the urban land policy and to set out rules and regulations by which land should be allocated to all participants for all uses under strict rules and regulations. For investment purposes, land itself should be disposed of at market prices. The allocation system of land adopted in Khartoum are not really housing supply policies, but rather they tend to be a method of land allocation approach with characteristics of wealth distribution policy viewing land as a wealth generator.

The land allocation is done without clear objectives and forward planning. No clear declared land policies and objectives exist and no clear land use planning techniques are adopted. The random sale of those pockets clearly causes a misuse of this valuable urban land resource. Regularising and controlling such operations can lead to a better utilization of resources from the economic point of view. However, from the planning perspective, it is necessary to allocate these plots in a way that would fulfil the urban planning objectives. To summarise, it is important to compromise between the economic objectives and planning objectives that also incorporates social and physical planning objectives to achieve sustainable development. The release of urban land plots in Khartoum was

clearly not based on the future demand for land, but rather on ad hoc basis. The public sector should adopt effective regulatory frame, combat speculation, fight corruption and unethical land dealings.

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