

## Housing and Urban Redevelopment in the Maghreb

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# Resettlement and Persisting Informality in Casablanca

Raffael Beier

*Based on a black-and-white understanding of formality/informality, many resettlement projects targeting dwellers of informal settlements include the issuing of formal ownership rights as a central element. While the state aims at integrating residents into formal property markets, residents themselves may consider access to housing with de jure security of tenure as a long-awaited recognition of citizenship. However, this paper provides empirical evidence questioning the implicit dichotomy of formality and informality behind such resettlement programmes. Discussing a specific sites-and-services project in Casablanca, Morocco, this paper shows how informality of tenure persists after resettlement and the related attempt to grant formal property rights to relocated residents. Being primarily concerned with the eradication of undesired, visible forms of informality, authorities have kept people in a legal limbo – an urban grey space that denies the full recognition of citizenship.*

## **Umsiedlung und anhaltende Informalität in Casablanca**

*Viele Wohnungsprogramme, die auf die Umsiedlung von Bewohner\*innen informeller Siedlungen abzielen, beinhalten die Vergabe von legalen Besitztiteln an die umgesiedelten Bewohner\*innen und fußen auf einem Schwarz-Weiß-Verständnis von (In)Formalität. Während der Staat insbesondere die Wohnungsmarkintegration der Bewohner\*innen im Blick hat, bedeutet der Zugang zu formellem Wohneigentum für viele Bewohner\*innen die jahrelang erwartete Anerkennung als Stadtbürger\*innen. Dieser Beitrag hingegen stellt die implizite Dichotomie von informell/formell in städtischen Umsiedlungsprojekten infrage. Basierend auf eigenständig erhobenen Primärdaten zu einem Sites-and-Services-Projekt in Casablanca, Marokko, zeigt der Beitrag, wie Informalität auch nach erfolgreicher Umsiedlung inklusive versprochenem Zugang zu formellen Wohneigentumsrechten weiterbesteht. Während staatliche Akteure sich vor allem auf die Bekämpfung sichtbarer Informalität konzentrieren, belassen sie die Bewohner\*innen in einer rechtlichen Grauzone, die ihnen die volle Anerkennung als Stadtbürger\*innen weiterhin verweigert.*

The regularisation of informal settlements has been a key topic within research on housing in the Global South (Berner 2002; Durand-Lasserve & Royston 2002; Payne 2001, 2005; Payne et al. 2009; Satterthwaite 2009; Werlin 1999). The issuing of ownership rights has become a central element of many slum upgrading and resettlement projects around the globe (Almansi 2009; Beier 2019; Charlton 2018; Restrepo Rico 2017; Roy 2014; Spire et al. 2017). Largely, this has built on the World Bank's enabling approach, which suggests that through regularisation, or in other words, the formalisation of informal properties, residents' security of tenure would increase. Consequently, this would increase residents' willingness to invest in their housing assets and to improve their living conditions on their own (Mayo & Angel 1993). Following the ideas of de Soto (1990, 2000), protected property rights would enable the urban poor to access credit, to start an own, formal business, and to escape poverty.

However, numerous authors have criticised the property-rights approach for oversimplifying complex urban land markets and for confusing tenure security with property rights (Gruffydd Jones 2012; Payne et al. 2009; Roy 2005; Satterthwaite 2009). As such, van Gelder (2010: 451) has rightly noted that 'this approach assumes a dichotomy between formality and informality by equating property rights with tenure security and, conversely, the absence of such rights with insecurity'. Accordingly, this paper provides empirical evidence questioning the assumed dichotomy of formality and informality within a resettlement programme. Discussing a specific sites-and-services project in Casablanca, Morocco, this paper shows

how informality of tenure persists after resettlement and the related attempt to grant formal property rights. Authorities have kept people in a legal limbo, or urban grey space, while being primarily concerned with the eradication of a particular, for several reasons undesired, form of visible informality. Hence, the paper speaks to a growing number of scholarly works that have moved beyond simplistic dichotomies, acknowledging the political, multi-dimensionality, and temporality within informality (Roy 2005, 2009b; Yiftachel 2009) as well as tenure security (Van Gelder 2010; Payne 2001).

Methodologically, the paper builds on four months of field research in Casablanca from December 2016 to April 2017. This includes two representative household surveys in the new town Nouvelle Lahraouiyyine (n=401) and in the shantytown Er-Rhamna (n=403) as well as participant observation, qualitative interviews with stakeholders, and document analysis. The paper starts with a brief conceptual overview on urban informality and tenure security and their role in resettlement. Thereafter, I discuss the negotiability of tolerance and sanction in relation to urban informality, first, in the *bidonville* (shantytown) and, second, in the new town.

## **Informality, security of tenure, and the promises of resettlement**

Within the last two decades, scholars have increasingly challenged oversimplifying assumptions behind the concept of informality (Al Sayyad 2004). These authors have argued that informality is not bound to either poverty (Roy 2009b: 82-83; Yiftachel 2015: 731; Yip & Tran 2017)

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or to developing countries (Harris 2018, 271-272). It is not the mere result of a lack of state power (Béni-Gbaffou 2018: 2141; Roy 2009b: 83-84; Yip & Tran 2017) and, most significantly, formality and informality are not mutually exclusive categories (McFarlane & Waibel 2016; Roy 2005: 148). Instead of seeing informality as a chaotic exception to an organised, formal norm, Roy (2005, 2009b) suggests to consider informality as the new mode or idiom of urbanisation. She argues, 'Informality lies within the scope of the state rather than outside it. It is often the power of the state that determines what is informal and what is not. (Roy 2009a: 826)' Informality, instead of being a fixed category, thus, appears more like a flexible construct – or a grey space (Yiftachel 2009) – that results from negotiations between actors with different resources and capacities.

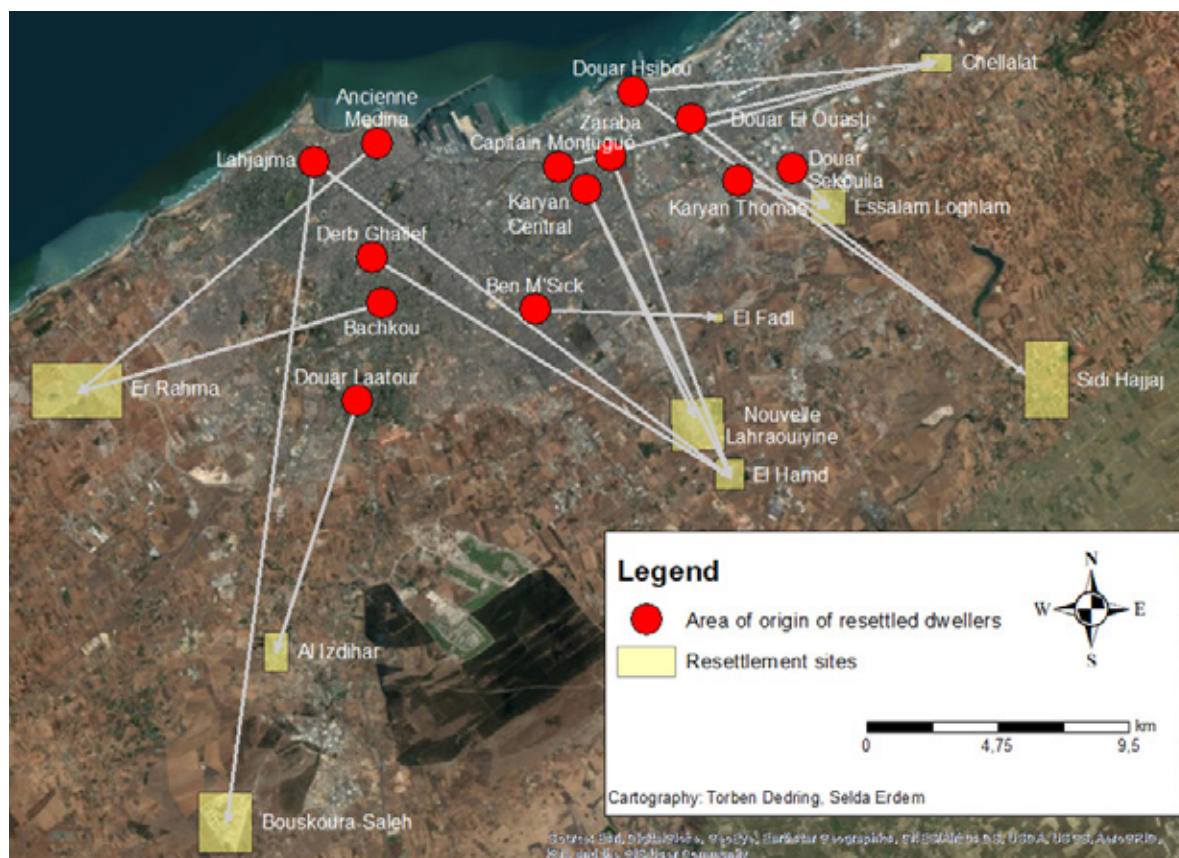
Likewise, security of tenure is increasingly recognised as a complex concept that cannot be reduced to the black-and-white question of whether a household holds a legal freehold title or not (Payne 2001: 418). Instead, Payne (2001: 418) suggests to speak about a tenure continuum distinguishing a wide range of de jure and de facto tenure systems. He also acknowledges the possibility of co-existing tenure systems, including customary and religious tenure categories. Van Gelder (2010) advocates for a tripartite view that adds perceived security of tenure as a third element to legal status and de facto conditions. While all three composing elements could hypothetically converge, it is more likely that in a context where informality is perceived as the idiom of urbanisation (Roy 2005), the three elements diverge (Van Gelder 2010: 452-453). The complexities behind security of tenure speak against oversimplifying approaches in the legacy of de Soto (2000), who argued that issuing individual property

titles to inhabitants of informal communities would allow residents to access formal credit markets, to unlock their 'dead capital', and to invest in their businesses and building structures. Although there is – if at all – only very limited empirical evidence that supports de Soto's theory (Gilbert 2002; Payne et al. 2009; Roy 2005), the World Bank has encouraged states to promote homeownership based on private freehold tenure. While these policies helped to integrate informal settlement dwellers into formal markets, they have fundamentally changed the residents' relationship with the state in a neoliberal way (Bogaert 2018; Ferguson et al. 2014; Gruffydd Jones 2012; Huchzermeyer 2010).

Today, the property-rights approach – the idea of increasing security of tenure through homeownership and the delivery of individual property titles – is still frequently part of slum upgrading, sites-and-services, as well as resettlement projects around the globe (Almansi 2009; Beier 2019; Charlton 2018; Leeruttanawisut & Yap 2016; Patel 2013; Restrepo Rico 2017; Roy 2014; Spire et al. 2017). These programmes tend to ignore the complexities of security of tenure and informality discussed above, while promising exaggerated effects of homeownership to affected dwellers.

One example is the Moroccan national programme *Villes sans Bidonvilles* (VSB, Cities without Shantytowns), a sites-and-services project that aims at the elimination of all shantytowns in the country (Beier 2019) (see Fig. 1). The establishment of formal ownership structures is a crucial planning goal of the VSB programme. According to the semi-public company Al Omrane, the leading implementing actor of the VSB programme, the issuing of formal property titles is a crucial element of its resettlement

**Figure 1:** This map shows major displacements of bidonville dwellers in Casablanca since the establishment of the VSB programme in 2004. Cartography: Torben Deding and Selda Erdem.





◀ **Figure 2:** The centre of the new town Nouvelle Lahraouiyyine in the south of Morocco's economic capital, Casablanca. Author's own picture, December 2016.



◀ **Figure 3:** The mosque is the only remaining building of Karyan Central. Author's picture, February 2017.

projects: 'Access to ownership allows slum dwellers to improve their living conditions and induces a new social behaviour as well as an increased involvement in local affairs' (Al Omrane 2010: 6). Obviously, this approach mirrors a classic understanding of de Soto's theory on the significance of formal property ownership. Similarly, the Ministère de l'Habitat, de l'Urbanisme et de la Politique de la Ville (MHUPV) (2012: 29) asserts, 'The living conditions of PVSB [VSB programme] recipients have markedly improved thanks to their access to property-ownership.' Here again, it becomes visible that the VSB programme builds on the property-rights approach, which is based on a black-and-white understanding of formality/informality.

Following the complexities of informality and security of tenure, this paper questions the notion of 'formalisation' within the Moroccan VSB programme. By focusing on the resettlement of approximately 30,000 inhabitants of the centrally located and more than 90-year-old *bidonville* Karyan Central, Casablanca, to the new town Nouvelle Lahraouiyyine (see Fig. 2), I show that most resettled residents do not possess formal property ownership. Instead, I argue they were moved from one, visible form of urban informality to a new, hidden form of informality. From the perspective of the inhabitants, uncertainty of tenure has remained after resettlement.

### **Security of tenure and informality in Moroccan *bidonvilles***

Moroccan *bidonvilles* (literally: tin towns) have their origins in colonialisation and industrialisation. The colonial industries in the cities attracted workers from the countryside, but the colonial powers did not provide enough housing for them. Thus, a rapidly growing number of workers were faced with the choice of either moving to the overcrowded *medinas* or to build their own makeshift

shelters close to the factories (Abu-Lughod 1980: 160). Later, the colonial powers themselves regrouped certain auto-constructions and formed larger *bidonvilles* that fulfilled basic planning requirements such as rectangular street grids and access to water (Zaki 2005: 82-83; Rachik 2002: 49-53). One typical example was Casablanca's *bidonville* Karyan Central, which in fact was never the result of squatting but a designated and tolerated place for workers to settle. It also got political recognition through a speech of King Mohammed V in the mosque of Karyan Central after independence (see Fig. 3). However, residents never received formal titles.

Since colonial times, state policies have arbitrarily alternated between tolerance and criminalisation. Very similar to Yiftachel's (2009) conceptualisation of urban grey space, Zaki (2005: 83) notes that *bidonvilles* were purposefully placed outside the law, dependent on the goodwill of authorities that may tolerate them while maintaining the possibility of rejection. Rachik (2002) called this an urbanism of urgency, meaning that public authorities only intervened if they felt threatened by a certain event (e.g., social unrest) that suddenly increased social pressure on them. Hence, these events were often the trigger of state repression but also of concerted housing policies, including upgrading and resettlement (see Beier 2018a). Thus, *bidonvilles* were historically kept between the omnipresent promise of better housing and the threat of eviction (Zaki 2005: 93-98).

At the same time, public authorities have long supported and even encouraged consolidation processes and, as such, enhanced de facto security of tenure – often in exchange for votes or bribes (Navez-Bouchanine 2012: 177; Zaki 2005: 100-102). Municipalities themselves have constructed water fountains, and paved and maintained

alleys in the *bidonvilles* (see Fig. 4). In Er-Rhamna, until today the municipality helps for example in case of broken water pipes. Even the Moroccan postal service operates in Er-Rhamna. Thus, it would be wrong to argue that the state has simply disregarded and rejected the *bidonvilles*. In contrast, it has consolidated their situation while carefully watching not to go as far as to recognise their legitimate existence in a legally binding way (*de jure* security of tenure). The best example is the electrification of *bidonvilles*. Although each household possesses an individual electricity metre, the state does not allow *bidonville* dwellers to receive individual bills as they could be construed as an official recognition of residency (Navez-Bouchanine 2012: 179-181; Zaki 2010).

However, according to my own research, most inhabitants of large *bidonvilles* (such as Er-Rhamna) perceive security of tenure, although being deprived of legal titles. Even in light of several forced evictions in recent years, only less than ten percent feared to be evicted within the following five years. Asked about the reasons for their answers, they argued that no one could forcibly evict large *bidonvilles* and that the state would always provide them with reasonable if not better alternatives. Many people also referred to *de facto* land titles that should prove that they are the legitimate holders of the land. These documents included birth or marriage certificates as well as certificates proving the allocation of an official house number, which most of the houses have. Nonetheless, some people also purposefully registered a different address than Er-Rhamna on their passport in order to avoid discrimination on the job market. Besides bad shelter, it is the lifelong experience of stigmatisation and the prospect of higher social standing that motivates residents to support the resettlement programmes. The prospect of formal land titles and enhanced security of tenure hardly play a role.

### The promise of formalisation

Since 2004, the countrywide programme *Villes Sans Bidonvilles* (VSB, Cities without Slums) has had the objective of eradicating all *bidonvilles* in Morocco. In Casablanca, where most *bidonvilles* were located, the programme was accelerated after the Arab Spring in 2011 (Beier 2018b). In the case of Karyan Central, the authorities

have applied a specific sites-and-services scheme called 'third-party approach' (*tiers associé*). State authorities requested two *bidonville* households to purchase jointly one subsidised plot in the new town Nouvelle Lahraoui-yine, where they allowed them to build a four-storey house in compliance with predefined building standards. As more than 90 percent of the households were unable to build the houses themselves, they would ask a third party to build it for them. In return, the third party would become owner of the two lower floors, while the two households from Karyan Central would respectively own an apartment on the two upper floors.

Among others, the state justifies the VSB programme with the objective to fight a particular visible form of urban informality that is frequently equated with anarchy and disorder (Zaki 2005: 57-61). The state used the label of 'informality' in two ways to accelerate the resettlement. On the one hand, it was a means of pressure through which the state could threaten the residents with demolition. This became most evident in 2015, when state authorities went to court accusing 500 households of Karyan Central, unwilling to accept the resettlement conditions, of the illegal occupation of land. This accusation only happened about eighty years after the colonial powers had designated Karyan Central as a place for workers' housing. Without awaiting a final legal judgment, the state forcibly evicted the last residents in March 2016.

On the other hand, the state used the notion of the *logement décent* (decent housing) to convince residents to move to the new town and become formal homeowners of their new apartments. However, the understanding of *logement décent* may differ between *bidonville* residents and the state. The residents primarily seek to move to a house '*en dur*' – solid and 'like the others' – because it would remove the stigma of 'otherness' and recognise them as legitimate, non-discriminated city dwellers. It is also in the interest of the state to build ordinary and orderly houses that do not look 'different' or dilapidated from an external perspective. In addition, however, the state is very interested in the enhanced market integration of residents by means of formally registered property titles, as this would redefine the residents' relationship with the state (Bogaert 2018: 234-5, 240-1). In this

**Figure 4:** The bidonville Er-Rhamna in Casablanca's district Sidi Moumen. Author's picture, December 2016.

**Figure 5:** Morocco's bidonvilles have developed over time as this high-end construction in Er-Rhamna shows. Author's picture, March 2017.



regard, the main implementing agency Al Omrane (2010: 5) notes: 'The households concerned with the Cities without Slums programme obtain individual property titles. The access to ownership [...] allows a sustained socio-economic development of beneficiary households: better access to credit, business opportunities, etc.' However, as mentioned above, most *bidonville* residents do not consider the lack of property titles as a problem. For them, it is security of tenure that is important, as it counterbalances insecurities of the job market. Indeed, many people have moved from contract-based rental accommodation to Er-Rhamna because security of tenure is perceived to be higher in large *bidonvilles* than in the formal rental market (see Fig. 5).

### Security of tenure and informality in new towns

When people moved from Karyan Central to Nouvelle Lahraouiyyine, most were – at least at the beginning – happy to become homeowners of a new apartment. However, this does not mean that they put emphasis on legal property titles. For the *bidonville* dwellers, the priority was to move without larger costs from the *bidonville* to a house '*en dur*' that would not require regular rent or loan payments, would increase their social status, and would finally recognise them as legitimate urban dwellers. For the local authorities in Casablanca, the priority was to clear the *bidonvilles* – one of the most visible forms of urban informality in Morocco – in due time. For the municipal representatives in the new town, the main interest was to be re-elected. These divergent actor interests led to numerous informal arrangements that should smooth the process of implementation, while, at the same time, a 'formalisation' through legal property titles received only secondary attention.

Indeed, the survey among resettled dwellers in Nouvelle Lahraouiyyine showed that only very few households obtain full formal ownership titles. This includes the *permis d'habiter* (permit to inhabit) and the registration of the property at a notary (*at-tajsil wa at-tahafidh*). The reasons for the low number of full property title holders are the high costs (the permit costs around 8,000 DH<sup>1</sup> and the registration around 15,000 DH), the difficult actor constellations (one house but up to four property owners; ambiguous agreements and regulations), and also the fact that

many people do not see the added value of formally registered titles. The last becomes obvious in the response of one resettled dweller who, when asked whether he would fear to be evicted because he has no legal title, responded: 'No! Everyone knows that we [the people of Karyan Central] have got these flats.' In fact, according to a real estate agent in Nouvelle Lahraouiyyine, almost all real estate transactions in the new town are actually informal.

According to Zaki (2013: 47), the third-party system itself is an informal solution because resettled dwellers are actually not allowed to resell their plots for a period of five years. However, the objective to speed up the resettlement pushed authorities to tolerate the sale of plots to third parties. The agreements between resettled dwellers and third parties were initially also of informal character, as they were written by public letter-writers and rather ambiguous in regard to the obligations of each party. Although these agreements later became more formal and detailed, and are now written by a notary, they have resulted in hundreds of court cases.

In fact, the interest-led implementation policies have led to numerous negotiated informalities that have shaped the new town since the beginning. Many have to do with the *permis d'habiter*. Without this permit, no one is actually allowed to inhabit a flat. Because of numerous conflicts between third parties and resettled dwellers, many residents still do not possess the permit five to seven years after they moved to Nouvelle Lahraouiyyine (see Fig. 6). Nonetheless, the state has tolerated that people inhabit the houses even without a permit. Moreover, after residents' protest, the state authorities also dropped the permit as a requirement for the house connection to the power grid. Thus, many households are formally connected and pay their monthly electricity bills – even without having the formal right to inhabit the house. Finally, homeowners are requested to pay a fine of 1,600 DH if they do not possess a *permis d'habiter* two years after the beginning of construction. According to the president of a neighbourhood association from Karyan Central, the president of the municipality of Lahraouiyyine dropped this fine to be re-elected. However, he was not re-elected and the new president re-introduced the fine and requested homeowners to pay – again followed by protests.

<sup>1</sup> 1000 DH equal approx. 90€ (October 2019)

**Figure 6:** In Nouvelle Lahraouiyyine, several residents are forced to occupy unfinished houses. Authors' own picture, December 2016.



## From visible to hidden informality

To sum up, it is not possible to talk about a transformation of informal into formal urban space regarding the resettlement of Karyan Central. The case study questions the black-and-white of mainstream approaches to the resettlement and regularisation of informal settlements. In fact, Karyan Central as well as Nouvelle Lahraouiyyine were both created by the state itself and then subsequently developed mainly through informal negotiation and bargaining processes. Political clientelism has not only played a role in the *bidonvilles*, but has continued to be of relevance in the resettlement towns, as the example of Nouvelle Lahraouiyyine shows. This has resulted in numerous unwritten and flexible arrangements that are characteristic for urban grey spaces. In addition, transactions on the real estate market have remained informal because of uncompleted titling processes.

Thus, the VSB programme may succeed in eradicating a particular undesired and visible form of urban informality, but the programme merely replaced it with a different, hidden form of informality. The new form may look more ordinary from the outside, but the incomplete formalisation has hardly changed people's perceived security of tenure. Although the new form of grey space is currently more tolerated by the public than the old one, this tolerance could be temporary. Like before,

former *bidonville* dwellers depend on the goodwill of state authorities as is shown, for example, by the above-described municipal practices concerning the issuing of the *permis d'habiter* in Nouvelle Lahraouiyyine. Yet, similar to the situation in the *bidonville* Er-Rhamna, in Nouvelle Lahraouiyyine, the majority also perceive good security of tenure; nevertheless, there are also more critical voices that fear to be evicted. This is especially relevant where the third party has illegally resold his/her properties or where informal arrangements between third parties and the resettled dwellers have generated conflicts. At the same time, the state keeps its power to intervene in a flexible way through new regulations or the stricter enforcement of existing ones. The negotiated arrangements characterising Moroccan urban grey space are crucial to maintaining interested, clientelistic policies, the primary objective of which is to ensure the stability of social and political systems already in place. In the Moroccan context, however, questions remain regarding the state's intention to use informality as a purposeful planning tool (Bénit-Gbaffou 2018; Roy 2018), as urban grey space is the natural outcome of a socio-political system that functions *through* informality. Against this background, scholars should further reconsider the dichotomous understanding of formality/informality that continues to be a basic assumption behind many affordable housing policies.

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