

URBANISATION AND INFORMALITY IN AFRICA'S HOUSING MARKETS

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Urbanisation is a growing phenomenon in Africa. Across the continent cities are drawing more and more people in search of economic opportunity. The majority of these people end up living in informal settlements: slums. As Africa's slums expand, international organisations, NGOs, and governments themselves call for strong public-sector action to deal with the problems in these settlements and to limit their expansion. However, government intervention in African housing markets may have contributed significantly to the growth of informal settlements. A maze of regulations and administrative barriers has imposed high transaction costs on formal-sector housing entrepreneurs. By raising the costs of providing low-income housing, African governments bear much responsibility for driving formal-sector entrepreneurs out of the housing market and for driving their citizens into slums.

Introduction

Africa is on the move. People are leaving rural areas and are heading to the cities. Urban residents have children and contribute to the urban population boom. As Africans leave their rural homes and villages, they confront a host of complex problems; among the most pressing for those searching for economic opportunity in the continent's cities is the problem of housing.

For Africa's poor, as for the urban poor elsewhere, affordable housing is in high demand. This high demand should stimulate a market response. In a relatively unencumbered market, entrepreneurs would search for available real property, build housing and sell their products to meet the rising demand of housing consumers. However, markets in Africa are not unencumbered. Regulatory burdens, high costs associated with regulatory compliance, land issues and administrative barriers are just some of the factors that contribute to growing informality in African housing markets.

Informal-sector housing can be understood, at least in part, as a response to problems of government involvement in the housing sector. By creating a maze of licensing and other regulatory requirements, African nations have made it difficult and expensive for formal-sector developers to serve the

low-income market. Economic policies have limited the availability of credit for both developers and potential buyers. Competition from the public sector in terms of delivery of housing may also dampen formal-sector participation.

For example, in the 1990s South Africa's government promised to deliver 1 million housing units for the poor, known as RDP houses. The results of this policy have been decidedly mixed: the units were eventually built, but the new homes are often viewed as undesirable by the intended beneficiaries, who have been known to walk away from the new government units and return to their old dwellings in the slums.¹ As discussed by Malpezzi and Sa-Aadu (1996), African governments that actively provide low-income housing may crowd out other formal-sector providers.

Other problems limit formal-sector development of low-cost housing. Land may not be available to develop. Rigid labour laws in Africa mean that many of the poor work in the informal economy. Informal workers have difficulty accessing commercial credit for mortgages. High interest rates also make it difficult for both housing entrepreneurs and the poor to borrow. Once the poor resort to self-help and build their own slum dwellings, it is complicated and expensive for them to title or otherwise acquire tenure security in their property. The high costs of formalising

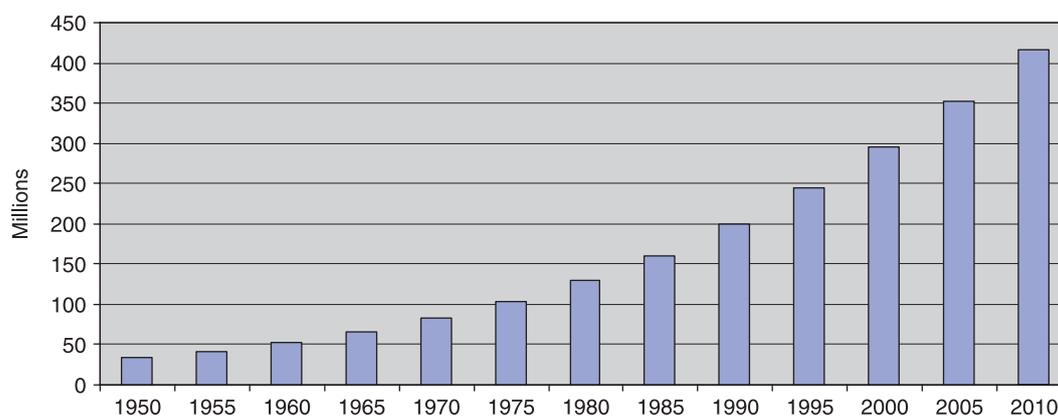


Figure 1: Africa's urban population

Source: *World Urbanization Prospects: The 2003 Revision*, UN Department of Economic and Social Affairs.

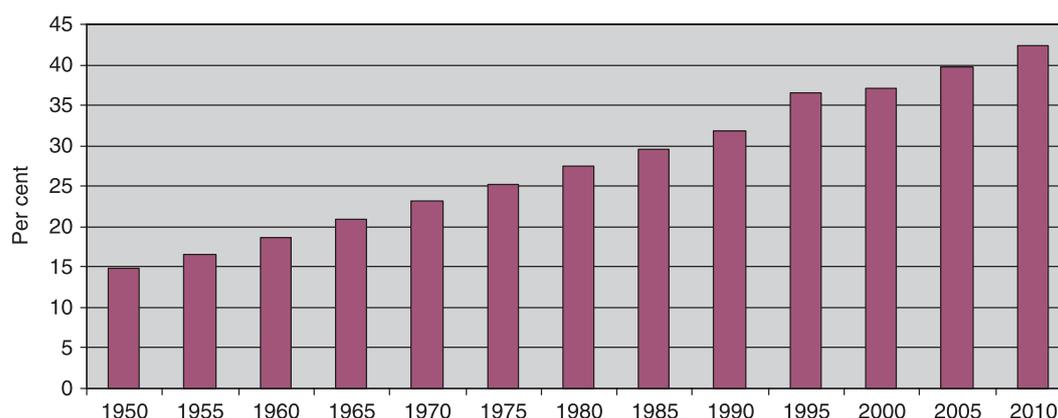


Figure 2: Percentage of African population living in urban areas

Source: *World Urbanization Prospects: The 2003 Revision*, UN Department of Economic and Social Affairs.

existing informal property contribute to the growth of the informal housing market.

If African governments want the formal sector to deliver more low-income housing these burdens must be reduced. Transaction costs need to be lowered and property rights must be respected. The poor need increased tenure security. The costs associated with building and transferring property must be decreased to allow the urban poor to capture more of the value of their assets (see de Soto, 1989, 2000). Unless such steps are taken, Africans will continue to flood into informal settlements.

The changing face of Africa: increasingly urban, increasingly informal

Across Africa, one of the most pressing challenges facing citizens and governments is rapid urbanisation. The United Nations Population Fund (2007) projects that, over the next 25 years, Africa's urban population will more than double, increasing from 294 million in 2000 to close to 750 million by the year 2030. Figure 1 illustrates the growth (including projected growth) in Africa's urban population, while Figure 2 shows the increase in the percentage of the population that is now living in urban areas.

As Africa continues to urbanise, strong demand is driving up the value of land, making it difficult for the poor to find

affordable space in desirable locations. Out of necessity, many of the poor rent rooms or build shacks in informal settlements. These settlements may be built on private land that is 'invaded' or they may be built on unused public land. In other cases, people purchase or rent space in unauthorised private developments that do not comply with regulatory and administrative requirements. When the poor settle in such places, the property rights they hold are not secure; they face the threat of eviction and relocation. Tenure insecurity is a part of the price poor urbanites pay for access to housing.

The need to improve tenure security for the urban poor while also increasing and improving the supply of low-cost urban housing is pressing. Informal settlements house most of the continent's urban population: 72% of Africans live in informal settlements compared with 56% in South Asia (IRIN, 2007; and see Figure 3). Berner (2007) estimates that up to 85% of the new housing stock in the developing world is provided informally. In Africa, housing concerns are necessarily concerns about informality.

Migration, combined with natural increases in the settled urban population, represents both an opportunity and a challenge. The United Nations Population Fund (2007) notes: 'No country in the industrial age has ever achieved significant economic growth without urbanization'. People move to urban areas in the hope of finding employment and improving their lives. The increased urban population allows for an expansive

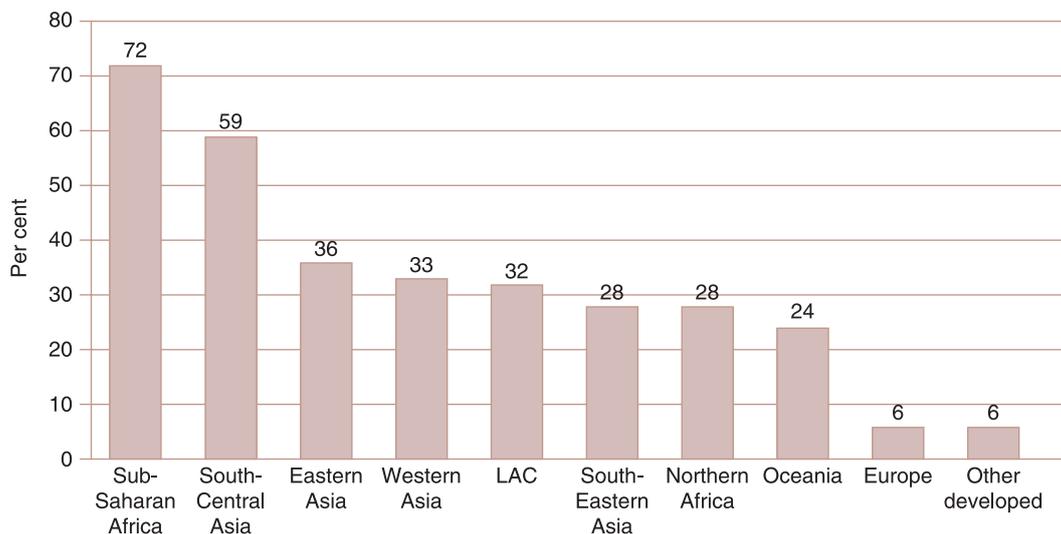


Figure 3: Percentage of slum dwellers in urban areas by region, 2001
Source: UN-Habitat (2003, p. 15).

division of labour that draws on the creative talents and entrepreneurial skills of many people. Urban economies are diversified and typically dynamic, though in the developing world the dynamism is often best seen in the informal sector.

Yet, the problems associated with expanding cities are real. How will newcomers – not to mention the current residents – be housed; how will local governments improve tenure security; how will services such as clean water, sanitation and electricity be provided; will people be empowered to take advantage of the opportunities associated with a larger, more dynamic urban economy and, importantly, how can the legal and regulatory framework be shaped to reduce potential conflict associated with housing concerns?

Informality and government intervention: a history of involvement

Some scholars attribute the widespread informality in the African housing sector to market failure. The argument is that 'formal' markets fail to provide sufficient housing options for the very poor, forcing them into poor quality, potentially dangerous, informal housing. Although informal markets provide vast quantities of housing for the poor, this 'unauthorized' and unregulated housing is seen as evidence that formal markets have failed, rather than being seen as a response to market distortions. Berner (2007, p. 3) makes the market-failure argument:

'In most developing countries, the formal market mechanism has systematically failed to satisfy the rapidly increasing housing needs of the population. It is estimated that between 30 and 70% live in "irregular" settlements, with a growing tendency; according to UNCHS, 64% of the housing stock in low-income countries and up to 85% of newly produced housing, is unauthorized.'

However, a closer examination of housing and land markets in Africa suggests that government interventions have prevented markets from functioning properly. Redoki and Leduka (2003) report that throughout the 1960s and 1970s, many African

nations adopted policies that involved significant public intervention in areas such as 'land use planning, detailed regulation of development, and acceptance of public-sector responsibility for providing land and shelter for low-income urban residents, initially through public housing and subsequently through site and services approaches' (p. 8; see also UN-Habitat, 2005, pp. 62–63).

Some governments (for example, in Nigeria, Egypt and Côte d'Ivoire) have tried to deliver housing stock. Malpezzi and Sa-Aadu (1996) find that 'despite the tremendous governmental investment in the housing sector, public housing construction did very little to increase housing supply or decrease price' (p. 145). The authors note that because officials associated with housing programmes may have had significant *de facto* discretion in how to award housing units, many units intended for the poor actually wound up in the hands of more prosperous citizens.

Further complicating matters, as the World Bank (1993) notes, between the late 1960s and early 1980s, 20 African countries nationalised the land. A prominent example is Nigeria, which nationalised land in 1978. 'The rationale at the time', Lagos property lawyer Tayo Odubanjo has stated, 'was that the government should act as the primary agent for the country's development'. Odubanjo suggests that local communities and landowners were seen as obstructing the government's efforts to use land more effectively.²

Nationalising land signals to formal-sector developers that their property rights are potentially very insecure. This signal would be enough to constrict formal-sector development unless the nationalising government makes clear and credible commitments to honour long-term leases. This does not seem to be the case in many African nations. And, as discussed by Boudreaux (2005), an unfortunate consequence of land nationalisation is that these policies may block the evolution of customary land rules. In the past, in parts of Africa such as Nigeria, where population pressures increased demand for land, customary land law evolved towards more individualised property rights. This process allowed customary owners to internalise the rising value of their asset. But when land is

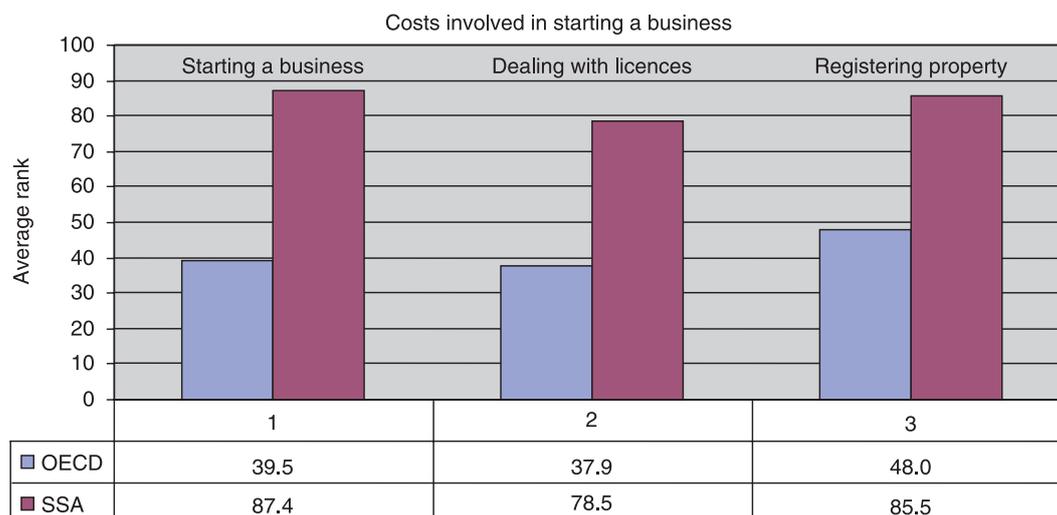


Figure 4: Costs of doing business: SSA v. OECD.

nationalised, the evolutionary process is blocked, and rights cannot shift in the direction of freehold property. Without tenure security (from a freehold title or a secure long-term lease) formal-sector developers will have difficulty accessing commercial credit. With relatively little freehold property available for purchase in sub-Saharan Africa (hereafter SSA), formal-sector developers (and creditors) need governments to make clear and credible commitments to respect long-term leaseholds. Without a credible commitment to provide tenure security, formal-sector developers will have few incentives to build housing.

Nationalisation also leads to overlapping and conflicting landownership patterns and complex administrative oversight. This also hinders the development of land and housing markets. In SSA much of the land is still held under customary tenure and is not available for sale, as it is owned by a community and held in trust by tribal or clan authorities for the use of the group's members. If traditional authorities approve, this land can be developed but it cannot be alienated. Given that customary land is inalienable (which also limits the ability of formal-sector developers to access commercial credit) and given that acquiring the rights to develop government-owned land can be difficult, the supply of land available for formal-sector development can be quite limited. Tomlinson (2007) says: 'a lack of an adequate supply of formal land is one of the most pressing challenges associated with a lack of housing provision' (p. 4).

Extensive public-sector involvement has not solved housing-market problems; Redoki and Leduka (2003) point out: 'attempts to regulate and register all transactions in land and property have been universally unsuccessful' (p. 8). Regulation and red tape create transaction costs that make formal-sector development expensive. Just as the high costs associated with employing labour in Africa drive many workers into the informal sector, high costs associated with housing development likely drive many would-be housing suppliers out of the formal sector. Some developers turn to 'unauthorised' development while others shift their activities to serving high-end markets, where profit margins are higher. A dearth of formal-sector suppliers of low-income housing means the poor rely on self-help and informal suppliers.

Chaos and calls for more intervention

Informal settlements, in Africa and elsewhere, are unplanned. They evolve spontaneously as residents build homes and businesses. The unplanned nature of these settlements provokes criticism and calls for more government intervention and regulation. As the Executive Director of UN-Habitat, Dr Anna Kajumulo Tibaijuka (2007), said recently: 'The challenge of rapid and chaotic urbanization is clearly huge' (p. 3).

Dr Tibaijuka says that problems of informal settlements are the result of two forces: 'an almost complete lack of planning or preparation for urban growth' (p. 3) and rising poverty and inequality. Her comments imply that a good deal of planning, zoning and regulation by developing-world governments (with the support of international donors), is needed. Berner (2007) argues that: 'there is overwhelming evidence that active policies are required in the provision and distribution of [land]' (p. 5). He goes on to favourably cite a 1976 UN report that claims land is simply too important an asset to be 'controlled by individuals' (p. 5), although recent UN reports take a much more nuanced approach.

But, is active urban planning the answer to the problems posed by informal settlements? Perhaps the answer is just the opposite: maybe less, not more, planning is needed. Evidence suggests that a surfeit of planning and red tape may lie at the heart of the African housing problems. When transaction costs are quite high, it should come as no surprise that less formal-sector development takes place.

Figure 4 compares three different aspects of doing business in SSA versus OECD countries. Costs associated with starting a business, dealing with licences and registering property are all substantially higher in SSA than in OECD countries. Taken together, this data shows that formal-sector businesses of all types, including housing developers, face significant operating costs in SSA. In particular the 'dealing with licences' figure tracks the number of procedures a business needs to go through in order to obtain the licences, permits and other documents needed to build a warehouse and how costly the procedures are in terms of money and time spent. Although this data addresses commercial real estate development, residential real estate development is likely similar. It shows

that SSA countries rank much lower than OECD countries. UN-Habitat (2003) points out that the approval process for property development may involve ‘dozens of agencies, each with their own requirements, delays, and possibly, bribes’ (p. 112).

In Nigeria, entrepreneurs are supposed to follow a complex process to formally develop land. Ikejiofor (2003) says developers who wish to receive a formal title or certificate of occupancy must apply to the Lands Division of the Ministry of Lands, Survey and Town Planning if property is already part of an approved ‘layout’ or to the Land Use and Allocation Committee in the Office of the State Governor if it is not part of an approved layout. The Land Use and Allocation Committee recommends whether the Governor should, or should not, approve certificates of occupancy. The Surveyor-General is consulted to ensure the status of the land. Additionally, the local community may be asked to verify the status of the plot.

Site planning involves additional steps. Ten copies of the development plan are filed with the Local Planning Authority. Local Planning Authorities submit development plans to Medical Officers, who see that plans follow health regulations. The Chief Engineer inspects plans to ensure they comply with building codes and other regulations. A Supervisory Council then approves the plans and passes them to the Planning Authority to be sent up a chain of approval to the Town Planning Division (which is part of the Ministry of Lands, Survey and Town Planning).

Complying with these requirements is expensive and time consuming, and makes formal housing projects more expensive. As Babalakin (2004) says: ‘We do not need to think hard why the investor is an endangered species in Nigeria’ (p. 4). These barriers create incentives for developers to forgo the formal approval process; the result is a proliferation of ‘unauthorized’ developments.

The problems associated with regulatory and administration barriers to formal-sector development have been noted by the World Bank in other documents:

‘unrealistically high standards for subdivision, project infrastructure, and construction *make it impossible to build low-income housing legally*. . . . Observations from many developing countries show that the processes of obtaining construction and occupancy permits are complicated, not well-understood by the poor, especially immigrants, time consuming and costly. The result is invasions of state land or purchases of unplanned land from illegal agents.’

(World Bank, n.d., emphasis added)

Figure 5, taken from Muskoya (2003, p. 65) illustrates how complex land and housing development can be in Africa.

This expensive and lengthy process involves numerous payments to officials in three different agencies. The result, Musakoya (2003) says, is that ‘actors in the informal land delivery systems feel the procedures are inappropriate, obscure, costly, and slow due to the numerous steps that must be followed’ (p. 72). As Durand-Lasserve *et al.* (2002) discovered with regards to the Latin American housing market: ‘it is often easier and more profitable for private land developers to operate in informal land markets than to operate in formal ones.’ But this is precisely *because of* government

intervention in the housing market, not because markets have failed.

Direct intervention – coupled with macroeconomic problems that have tended, until recently, to limit the availability of credit – helps explain the lack of formal-sector housing for the poor. Tomlinson (2007) identifies some of the problems: high and volatile interest rates, high inflation rates, the use of public-sector housing banks, and crowd-out problems associated with bank purchases of government debt. The poor have vanishingly little access to credit, and housing entrepreneurs may also find it difficult to access affordable credit. As inflation rates and interest rates stabilise across SSA, these problems should decrease and private-sector developers should find it easier to access credit.

Regulatory and administrative burdens, a limited supply of land, and the high price of credit raise transaction costs for formal-sector housing entrepreneurs and create disincentives to work in this market. The World Bank identifies at least four issues that create dysfunctional housing markets in the developing world (all of which apply in SSA):

‘(i) extensive public ownership of land and unclear land transfer procedures (most common in transition countries); (ii) unrealistic standards for land and infrastructure development; (iii) complex procedures of urban planning; and (iv) unclear responsibilities among public agencies.’

(World Bank, n.d.)

When these problems are coupled with political insecurity and conflict – common problems in SSA over the past three decades – we develop a more nuanced understanding of the difficulties involved in the delivery of low-cost housing. Housing in Africa is overwhelmingly provided by the informal sector because it is so very expensive, and risky, to provide through formal channels. Therefore, the extent of the informal housing market in SSA should not be viewed as the result of market failure, but instead as a market response to long-term public-sector intervention in housing and land markets.

Looking through different lenses

Given widespread informality in African housing markets, policy-makers confront a challenge when considering how to address the needs of residents of informal settlements. Rather than relying on more public-sector planning and regulation to meet these needs, a different perspective would be to recognise that informal settlements are spontaneously evolved solutions to local realities that include a strong demand for urban housing close to employment opportunities; a lack of readily available land to develop; high costs of credit; and bureaucratic confusion and red tape that makes it difficult, if not impossible, to provide low-income housing in a cost-effective manner. Informal settlements also provide some social benefits to residents: valuable support networks develop in these settlements, neighbours and friends form informal savings clubs and neighbourhood associations, and people find ways to help each other, such as by sharing childcare duties. Evictions and forcible relocations to ‘planned’ communities can lead to the loss of such ties and can make life in urban areas even more difficult for the poor.

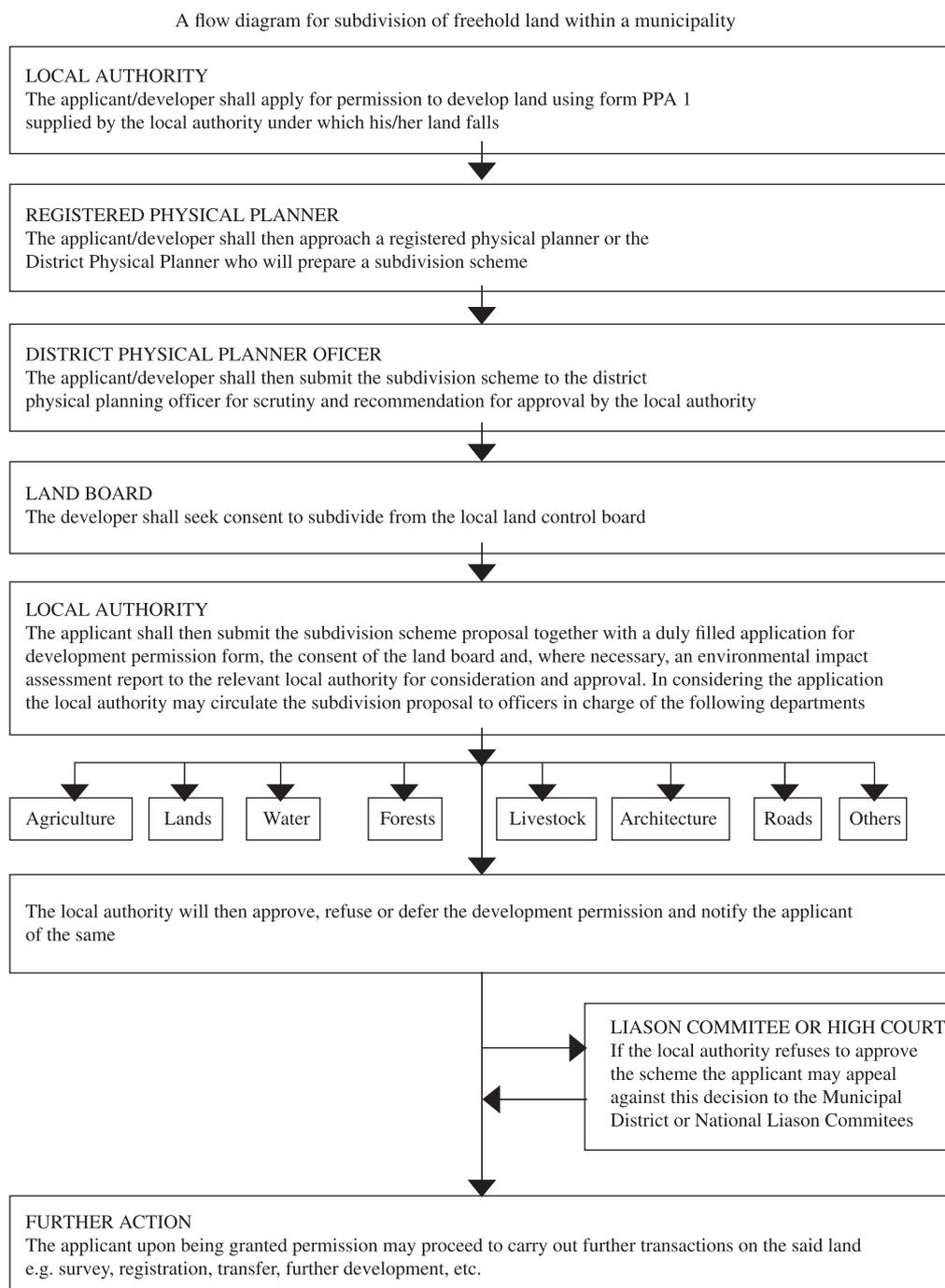


Figure 5: The application process for developing freehold property in Kenya
Source: Physical Planning Act 1996.

Rather than bemoaning the unplanned nature of these settlements, a better approach may be to recognise that, however imperfectly, informal settlements meet some needs of poor residents. Rather than relying on forcible evictions and relocations to create a less 'chaotic' environment,³ a better strategy is for city officials, working closely with local slum dwellers' associations and other local groups, to identify cost-effective mechanisms to increase the tenure security of the urban poor (both leasehold security and, where appropriate, more individualised tenure⁴) and to empower local residents to upgrade slum infrastructure and to provide more of the much-needed services such as clean water and sanitation. Some African countries are adopting this strategy.

Whether they are called civil society organisations or self-help organisations, some groups of local citizens, particularly members of shack and slum dwellers' associations,⁵ have been relatively successful at working together to meet a variety of local needs. These organisations often support group members who participate in efforts to map their locale and gather data for slum upgrading projects; they develop savings and credit schemes to help members improve or even purchase homes; they sometimes buy houses and land; and they promote local entrepreneurship. For example, UN-Habitat (2005) reports on a community-led infrastructure financing project that gives people in informal settlements access to medium- to long-term

credit that they use to improve and upgrade local infrastructure.

However, despite all the good that the urban poor can do for themselves, they face many serious challenges, including the challenge of paying for housing. The poor can and do save, but they have, at best, limited access to credit. As Tomlinson (2007) notes, many poor urban residents use savings to buy the right to live in an informal settlement and to gradually construct or improve a home. Because they typically work in the informal sector, the urban poor have little or no access to commercial credit. And while they are not strong candidates for traditional mortgage lending, they would likely benefit substantially from increased access to housing micro-finance. Housing micro-lending would allow the poor to borrow in order to improve a home. Borrowing takes place on terms similar to other micro-lending: group lending for short periods of time, with the option to borrow again if payments are made in a timely manner.

An interesting example of housing micro-finance comes from South Africa, where the Kuyasa Fund offers loans between R1,000 and R10,000 to be repaid within 30 months, to members of community-based savings groups (Kuyasa Fund, 2006, p. 14). Nearly 75% of Kuyasa's clients are women, 60% work in the informal sector or are old-age pensioners, and 85% live on less than \$2.60 per day. Housing micro-finance gives these borrowers access to credit; it allows them to gradually improve their homes and increase the value of the asset; and they develop a credit history. To the extent that governments can provide a legal and regulatory framework that supports such efforts, some degree of upgrading can be managed by local people.

How to help: improve tenure security

If informal settlements are located on private land, private owners should be compensated by the government for the loss they suffer from any invasion of their land. Compensation of dispossessed private owners serves two purposes: it provides signals to other private owners that property rights will be respected and that investments have some degree of security, and it helps promote a rule of law rather than a rule of arbitrary government action. After legal procedures are completed, informal settlement residents should have their property rights (leasehold and ownership rights) catalogued and officially recognised. If informal settlements are located on public land, the government can catalogue and transfer use and control rights to residents.

Empowering the poor with increased tenure security and enforceable property rights should reduce conflict, promote entrepreneurship and alleviate some poverty, while also encouraging local governance institutions to develop (Payne, 2005, p. 1). Rights should be catalogued with input from local residents and should be enforceable through an accessible dispute resolution mechanism. Transfers should be low-cost and, whenever possible, transactions should be recorded at local, decentralised government offices. Keeping transfer costs low will help the poor enter the formal housing market.

As Payne (2005, pp. 2–3) points out, there are many different ways to provide tenure security, with freehold titles being only one option. Other useful legal tools exist, such as

certificates of rights (used in Botswana) and long-term certificates of occupancy or, perhaps, a variety of communal tenure that reflects local custom. So long as the broader institutional environment is relatively stable, such rights can give slum dwellers greater tenure security. A first step in the process of creating security, outlined by Payne, might involve having a government official issue a statement that residents will not be relocated for a period of time. After this, steps can be taken, gradually and based on local demand, to formalise informal properties. Formalisation may lead to titling, but titling is not the only policy tool for securing tenure.

The large informal housing market is a response to numerous factors in African nations, including the high costs of formal real estate development. If these barriers can be reduced, then we would expect the market to provide housing consumers, even low-income consumers, with additional choices. Taking steps to provide legal empowerment of the poor through increased tenure security will serve many useful ends: lessening conflict, keeping valuable social networks intact, promoting investment in the housing stock, generating employment, relieving some pressures associated with service delivery by the public sector, even lessening urban pollution.⁶ In addition, lifting some of the myriad costly constraints housing entrepreneurs face should stimulate the market for low-income housing and this would also help address the needs of slum dwellers.

Conclusion

For decades, African governments have intervened in housing markets. Whether through the delivery of housing stock, through monetary policies that created inflation, through fiscal policies that raised interest rates, through land policies that nationalised land, or through regulatory and administrative barriers, governments have made it costly and difficult to supply low-income housing through the formal sector.

Faced with high transaction costs, housing entrepreneurs are either pushed out of the market altogether, or they respond by providing housing informally. Given the complexities and costs of building formal-sector housing in Africa, it should come as no surprise that much of the continent's housing stock is now provided informally, either by the poor building and gradually improving a home on their own, or by informal developers working outside the scope of a government's approval process.

The result is ever-expanding informal settlements. These settlements, a spontaneously evolved response to the problems of government intervention in housing markets, are difficult and often dangerous places to live. It is encouraging that more governments now recognise that the best strategy for improving slums is through upgrading projects that provide slum dwellers with improved tenure security and better infrastructure. However, tenure security alone will not solve the housing problems of the poor. African governments need to reduce the regulatory and administrative burdens that formal-sector developers face. They need to continue to control inflation. They need to improve the institutional environment so that the poor can access housing micro-finance and other financial tools. They also need to allow local entrepreneurs to do more to provide much-needed services in informal

settlements. By taking these actions African governments will go a long way towards empowering and improving the lives of millions of slum dwellers.

1. RDP houses are small concrete homes that are designed for upgrading. For a discussion of people leaving RDP homes in favour of slum dwellings, see 'State Puzzles Over How to Retain RDP Homes for Social Housing', *Cape Argus*, 29 August 2005, p. 12. In a recent report on Soweto's property market, Maseko (2007) refers to figures that show 'only 4,500 homes were transferred in Soweto [in 2006] and that RDP houses are being sold at give-away prices of between R5,000 and R6,000 even by those with formal title ownership. "If one is in arrears in electricity and rates payments it may make sense to sell one's RDP house on the informal market for as little as R3,000 and move back into an informal settlement"' (Maseko, citing a FinMark Trust Report).
2. See 'Who Owns the Land in Nigeria?'. Available at http://platform.blogs.com/passionofthepresent/2007/05/who_owns_the_la.html.
3. In its notorious 'Operation Murambatsvina', the Mugabe government in Zimbabwe forcibly evicted tens of thousands of citizens in an ostensible effort to limit informal trading and to 'clean' the area. Many viewed the government's actions as punishment for supporting the opposition party and as a harsh warning. See, for example, Bratton and Masunungure (2006).
4. It is important to recognise that the rental market for the urban poor (informal and formal) is substantial, though discussion of this segment of the market is beyond the scope of this paper.
5. For more information on shack and slum dwellers' associations, see 'Shack/Slum Dwellers International (SDI)' at <http://www.sdinet.org/index.htm>.
6. The Worldwatch International report argues that urban pollution kills 800,000 people each year.

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