

# Dealing with land tenure and tenancy challenges in water and sanitation services delivery



WSUP's work in providing water and sanitation services to the urban poor takes place in contexts with complex formal and informal land ownership arrangements. Firstly, the people in most need of improved water and sanitation are often tenants, and this raises diverse challenges: for example, landlords may be unwilling to invest in better toilets. Secondly, improving water and sanitation services often requires land for construction of communal or public facilities, and land tenure again raises diverse problems here. How can these challenges be overcome? Drawing on WSUP's experience in the African Cities for the Future (ACF) programme, this Topic Brief gives an overview of this area, and discusses solutions that have been developed within the ACF programme. The Topic Brief also offers practical guidance on this issue for programme managers.

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## 1. Why consider tenure?

Low and middle-income cities are characterised by a variety of tenure arrangements that influence the density and distribution of the population. Owner-occupiers, landlords and tenants live in settlements with a complex pattern of rights that can be formal or informal in nature. For the purpose of this Topic Brief, tenure has been considered from two angles: the relationship between landlords and tenants, and the influence of land arrangements. In this Brief, these issues are treated in turn, but they are nevertheless inherently linked: where there is sufficient land, and land invasions are tolerated, the rental housing market is less prevalent. In places like Nairobi, for example, where land is limited and land occupations have become commercialized – albeit informally – *the squatter is now a tenant*.<sup>1</sup>

### 1.1. Rental housing, landlords and tenants

Rental housing is a key feature of urban real estate; it is integral to well-functioning cities and an essential housing option for the poor.<sup>2</sup> The fundamental fact that tenant populations represent a significant minority of the urban demographic is often overlooked.<sup>3</sup> Tenants are often invisible and mobile, hidden as 'backyard' tenants,



<sup>a</sup> i.e. absentee landlords: owning several properties and maximising profit by minimal investment in the housing stock.

intentionally underreported by landlords and simply often do not appear in census statistics and reporting. Furthermore, the advances in national housing policies over the last four decades have tended to focus on conferring ownership rights and largely omit rental housing although it is a viable livelihood strategy for both tenants and landlords.<sup>4</sup> Rental housing has a poor reputation and is widely viewed as exploitative. Exploitative 'slumlords'<sup>a</sup> do exist, but in many cases the landlord and tenant have only a marginally different economic status. Also, the diversity within both the tenant and landlord populations should not be underestimated (Box 1).

In cases of exploitative landlordism, very little of the capital generated by the rental sector is reinvested back into the housing stock or accrued to the government (on paper often the formal landowner). This creates a vicious cycle of poor investment. In the case of live-in landlords – though they may not share the same services as their tenants (see below) – the capital that is generated from the rental is more likely to remain, and potentially be reinvested, locally.

Rental rates are often influenced by local conditions that in turn govern service provision. A 2008 study found that rental rates in Kibera operated within a formal (but distorted) real estate market.

#### Box 1: The variety of landlord and tenant populations

*"It is also worth noting the variety within both the landlord and tenant populations. Thus at one extreme there are doctors, top civil servants and managers from both the public and private sector among the landlords. However [...] there is a significant landlord group among the urban poor. Similarly it would be a mistake to assume that all the tenants are on the bread line. There are some who hold down middle-ranking clerical jobs who may choose to live in such areas to minimize their expenditure on housing. At the other extreme there are tenants who are some of the poorest in Nairobi without a regular income and for whom each day represents a battle for survival."<sup>1</sup>*

In the 2008 Kibera study,<sup>4</sup> rent increased with the number of rooms, permanent walls and floors, and connections to electricity and piped water, reasonable use of a shared toilet also imposed a premium on the rental value. Shared basic facilities are a common way that tenants access basic services. Tenants in low-income areas are likely to buy water from their landlord or from a local kiosk, while they typically share sanitation facilities on the same plot or use off-plot public toilets. It cannot be assumed that the mere presence of a toilet on the plot means the tenants have access to it (Box 2).

#### Box 2: Inequitable access

*"Experience suggests that live-in landlords may prefer to keep a toilet for their own use where tenants either use another facility (often of lesser quality and higher loading), a public toilet or practice open defecation. Such is the case for backyard tenants in South Africa,<sup>5</sup> compound housing tenants in Kumasi<sup>6</sup> and thika tenants in Calcutta<sup>7</sup> amongst others. In Pikine-Dakar in Senegal, 77% of tenant households shared sanitation facilities with other households compared to 17% of owner-occupiers."<sup>6</sup>*

## 1.2. Land arrangements and tenure security

Urban settlements are host to a complexity of land arrangements. It is common for several tenants to rent from a landlord on a plot of land that has been bought, subdivided, inherited and sold several times under informal land arrangements. Ownership documents can quickly become out-dated and often do not reflect the actual situation. The state or another private investor can claim ownership of the same piece of land. In many cases this is compounded further by customary claims with strong social and political clout. From the town planning perspective, rapid urbanisation is overburdening the formal land registry system.

The core of the land and tenure security debate revolves around the relationship between tenure security and investment: whether it is legal or actual tenure that provides sufficient security, and if tenure is the precursor or successor of investment. Proponents of land titling argue that illegality discourages capital investment and that legal tenure is the precursor and prerequisite for investment.<sup>8</sup> Others suggest that it is security (i.e. not fearing eviction), not the legal title, that is sufficient impetus to invest.<sup>9</sup> Evidence suggests that the relationships between tenure, housing stock quality and infrastructure are causally linked: a change in anyone can lead to a change in any other.

In addition, there is a gender dimension to the tenure issue, whereby in some contexts women have less access to housing and land than their male counterparts. The relationship between gender and property often revolves around social dynamics such as inheritance, marriage, intra-household and community decisions, or migration for work and education, which then shape the way property is accessed, owned, managed and transferred. It is therefore difficult to draw generalities on gender inequities and tenure, as they are both formed by widely different contextual circumstances. Nevertheless, potential tenure issues can arise as a function of gender disparity and therefore need to be taken into consideration.

## 2. Tenure challenges for urban service provision

While there are several ways that tenure affects urban water and sanitation service provision (Table 1), the crux of the problem has to do with the lack of investment by the major stakeholders, and the lack of available land and space. The latter is especially relevant for sanitation and solid waste management. This section considers experiences, challenges and lessons learnt on how the lack of investment and lack of space influence urban service provision.

### 2.1. Linking rental housing and investment in services

The major investors in basic services are the users themselves, infrastructure owners (i.e. landlords) and providers (i.e. service providers or local authorities). Each has different incentives and disincentives to invest in basic services. However, in some cases the 'tenure mix' results in a compounded lack of investment (Box 3). Kibera, for example, is predominantly made up of tenanted dwellings with absentee landlords, with several large landlords collecting rent from many dwellings.

The resulting situation in Kibera is that residents and investors are, for the most part, mutually exclusive groups with conflicting interests. Where residents have a keen incentive to ensure better services, they may have limited willingness to invest because of their tenant status. Landlords, often linked to powerful figures in government, are in a position to oppose slum-upgrading initiatives to protect their income. The example of Kibera, although extreme, can help us better understand the investment incentives and dynamics of compounded disincentives for investment for the major stakeholders (Table 1).

**Box 3: A key piece of the problem – the tenure mix**

The ratio of owners to tenants or ‘tenure mix’ of a settlement can affect the level of investment in the housing stock. Areas with high rates of absentee landlords and tenants in a non-state authorised area are highly likely to produce a compounded lack of investment by all major investors in basic services. A further complication is that the tenure mix will change from settlement to settlement and over time.

A key part of the problem lies in two variables associated with tenure. But it is not the usual suspects: illegal land tenure or distortions in the rental market. Rather in Nairobi for example, the problem is that there are too many tenants and too few owner-occupiers and resident landlords, and the duration of stay of an average resident is relatively short.

**Table 1**

*Investment incentives/disincentives for major stakeholders in service provision.*

Tenants	Live-in landlord	Absentee landlords	Government/Public utilities	Private sector
<p>Tenants have the strongest incentives to improve infrastructure but have limited willingness to invest in their dwellings and immediate environment due to several interlinked factors:</p> <ul style="list-style-type: none"> <li>▪ Shorter duration of stay</li> <li>▪ Lack of social cohesion</li> <li>▪ Autonomy</li> </ul> <p>Tenants are unwilling to invest in, but willing to pay for, services.</p>	<p>Live-in landlords have greater incentives to invest as they share the same environment, if not infrastructure, as the tenants.</p>	<p>Absentee landlords do not have to tolerate poor living conditions or share any benefits of upgrading the dwelling and immediate environment.</p>	<p>Complex politics surrounding slums acts as a disincentive for governments and public utilities to invest in infrastructure. Investment in slums may result in regularising the inhabitants (sometimes on valuable land) where the government saw other uses for that space (including selling it off). Complex environmental and technical issues (irregular layouts, re-housing, marginalised land). Investing in infrastructure in slums is likely to carry opposition by powerful actors; so in many cases the status quo is easier.</p>	<p>Toilets and water kiosks are seen as profitable businesses. Good incentives for private operators to meet demand where public facilities are not in place.</p>
	<p>High demand and fast turnover will act as disincentives to improve the unit or infrastructure. Landlords are likely to be averse to investing too heavily in dwellings in informal areas to stay ‘under the radar’ of the authorities (i.e. to avoid repercussions such as tax, rent control, regulation compliance or repossession of the land if seen to be operating profitably). In some cases landlords also own local standpipes and ‘public’ toilet facilities. There is little incentive for them to encourage state provision of these services, as they would be in direct competition with the services they provide. Space is also at a premium, and any space dedicated to infrastructure may mean loss of rental space.</p>			

*Compiled from Kumar (2001)<sup>3</sup>, Gulyani and Taukdar (2008)<sup>4</sup> and Scott (2011).<sup>6</sup>*

**2.2. Incentivising landlords – carrots and sticks**

The challenge of incentivising landlords is how to encourage investment in the housing stock without the landlords sequestering the benefit directly for themselves or compounding the insecurity of the tenants. The fear is that changes in the housing stock may impact negatively upon the tenants as they may become vulnerable to eviction, either directly or because of unaffordable rent increases.

Experience of working to incentivise landlords has had mixed results. Several of these involve brokering relationships as detailed below:

“ The challenge is to encourage investment in the housing stock without landlords sequestering the benefit ”

**Landlord sequestration of toilets** - In Naivasha (Kenya), WSUP subsidised the construction of shared latrines in tenanted areas. Here absentee landlords were required to contribute approximately 60% in cash or in kind, compared to 40% for live-in landlords.<sup>10</sup> In some cases this model is working very well: tenants have 24-hour access to a clean toilet, and rent has been raised modestly to cover the costs of this service. In other cases, live-in landlords were reserving the newly built latrines for their own use leaving the tenants to either use the unimproved facilities or none at all, or charging them (and passers-by) on an expensive pay-per-use basis. WSUP organised round-table meetings to explain to the landlords the bylaws and the tenants' rights and obligations; this led to tenants gaining access to the sanitation facilities. In other ACF locations, WSUP brokered agreements among local authorities, landlords and tenants to achieve consensus on who can use the facilities (i.e. public or community use; Nairobi) or to generate project buy-in (Kumasi and Maputo).

**Penalties for poor living conditions** - In Antananarivo, WSUP initiated a dialogue with local authorities advocating on behalf of tenants for rental housing bylaws. As a result, the Mayor adopted a communal decree (validated by the city council) whereby landlords should provide sanitation facilities for their tenants. The local authority (fokontany) and WASH committees are responsible for the decree's enforcement and monitoring latrine construction. Landlords can be fined for non-compliance, and the fines used to buy a SanPlat slab for the household.

**Landlord investment** - In Mukuru, a high-density informal settlement in Nairobi, Kenya, the European Union partnered with Practical Action and the Nairobi City Water and Sewerage Company (NCWSC) to improve water and sanitation services.<sup>11</sup> This interesting non-WSUP project engaged landlords to build blocks of 2-4 toilet seats (Stand Alone Toilets; SATs) for households on a single, or neighbouring, plots. Participating landlords typically had to give up space equivalent to one house unit to accommodate the SAT and contribute 12.5% of the construction cost. The remaining households within the plot incur an approximate 10% rent increase for use of the SAT. The user cost theoretically works out cheaper than paying to use public facilities. Problems encountered in the Mukuru project included difficulties in convincing landlords to agree to the proposal: there are a significant number of absentee landlords in Mukuru with no personal incentive to sacrifice a rental unit. Secondly, the need to displace a tenant was a potential source of tension. Finally, the inequity between landlords and tenants could potentially be compounded, as this project in effect subsidises the construction of what is ultimately a new source of revenue for landlords. These social dynamics are delicate and have long-term implications, and as such warrant monitoring to glean valuable lessons learned.

**Finding the right incentive** - In a community slum upgrading project in Nairobi's Huruma settlement, the NGO Pamoja Trust adopted a brokering role to redress the tenure imbalance.<sup>12</sup> An agreement was reached between tenants, landlords and Nairobi City Council whereby infrastructure owners were required to give up some of their units in exchange for a land title and investment in the units they retained. The Pamoja Trust adopted an inclusive approach, recognising and advocating the rights of tenants as part of a wider slum upgrading initiative. A significant achievement of the process was the inclusion of both tenants and landlords in the upgrading process, with equitable results for both groups. Nevertheless, getting the landlords on board was critical, as other agreements under the same project stalled due to lack of support from landlords.

These experiences imply that a 'carrot and stick' approach is likely needed to incentivise landlords. On the one hand, market theory suggests that better infrastructure is likely to lead to increased rents. In the case of infrastructure that occupies the space of

## “Market theory suggests that better infrastructure is likely to lead to increased rents”

a potential rental unit, the landlord would need to see how the infrastructure could compensate them in other ways, either through direct revenue, or (as in the case of the land titles of the Pamoja Trust) a separate incentive. There is some evidence to suggest that tenants may be unwilling to confront their landlord to request improvements, for fear of reprisals or eviction. To achieve change that is genuinely beneficial to tenants, it is essential to identify incentives attractive to landlords, especially if they live elsewhere.

On the other hand, in many countries, by-laws stipulate basic services requirements in rental accommodation. It is the local authority's duty to ensure that landlords comply with the relevant laws; but in informal and low-income settlements enforcement is at best very weak. It is difficult to draw generalisations as these dynamics tend to be context -and landlord- specific; however, the transience of the population, the nature of the settlement, and the number of landlords are likely to affect shared interests and social cohesion of the tenant population. In the case of multiple landlords, tenants are often claiming rights from different landlords; with no legal framework this situation does not lend itself to generating shared interests between tenants.

Additionally, changes in the real estate market can negatively impact tenants; care must be taken not to compound their insecurity further. Third-party brokering between landlords and tenants, and advocating for tenant rights may provide cohesion to the tenant voice and be an appropriate mechanism to manage potential negative effects on the tenant population. If residents learn that there is the will (carrot) and power (stick) for service provision, overcoming the resistance of the landlord may become easier.

Identifying the right balance of 'carrot' and 'stick' for any given context calls for dialogue and improved awareness around the needs and (vested) interests of the key players (landlords, tenants, service providers and public authorities). One lesson emerging from the ACF experience has been that some level of brokering at various stages of project implementation is often necessary to facilitate progress: from identifying appropriate land, construction, ensuring equitable access or handing over management of infrastructure to local committees. Identifying an organisation that is best placed to identify these incentives and then to broker these relationships is likely to involve looking outside the water and sanitation sector: for example, to organisations specialising in housing and urban regeneration. In places where this type of entity does not exist, staff from water- and sanitation-centred organisations like WSUP may need to adopt this brokering role.

### 2.3. Identifying appropriate service models for different tenure profiles

WSUP works in areas with high tenancy rates, mixed occupancy, and owner-occupier situations, areas which raise diverse challenges for service delivery (Table 2). The above section considered how to incentivise landlords. But, to engage other stakeholders, appropriate and workable service delivery models are needed. Do different interventions work better for different tenure profiles? Below, we consider how different service models match up with the range of tenure profiles seen in WSUP programmes:

**Tenant-friendly tariffs and service delivery models.** For high tenancy areas, services that are provided on a pay-per-use delivery model are effectively tenure-neutral i.e. users are able to access the service upon payment regardless of their tenure status, without prior investment.<sup>b</sup>

<sup>b</sup> This is also true to some extent of the Uniloo Clean Team project in Kumasi, Ghana although tenure issues are encountered when within-plot infrastructure comes into play. The project found that they had to modify their strategy and visit dwellings when the landlords of mixed occupancy plots were present. Tenants needed the landlords' consent to place the Uniloo in a communal space before signing up to the service. In cases where the landlord lived elsewhere, it was the tenant who was best placed to contact the landlord to seek approval.

Pay-per-use multi-household service contracts are another mechanism to manage access to services. Experience from WSUP programmes suggests that multi-household service contracts are susceptible to disputes or failure if one household backs out or does not pay their agreed share. This is the case in the privately operated multi-household social connections in Sandandran, in Antananarivo, where one tap is shared between four to five households and all are responsible for the total water bill.<sup>12</sup> Furthermore, multi-household service contracts such as a connection to water mains require an initial shared investment between several households. Lack of social cohesion that can characterise high tenancy areas may exacerbate potential disputes. Maintaining autonomy may be a necessary coping strategy for tenants or transient populations, where paying a premium for services could be preferable to being tied into a contract or a fixed asset. One example of a more 'tenant friendly' multiple-household tariff structure can be found in the Clean Team model in Kumasi. The Clean Team charge a range of rates for different frequencies of toilet emptying services – if a household backs out of the contract, the other households can, in theory, simply drop down to a lower emptying frequency and hence lower the tariff.<sup>c</sup>

**Investment in household infrastructure.** In areas of majority owner-occupiers with secure tenure (i.e. no fear of eviction), incentives for investment are often good and favour investment in household infrastructure. In the WSUP programme areas of Karagita and Kamere in Naivasha (with mixed owner occupiers/tenants and clear ownership), substantial investment has been made to create discrete water supply systems in the low-income settlements, to supply local water kiosks targeting 25,000 users. These systems are based on a model of private operators and public assets. Prior to this, residents purchased their water from informal water vendors. For sanitation, in Naivasha as in Xipamanine in Maputo (compound housing with multiple families and few tenants), marketing approaches have successfully targeted owners to invest in on-site systems. What is less clear is the impact of these interventions on the minority tenant group.

It is important to note that gender dynamics can compound inequitable access to basic services, in situations in which residents' ability and willingness to pay for services, and their ability (both in terms of social acceptability and time commitments) to participate in WASH committees who make decisions on their behalf, may be limited. Also, there are numerous competing demands on a very low income, and therefore tariffs will often not be sufficiently low for the very poor (Box 4). Large-scale investment is unlikely in these cases: instead, community mobilisation, promotion of hygiene behaviours and shared infrastructure may be appropriate steps to improve the health of, and offer greater dignity to, the poorest members of the urban community.

<sup>c</sup> In the case of multiple households sharing a Uniloo, households will manage access, use and chemical maintenance between themselves. In practice, despite the flexible tariff, the Clean Team may lose clients if one household backs out of a multi-household agreement.

**Box 4: Antohomadinika Sud (CUA) Tana**

*Felana has lived in Antohomadinika Sud for the last twenty years. She lives with her three family members. Like most other residents of the settlement, her home is a four-square-metre shack made out of wood. The settlement is very dense: shacks are built close together with only a few narrow passageways that wind through the settlement. Flooding is an ongoing problem. Felana buys water from the WSUP water kiosk nearby; before this was constructed she walked 15 minutes to the nearest standpipe. For their toilet needs, Felana and her family use a bucket at home. Once a day the bucket was emptied at the public toilet block a 5-minute walk away. This solution provides convenience, some privacy and minimised costs with only one daily payment for using the toilet block for the whole family. The landowner collects rent every month based on the footprint of the shack. Felana hopes one day to own those four square metres herself. When she can, she makes additional down payments to the landowner towards buying the land.*



The Settlement

**Table 2**  
Challenges of  
settlements with high  
tenancy rates.

	Water	Sanitation	Solid Waste Management
Space availability & willingness of land owner to make space available	✓	✓	✓
Location of public facilities		✓	
Contractual issues (requiring landlord agreement)	✓		
High density	✓	✓	✓
Ownership of the infrastructure/administration procedures	✓	✓	✓
Poverty & ability to pay	✓		✓
Willingness to invest		✓	✓
Lack of social cohesion (individualistic; mix of ethnic groups; neighbour disagreement; sharing responsibility)	✓	✓	
Cultural beliefs/taboo		✓	

One can question to what extent current pro-poor service provision strategies take differences in tenure profiles into account. What is the role of service providers in this regard, and how can external organisations support this? As described above, a greater degree of flexibility in tariff structures may make formal service provision more accessible to residents, where the type and nature of the service provision needs to be appropriate to the tenure profile and investment incentives of the residents. Organisations like WSUP can play an important role in highlighting these differences, and reinforce the capacity of service providers and local authorities to respond to the tenure profile appropriately.

“Uncertainty of ownership can mean that that facility management handover is rushed”

#### 2.4. Land availability and service provision

Sourcing viable land for urban services is the second core challenge that tenure issues present. Whilst WSUP does not engage directly in brokering land arrangements, the constraints around land are clearly key to achieving project objectives. This is particularly relevant for the additional space needed for processing and treatment of faecal waste and for solid waste management activities. The points below consider the challenges and experiences of land availability.

#### 2.5. Uncertain land ownership

WSUP's experience suggests that in essence it is the feasibility of achieving clarity on ownership, and acceptance from all stakeholders, that really matter to get the “green light” for projects. The concept of ‘ownership’ can be ambiguous and entrenched in political and historical land arrangements where competing claims to land introduce uncertainty. Uncertainty of ownership or disputes over land boundaries can, in turn, impact on project timelines. In practice this can mean that the time dedicated to facility management handover is reduced or rushed at the end of a project. The points below consider WSUP's experience of working with uncertain land ownership:

**Engaging with land authorities** - Where land arrangements are tenuous or subject to political bias, it can be hard to verify authenticity of ownership, resulting in uncertainty over the longevity of constructed infrastructure. Gaining approval for construction may be reliant on personal relationships and trust, which can take time to develop and be tenuous in themselves. In Tana, WSUP has developed a good working relationship with the local authorities. WSUP responds to the needs identified by the local authorities and works together to identify land that would be suitable to host a public standpipe or sanitation block. By engaging with the land registry, WSUP has a list of legal documents needed for different situations. Furthermore, because the infrastructure is in response to their demand, the onus of responsibility for clarifying land disagreements lies with the land authority. This, in turn, brings into question the role, capacity and willingness of the land authority to support the development activities.

**Working with intermediate organisations** - Other urban actors may be more experienced or better placed to initiate and manage land negotiations, such as those supporting the wider challenges of urban poverty or informal settlements. In Maputo, WSUP has a service contract with a community-based organisation to facilitate the water connection process for households in all of the four bairros in which WSUP is working. Paperwork requirements can be complex, especially where the documents that do exist may not reflect the current situation. The CBO is tasked with supporting residents in resolving administrative issues and liaising with the utility to speed up the process.<sup>4</sup>

#### 2.6. Sourcing appropriate land

Finding appropriate land in high-density urban environments can be challenging, especially with limited planning capacity to manage the rate and dynamism of informal expansion. Furthermore geographical and environmental conditions of marginal or inappropriate land compound these challenges. Here, we consider the challenges of sourcing land for service provision:

**Appropriate versus available land?** Politicians, landowners, town planners, residents, operators and users are all likely to have differing priorities and requirements as to where infrastructure is located. In WSUP's programmes, project stakeholder committees share the responsibility of identifying appropriate land. However, these decisions can be heavily biased: political pressures or available space may override what is considered appropriate for the user and host community. Siting infrastructure in the wrong location is likely to impact on the long-term sustainability of the service.

<sup>4</sup>The land is technically owned by the state and the CBO is tasked with working with the local authorities to issue a proof of residence to households. Whilst this does not confer any legal rights to the household, it enables a water connection to be made to the property.

“ There is an inevitable trade-off between finding available and appropriate land for communal facilities ”

In Tana, some WSUP public facilities were sited on available public land that was not convenient for all users and therefore affected the number of actual users. Now WSUP, working closely with the local authorities, follows a procedure to identify appropriate land, rather than what is simply available.<sup>14</sup> In 2009-2010, this procedure was used to identify water kiosk locations. From 31 viable potential locations, 26 were on private land<sup>14</sup> – locations that prior to this process would not have been considered. ‘Not-In-My-Backyard’ dynamics or cultural beliefs can also be powerful forces capable of halting a project in its tracks. There is an inevitable trade-off between finding available and *appropriate*; but balancing stakeholder interests and assessing demand are key requirements in finding the optimal location.

**Space requirements** - Politicians, landowners, town planners, residents, operators and users are all likely to have differing priorities and requirements as to where infrastructure is located. In WSUP’s programmes under ACF, project stakeholder committees shared the responsibility of identifying appropriate land. However, these decisions can be heavily biased: political pressures or space availability may override what is considered appropriate for the user and host community. Siting infrastructure in the wrong location is likely to impact on the long-term sustainability of the service.

### 3. Recommendations for programme managers

This final section provides recommendations for programme managers about how to work with and respond to the challenges that tenure issues present in water and sanitation programming and implementation. Tenure and tenancy issues are entrenched in political and contextual dynamics, and resolving them will typically require enforceable commitments by the various stakeholders involved in service delivery (including householders). These recommendations are thereby given with the aim of encouraging reflection, and seeking a better understanding of these issues in the local context and early on in the design of interventions.

**Identify the tenure mix of project areas.**<sup>e</sup> It is important to determine the tenure mix of the target population, and to clarify the aims of the intervention with respect to tenure: for example, is the intervention primarily aimed at tenants? The investment incentives of the key stakeholders have to be identified: as this Topic Brief has discussed, tenants and landlords may not share the same incentives to invest in basic services. Programmes should work with all stakeholders to develop appropriate service contracts and tariffs for equitable services.

**Enable dialogue between the different parties** (tenants, landlords, public authorities) to broker these relationships and raise awareness around the challenges and barriers to service provision. If there are other actors who are effectively brokering these relationships already, these must be identified, as changes in the social dynamics may impact negatively on the more vulnerable.

**Incentivise landlords with both ‘carrots and sticks’.** Within the wider framework of brokering the relationships between the key players, what types of incentive are most appropriate and most likely to induce change in each group of actors? Programmes should consider partnering with non-WASH organisations that are experienced with the wider issues of informal settlements.

**Reinforce the strategic capacity of the municipality and service providers.** Specific gaps in urban planning capacity must be identified wherever possible. These gaps can be best addressed by working with a broad range of stakeholders to develop an appropriate strategy for the specific challenges. By working with service providers, programmes can effectively design and strengthen pro-poor tariffs and policies that take into consideration tenure issues.

<sup>e</sup>Such analysis should include, for example, ratio of landlords to tenants; live-in or absentee landlords; gender balance; age of settlement; length of stay.

**Think 'providing services' rather than 'building infrastructure' for the urban poor.**

Identifying opportunities that can be scaled up can in turn strengthen the capacity of service providers and governments. These should be supported wherever possible to create comprehensive service value chains that are appropriate to the tenure mix and land ownership arrangements of the target population. Service providers need to be encouraged to mobilise strategic financing for the full chain of activities, as opposed to engaging in ad hoc interventions. Programmes should, where needed, allocate time and budget for research into appropriate technologies.

**Support service providers in finding appropriate land** fully and early in project timelines. What is deemed appropriate land for one stakeholder may not be appropriate for all, and land that is simply available is not necessarily suitable. The broad stakeholder community must be engaged in order to build awareness and understanding of land tenure challenges along the whole sanitation services value chain.

In summary, this Topic Brief has discussed how the dynamics of tenure and tenancy underpin the incentives and priorities of the major stakeholders in improving basic services. The poor living conditions of low-income settlements with high tenancy rates are a result of a lack of investment by all parties. Lack of adequate space for basic services is a result of informal urban development that exceeds the capacity of town planning. Tenure and tenancy dynamics can be complex and strongly rooted in political and historical underpinnings. Understanding how these dynamics influence different programme options is key to developing appropriate basic services for the urban poor.

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