

Squatter Settlements

THE PROBLEM AND THE OPPORTUNITY

PREPARED FOR THE AGENCY FOR INTERNATIONAL DEVELOPMENT

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SQUATTER SETTLEMENTS
THE PROBLEM AND THE OPPORTUNITY

by

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FOREWORD

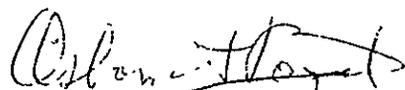
The IDEAS AND METHODS EXCHANGE SERIES of publications was initiated by the Division of International Affairs, Department of Housing and Urban Development. Its purpose is to present, in concise form, ideas or useful experiences that will help the Agency for International Development and its housing and urban development advisors tackle the many problems faced in developing countries.

One of the most difficult and challenging of these problems is what to do about squatter populations which build their shacks by the thousands on illegally occupied land in the major cities of the developing countries.

Economists, planners, architects and students of the problems of urbanization in the developing countries are becoming increasingly aware of a squatter problem in the barriadas, the favelas, arabales, tugurios, bidonvilles, etc. The more they study this problem, the more aware they become that despite their disorder, these squatter communities are not always undesirable, but if guided and helped can often supply constructive examples of free enterprise at work. In approaching the problems of squatter communities, it is a mistake to assume that all the families are of the very lowest income groups, since many of them can afford to buy houses if reasonable mortgage finance terms are available. The people wish to improve themselves, both economically and socially. As Professor Emrys Jones of the London School of Economics says in his recent article on "Urbanization in Venezuela": "Most 'ranchos' were built by those who live in them. They are not expressions of despair, but of hope and activity and courage; whereas society in a Western slum is often fragmented and disintegrating, all the evidence points to a high degree of organization and consciousness of neighborhood in the barrios."

The Agency for International Development is becoming increasingly concerned with the problems of urbanization in the developing countries. Therefore, with assistance of the Division of International Affairs, HUD, it has commissioned Professor Charles Abrams, internationally known housing expert to make a study of this subject. Mr. Abrams' recent book, "Man's Struggle for Shelter in an Urbanizing World", which has been favorably reviewed by Barbara Ward, the World Bank, and "The Economist" is probably the most comprehensive review of urban and housing problems in the developing countries which has been published to date. The Abrams study which follows, includes not only a review of the development of squatter communities, but also makes possible and practical suggestions as to means of improving and correcting such conditions.

As the first over-all study of the squatting problem, it presents a number of fresh hypotheses which students of the subject may use as a basis for further research, both on the general situation and on the particular problem in individual countries. Recommendations will not apply to all countries in the same way, but in bringing together the limited experience and knowledge available, the paper presents a challenging summary both for students and officials concerned with the problem.



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Part I

The Problems and Methods for Dealing with Squatter Settlements

THE PROBLEM

One of the most vexing problems confronting many of the developing nations in the world today is the illegal occupation of land. This is generally known by the term "squatting." Its most frequent causes are the great increase in national populations, the surge of people toward the cities, and the incapacity of the affected nations to meet the needs of urban growth by providing the land and housing needed to accommodate their urban newcomers.

To secure footholds in the cities, millions of people, in violation of law and ownership rights, have seized land and erected makeshift dwellings. In the cities of the newly emerging countries, squatter settlements are to be seen on hillsides, parks, roadsides, on unplanned land on the urban outskirts and even on valuable land in the cities' centers. As more people pour into the cities and appropriate land, governments are finding it more and more difficult to dislodge them or to protect private owners whose land is being taken over.

The shelters erected by the squatters generally violate legal regulations as well as the most minimal human standards; they are often a chaos of densely-occupied hovels lacking the most rudimentary utilities; they are generally fire hazards as well as menaces to health; and since the squatting involves seizure of private as well as public property, it challenges the status of governments as agencies for maintaining order and law. Even more serious is that mass squatting often occurs in the capital cities and other sensitive centers of the less developed nations, where protection of property rights is essential to economic investment and growth. As the squatters continue to increase their numbers, their influence and resistance to ouster grows, and as officials demonstrate their inability to grapple with the issue, still more immigrants move in to take advantage of official helplessness or acquiescence. The squatting situation has begun to affect not only the physical development of these nations but often their economic and social stability as well.

EXTENT OF SQUATTING

The pace and volume of squatting has increased enormously in recent years. To cite two examples: Metropolitan Lima's population totalled 614,000 persons in 1940 and 2,079,000 persons in 1963, representing a 239 percent increase. But from

1940 to 1960, the number of squatters in Peru spurted from 45,000 to 958,000, or an increase of 2130 percent. In 1946, there were 23,000 squatters in metropolitan Manila; by 1963 their numbers had grown to almost 283,000, -a fifth of the city's population-and by 1980 there will be an estimated 800,000.¹

These are not exceptional cases. Squatters make up almost half of the population of Ankara, more than one-fifth of Istanbul's population, and almost one-fifth of Izmir's. In Davao (Philippine Islands), squatters have appropriated the whole valuable parkway running from the city hall to the retail center. In Caracas, Venezuela, the squatters numbered, according to official figures, more than 263,000 in 1962,² with unofficial estimates going as high as 400,000. Squatters would thus constitute about 35 percent of Caracas' population. In Maracaibo, Venezuela's second largest city, 50 percent are squatters. Cali, Colombia, has a squatter population that makes up about 30 percent of its total population; in Santiago, Chile, squatters represent an estimated 25 percent of the population; the proportion is about 25 percent in Taipei, Taiwan, 15 percent in Singapore and more than 12 percent in Kingston, Jamaica. About 150,000 squatters live in Delhi, India, about 90,000 of whom are on public land. In Karachi in 1958, the squatter population reached as much as one-third of the city's total, though this has diminished sharply since Karachi's extensive housing program was instituted. Squatting is manifesting itself even in the capital cities of such preponderantly agricultural countries as Kenya.

A problem of this magnitude should place it among the top priorities in the consideration of governments. But there have been few studies of the practices and



Squatters in Lima, Peru.



Organized "Squatters" Area in Lima, Peru. (Note rights-of-way and wiring)

implications of squatting and few countries have been able to formulate programs for dealing with it.³

POLICIES FOR DEALING WITH SQUATTERS

Though there are many differences between past and present types of squatting, there are some basic inferences that can be drawn from history. One is that when a rural frontier exists, it can serve to cushion some of the impacts of urbanization and its squatting by-product. This was undoubtedly one reason for the fact that the torrential immigration into the United States resulted in so little urban squatting. This is of particular relevance for Latin American countries which suffer from an urban squatting problem, but which still have agricultural frontiers to be settled. Policy which encourages agricultural settlement -- whether by homesteading, preemption rights, subsidization, or other devices -- must therefore be viewed as vitally related to the urban squatting problem and should be part of any program for its alleviation. Whether a nation's agricultural policy should also take the form of Mexico's which broke up the old haciendas, or of Puerto Rico, which acquired and redistributed land to smaller holders, is beyond the subject of this paper. It might be noted parenthetically, however, that though 60 percent of all Latin Americans are in agriculture, almost 80 percent of the cultivable land is in the hands of 5.5 percent of the landowners.⁴ In this respect the failure to break open the rural frontier for the masses of people, will contribute to the intensification of the drive against the urban frontier.

While sound agricultural policy, however, will reduce, it will not eliminate either urban squatting or the mass descent upon the cities. Farm mechanization calls for investment in tools and machinery and requires fewer hands than before. The rate of population growth, the differentials in income between rural and urban workers, industry's need for labor and the attractions of city life are other factors which are bound to enforce continued urban in-migration. It will be particularly heavy in Asian, African and Latin American cities whose populations will probably double in the next 35 years. Asia's towns are growing 400 percent more rapidly than Europe's.

Squatters in Manila - North Harbour. This area was cleared of squatters on January 17, 1964.
(Courtesy of F. Abesamis)



This leads to the second inference derivable from the past, namely that possession, even when illegal and tenuous, will ultimately win legalization when it asserts a moral claim that is backed by the pressures of numbers. Since this appears inevitable on the urban scene, it is best to lay down a definite policy on squatting, whether that policy aims to prevent, control, contain, direct, or assist squatting. Which of these policies is best depends, of course, on the particular situation in each country. But a policy vacuum will usually precipitate or accelerate squatting and add to the presently gathering chaos with all its political and social by-products.

In this connection also, a reference to the homesteading policies of North and South America, Australia, New Zealand, and the French colonies is appropriate. A homestead is a parcel of land granted to a settler on condition that he live on it, cultivate or otherwise use it as a means of earning his livelihood. The primary aim of homesteading policy has been to settle populations on unoccupied territory but other motivations include the reduction of poverty, insuring a more equitable distribution of wealth, allaying discontent in populated centers and providing for a better distribution of surplus population.

Similar motivations of a sort might apply to some of the squatter "homesteads" in the urban areas of the developing world. In an urban society, one of the forms of wealth produced by the urban newcomer is the shelter (including the capitalized value of the income that can be derived from its letting). While ownership of such urban "homesteads" may not eliminate poverty, it can hold it down, dispense with rent payments, provide a vehicle for the better distribution of wealth, as well as create an original wealth form through the settler's own labors or through the hire of another. Creation of this type of commodity is particularly important in areas where there are labor surpluses and where subsistence wages permit no other way for the poor to accumulate savings. Land distribution in urban areas would have a social purpose in that it can diminish discontent in populated centers and, if employed under a purposeful plan aimed toward a better distribution of population, it can also reduce population surpluses in some areas and induce population settlement where desirable.

In this sense, a squatter resettlement program can dispense with the quotation marks in the term "urban homesteading" and if wisely administered, might achieve at least some of the political, economic and social objectives which once prompted the rural homesteading policies.

CONSIDERATIONS UNDERLYING POLICIES FOR SQUATTER RESETTLEMENT

Recommending uniform policies on squatting is risky because of the dissimilarity in the conditions of countries. Some nations are pitifully poor, others lack the administrative skills, the political stability, the financial mechanisms or the materials with which to launch housing and land settlement programs and see them through. Moreover, the justification for government aid to squatters varies with the circumstances that impelled the squatting or which countenance it.

A second difficulty is that there is no consensus on how much of a nation's limited resources should be devoted to its housing problem. There are some who think that public expenditures for housing should be postponed until there has been an increase in general productivity -- houses should therefore be built only in exceptional cases, as when an industry is established in a remote area and housing is a prerequisite to the migration of its workers. There are others who believe that expenditures should be made only for the middle and upper-income groups who can

afford the going costs. In fact, considerable amounts are being spent on the building of just such housing and while some economic benefits are ascribed to it, it is of little benefit to the masses and no solution of their housing problem.⁵

Whichever position one may favor, one thing is certain -- where the implications of squatting have been ignored -- it has tended to mushroom and has asserted its own claim to high priority. It is already a major social and political predicament which officials feel they must deal with realistically if their cities and their political controls are not to be overwhelmed. The solution, however, baffles them and the practical questions on which they seek guidance are: how to discourage squatting, how to deal with the squatting that exists, how to control its spread, and how to direct the flow of squatting into more useful channels.

There are no categorical answers and no sovereign remedies, but there are a few principles that might be of help in relevant situations.

Engaging the squatter problem effectively involves proper urban land allocation. It is also involved with housing policy and with the provision of services and utilities. Singapore and Hong Kong offer two examples of extensive house building as a means of alleviating the squatting problem. Santo Tomé, Venezuela, is a current example of a country allocating land for settlement in a new area partly as a means of diverting squatter development from its central cities and partly to direct squatter movements into prescribed sections of a new city. There are a number of countries that have allowed squatter development to take place without any defined policy but which are now trying to deal with the problem after the fact. Pakistan, Turkey, and a few countries in Latin America are examples. Elsewhere, there is no defined policy on squatting although some housing is being built for groups other than squatters. Israel exemplifies a country that has held down squatting by devoting considerable resources to housing and to new town building concurrently with the promotion of its economic development. Kenya provides an example of an agricultural country whose capital city is the scene of incipient squatting but in which there is a skillful housing agency actively attempting to deal with the problem before it spreads.

Although there is a feeling in most countries that a policy must be made on housing, including its squatting aspect, policies have generally been ad hoc and inconsistent. These actions have taken various forms -- squatter evictions; self-help or other rehousing schemes; acquiescence in existing squatting and even in new settlements; resettlement schemes; installation of services (minimal or extensive) in existing squatting areas; and outright legalization of possession by granting title or making a leasing arrangement. Not only is there no uniform policy discernible among nations, but there is often an inconsistency of policies within an individual nation. Policy may fluctuate with the pressures and counter-pressures, and alternate with the sympathies and antipathies; it may respond to the force of law or collapse under the law of force. In some places, the colonies are already so large as to leave no choice but to grant special concessions to the squatters. Elsewhere the colonies are still small and the squatters may be moved to other areas with little difficulty. In still other places, the grant of concessions to squatters may signal a mass descent by those seeking the rewards granted to others. There will also be different policies for squatting on private property than on public land. Squatting on private property may provoke stern action while squatting on public land may be tolerated except where the settlements are on central city land required for essential city development.

Refugee children in Hong Kong - a "dwelling unit." (Courtesy of the United Nations)



Dwellers in shacks jammed against walls of buildings in Hong Kong. (Courtesy of the United Nations)



A comprehensive approach to the squatting problem requires consideration of eight specific aspects of program and policy. These include: (1) survey; (2) general policy; (3) planning; (4) land policy; (5) housing policy; (6) legislation; (7) administration, and (8) financing. All of these classifications are interdependent and each category in turn needs to be subdivided into components: land policy, for example, would entail the inventorying of land resources; determination of occupied and unoccupied land for essential uses; protection of land against further squatting; setting policies for land regulation, compulsory purchase and taxation. Other aspects of program and policy should be similarly divided into components. The following general principles (with variations for the circumstances of each specific case) may serve as a rough guide.

SOME GENERAL POLICIES FOR SQUATTER RESETTLEMENT

Squatting policy as well as housing policy, land allocation, provision of transport and services should all be included as part of the general economic planning policy of the country as well as of its local planning and development programs.

Squatting on private property should be viewed as having more serious implications than squatting on public lands. Tolerance of such seizures reduces the confidence in government and threatens the breakdown of law and property rights. A firm policy by government to remove squatters settling on private property should be announced in advance and firmly implemented. The government should be prepared to back up the orders of courts and establish a summary procedure for a determination of rights. Where, however, the squatting on private property is extensive and of long duration, it may have to be treated as part of the general program for resettlement of squatters. In some cases, this may entail public acquisition of the property with compensation to the owner and moving costs or solatiums to the occupants.

The squatting problem should be viewed as more than a mere contest between law and lawlessness. Though squatting is illegal, a strictly legalistic attitude toward the settlers will not generally resolve the squatting problem. Often the squatters had no alternative and had they been given one, they might not have flouted the law. Sometimes in fact they may have actually been encouraged to squat by government acquiescence. Many squatters can be induced to build or arrange for building their own shelters if given a reasonable opportunity to do so and if they are provided with land.

Prevention of squatting (or of increase in squatting) should be a primary aspect of policy. Much squatting can be avoided by anticipating population movements and providing for them. Wherever squatting is inevitable, accessible land should be designated on which settlement is permitted. Such land should be laid out in plots, supplied with utilities, and designated as the future areas of settlement. The designation of specific areas of land on which families may settle legally, weakens the justification for illegal settlements and for other invasions of private or public property rights.

A master plan should be drawn for each city, showing the city's total land resources and the availability of some of this land for settlement and resettlement. Transportation routes should be marked out. Sites for schools, open spaces, services and utilities should be defined for a staged development of the areas to be settled.

Varying arrangements may have to be made, depending on whether the site occupied by a squatter colony is ameliorable or is unameliorable. As part of any

survey of the problem, a study should be made of all squatting areas and a determination made as to those which are to be demolished and those which are to be improved with water, transport and roads, schools, services and utilities. Although different policies may be made for the different areas, concessions should not be made to one group which cannot be matched by concessions to others similarly situated.

Where concessions are made to the squatters, the land may either be sold or leased with a right to purchase upon completion of the structure, or upon continued occupancy for a prescribed period. Terms may be made for the payment of the land cost by installment. Where subsequent speculation in squatments is anticipated, the terms of sale may also include provisions against resale within a prescribed period or, in the alternative, repayment in full of the public outlays. These terms will vary with the country and the situation, but terms should in all cases be realistic, not overly-harsh or arbitrary. Some profits can be expected to be made by squatters, either through sublettings or resales, and few agreements can hope to prevent this altogether or protect against all possible evasions.

When moving squatters, alternative shelter or land as well as aid for purchase of materials should be provided in advance of the site clearance action or the squatters may simply shift their locations from one illegal site to another. Provision should also be made for technical assistance to improve construction standards and sanitation.

When a plan is made for resettling squatters, the land chosen should be suitable for resettlement and be near work locations or be simultaneously supplied with suitable transportation to reach such locations. Squatters should be resettled in localities where they can find employment or at least subsistence. Unavailability of employment will only force them again to seek their own footholds and make them more resistant than ever. The aim of government in a resettlement scheme should not be to reap the "best bargain" from the operation, but to aid the squatters in their settlement or resettlement and to assure the social and physical improvement of the neighborhoods which are designated for them.

Resettlement of squatters should not be attempted hastily or in a single operation. The process can be speeded only after some successful example of resettlement gives further promise of achievement. Resettlement schemes that bring frustration to the settlers generate suspicion, encourage deeper entrenchments into existing footholds, and spur resistance to displacement. Dealing with a representative committee selected by the squatters will often facilitate negotiations.

One successful clearance weakens the hold of squatters in other areas. If stern clearance action is indicated, therefore, it is often best to select an area for the first clearance where the moral case for squatting is minimal, as where speculators or well-paid civil servants are prominently involved.

Formulation and execution of a squatter policy requires a concerted effort at all levels of government. When squatting is extensive, coping with it may entail investment of sizable public funds and the allocations of land for settlements. The policy will require freedom from political interference with those trying to do the job. A liaison between the industrial development agency and the resettlement and housing agencies is especially important. Areas close to industry are generally where squatting is most likely to occur. Such settlements should be anticipated and land siting and squatter policies should be made in advance of the industrial settlement. The support of civic groups, the enlightened citizenry and the press can often spell the

difference between success and failure. The cooperation of industry's leadership and of legislators (including those representing squatter areas) should also be solicited.

An agency should be designated to be responsible for the task. This agency should be authorized to establish the proper liaison with the other agencies involved (such as the city, the social welfare administration, agencies concerned with rural resettlement, housing, industrial settlement, financing, etc.). This does not always mean adding another government agency and loading it down with staffing. It does mean that some agency (often the existing housing authority) should be specifically vested with the responsibility, whether it be a new or an existing one, and that it be given explicit authority for dealing with the squatter problem.

A squatter settlement on a tidal swamp in Puerto Rico.
(Courtesy of the Government of Puerto Rico)



Legislation may be necessary to define the duties and responsibilities of the resettlement agency, its relationships to the other official agencies and the requirement for cooperation. Such legislation should also grant express powers to the agency, including the power to evict, resettle, lease or acquire property and make satisfactory arrangements with squatters, owners and others. Judicial powers may be conferred upon the agency in areas where courts have not been able to function. The legislation should carry adequate appropriations for the task.

A competent staff should be recruited and trained for the job. Specific plans should be made for working out and executing phase programs for removal of squatters and their rehousing or resettlement as well as for assisting squatters in their rehabilitation where necessary.

SUGGESTED STEPS IN A SQUATTER RESETTLEMENT SCHEME

As part of the program, the following steps are suggested -- again with variations for each special situation:

(a) A squatter census should be undertaken to secure information on family structure and accommodations, type of location of employment, earnings, age, training, and experience. One of the aims of the census should be to find out which squatters are casualties of the land and housing problems to whom the government has an obligation, and which are trouble-makers and professionals trying to cash in on the nation's predicament.

(b) Registration cards should be distributed to families covered by the survey to enable the resettlement agency to check on squatter migrations, on influx of new squatters, and on the progress of resettlement and rehabilitation efforts. The registration might usefully be supplemented by aerial reconnaissance and photographs to help identify new incursions.

(c) Where the program provides for resettlement, payment of moving expenses, or other benefits, a cutoff date should be set and announced, following which no benefits or payments would accrue to anyone without a registration card. Squatters arriving in a locality after the fixed date would not be entitled to registration cards and would be summarily removed. Every effort should be made to remove new squatters before they have completed their building. Public acquiescence after completion makes the task harder and the compensation for moving greater. An educational campaign explaining the aims of the program should be launched. Properly undertaken, it should help prevent the spread or resumption of squatting in forbidden areas and could win the cooperation of the squatters themselves against competitive invasions.

(d) Reasonable allowances should be made available for resettlement to those qualifying. Where public housing is available, it should be offered to squatters as an inducement. Small long-term loans might also be made available for developing cottage industries, small workshops, and for essential equipment.

(e) Tracts of land should be found in or near the cities, and long leases, hire-purchase agreements or sales of plots should then be negotiated with squatters. The preparation of development plans for resettlement areas and for service roads and utilities should follow. Contracts with the occupants should be concluded on practical and realistic terms with reasonable and realistic down payments. The plots should

always be allotted before the squatters are moved, and the wishes of squatters to move as a group with their families, tribesmen, or neighbors should be respected.

(f) Agricultural colonies should be established for those squatters who have been farmers and are prepared to go back to the land. Plans should include aid in the purchase of implements, construction of feeder roads, clearing of forests, digging of wells and irrigation ditches, establishment of marketing facilities, provision of accessible medical assistance, schools, and all other undertakings necessary for solvent settlements. Where rural squatting practices and slash-and-burn methods of farming exist (in Latin America, for example), every effort should be made to stabilize tenure by grants of land and continuing agricultural aid and supervision.

(g) Urban squatters should be moved in groups when their new plots are ready. In this way, compact areas can be cleared and restored to their rightful owners or to their intended uses. Individual or piecemeal removal too often leads to the clandestine filling of gaps overnight by new squatters. The cleared areas should be posted and fenced off or put to use, and new violators should be dealt with summarily. (Putting vacant land to use in fact is one of the best deterrents to squatting.) Movement of huts and belongings should be aided through provision of essential trucking by the authorities. Technical assistance should be given in the reconstruction of huts on sound foundations. Synchronization of the squatter-clearance program with the new land distribution and housing programs is indispensable.

(h) Loans for materials, particularly roofs, aid for core houses, installment building, or land and utility projects should be available for those qualifying. In proper cases, a self-help or partial self-help program properly supervised may accompany the clearance of squatter settlements or their improvement. In such cases, the hiring of laborers or contractors by the squatters should not be discouraged. A limited number of apartment houses may be built in the city for workers who prefer such dwellings and can pay for them, though individual houses are preferable wherever ample land and transportation is available.

(i) In appropriate cases, betterment contributions should be collected from speculative private owners whose lands have been freed of squatters by the government. The clearing of the land means the diminution of slum life for the city, but it also saves the owner the cost of legal proceedings and brings him a substantial gain for which he can often be assessed. This may be particularly justifiable where the land was bought at low cost because of the squatter occupancy. The funds obtained might be earmarked to help defray the outlays of the agency in charge of resettlement.

(j) A few pilot cooperatives should be encouraged among the squatters for furthering mutual-assistance projects. Squatters are often able and willing to join in a common resettlement program. Their desires should be respected and implemented.

(k) The building of new towns or the expansion of existing towns can help to divert settlements from the central cities. A sound land settlement policy in the new areas can, in fact, be a means of redistributing populations to desired places. The location of these towns will also have a bearing on the number of houses required. Sites are to be preferred where there are jobs and opportunities for trade. Often it is better to select existing cities for expansion, particularly where such sites already have functioning services which can be utilized or expanded without too great an outlay.

(1) Squatter policies call for firmness with understanding. Squatters will settle where they can if they are not told where they may. They will build what they can afford if they are not helped to build where and what they should. There should be less concern about what squatters will build than where they will build it, how the land is planned and whether essential utilities and services are available. Initial layout is more important than initial standards of the construction. Squatter houses will tend to improve with time and with better economic conditions, particularly if the squatters are given a stake in the society and the incentive of ownership.

Part II

Squatter Settlements - Their Causes and Their Characteristics

DEFINING THE TERMS

The dictionary definition of a squatter is one who settles on land especially new or unsettled land, without title or right. The term is of American origin though it is now applied throughout the English-speaking world.⁶ Other terms that have gained usage include "squattage" and "squatment" (the holding occupied by the squatter); "squatterism," the practice of acquiring land by squatting; "squatterdom" or the collective body of squatters; "squatters' rights," a verbal contradiction implying that some color of right has been acquired by the squatter on the basis of which he asserts his claim.⁷ Usually the claim is less a legal right than a moralized one; the moral base of which is the fact of possession. It is more often asserted against government, which, the squatter claims, has acquiesced in his settlement or sanctioned it up to a point and should therefore validate it by law or by a preferential preemption privilege. The word "squatter" is also loosely applied in Australia to a person occupying Crown-land for sheep raising under a lease or license and this was extended later to define a settler actually holding a legal freehold. "Squattocracy" has been used in Australia derisively to describe the wealthy and influential squatters.⁸ In the United States,⁹ which once experienced agricultural squatting but in which urban squatting has been rare, a distinction is made between a squatter and an "intruder." A squatter is one who settles on the land of another without any legal authority, whereas an intruder is one who has some relationship to the property and enters upon it, though lacking the right to do so (as in the case of a relative who, after the death of an ancestor, enters upon the land unlawfully before the legal heir can enter). Both are treated alike and may be ousted by summary proceedings to recover the possession.¹⁰ Squatting is a trespass in law, rendering the squatter subject to removal or answerable in damages -- a dubious retribution in most squatter areas.

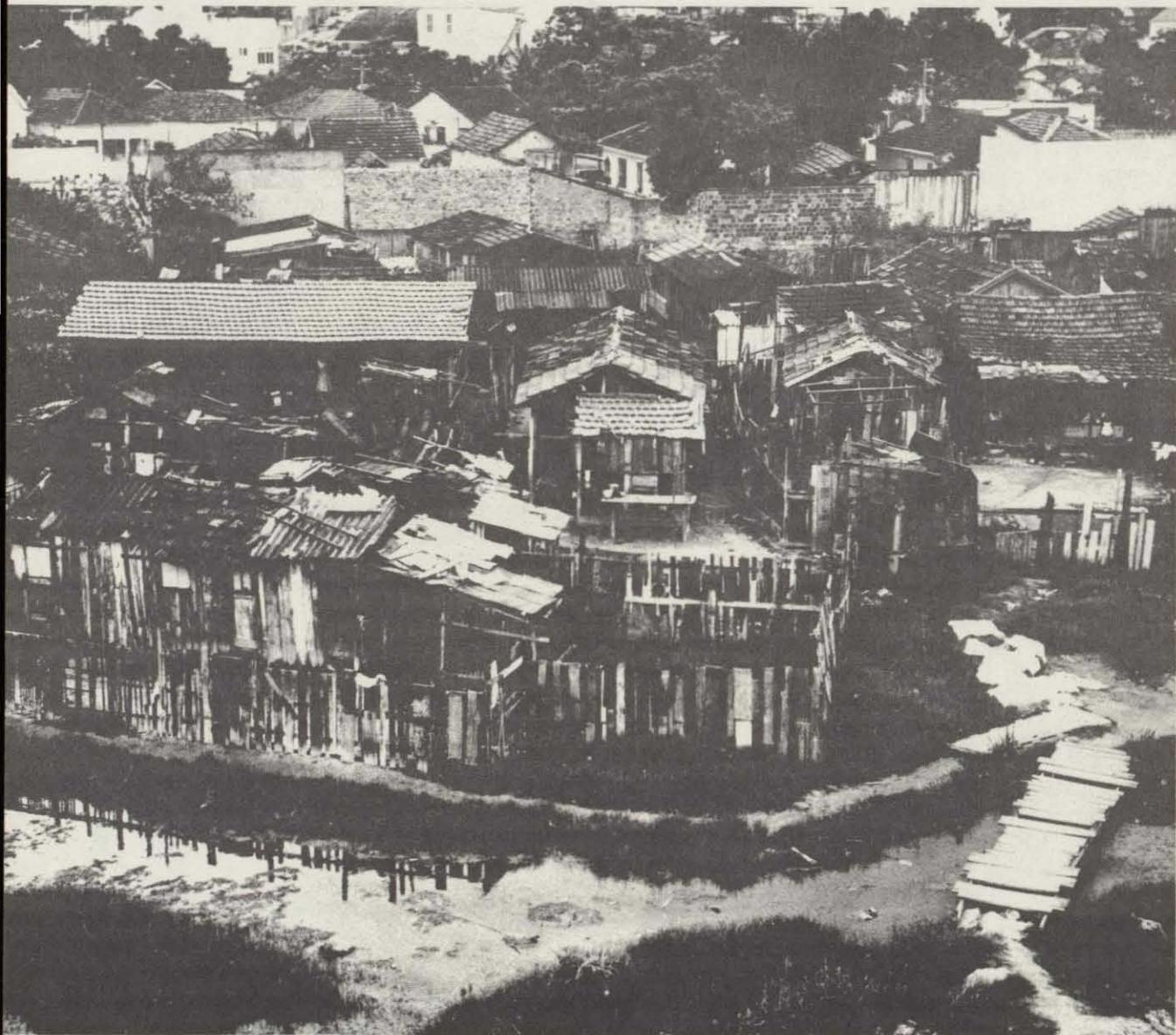
Indigenous terms have grown up in the developing countries to describe the squatters and their colonies: "favelas" (Brazil), "rancheros" or "conqueros," and "ranchos" or "ranchitos" (Venezuela), "paracaidistas" or parachutists (Mexico), and "gecekondu" (Turkey). Squatter settlements are sometimes referred to in colorful, and more often, in contemptuous terms such as "witch towns," or "barrios piratas," "barriadas," "callampas," "bidonvilles," and "arabales."

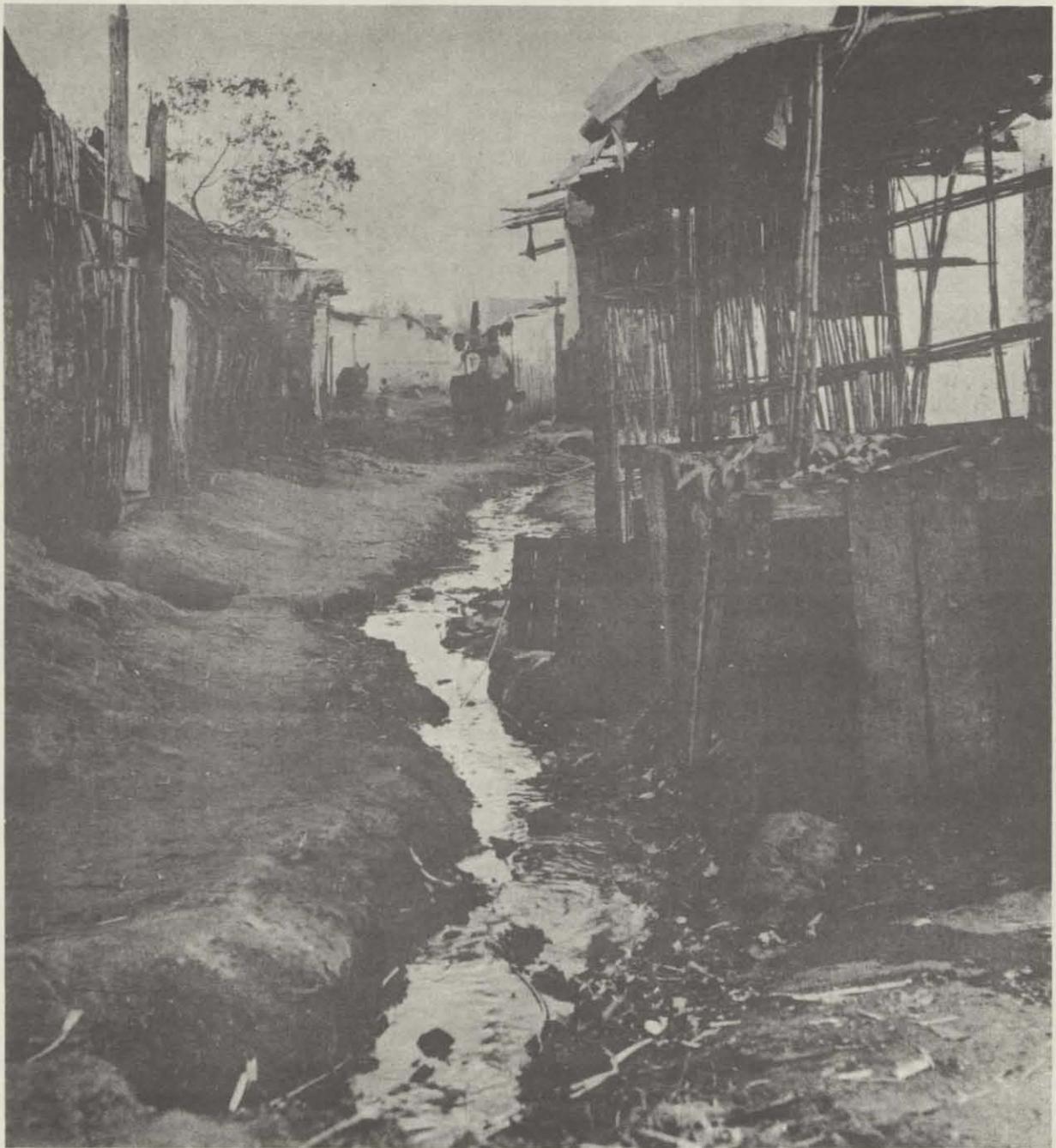
POPULATION INCREASE AND CITIES

One reason for squatting is that the world's cities have been experiencing an unprecedented growth in their population, which has accelerated sharply with the increase in industrialization. Between 1800 and 1950, world population expanded about 2.6 times, while the population living in cities with 20,000 or more people went up 23 times. Though only 2.4 percent of the world's people lived in cities in 1800, the proportion has increased to nearly 21 percent by 1950.¹¹

There is as yet no sign either of a stabilization in the world's numbers or in a lessening of their drive toward the cities. In the decade 1950 to 1960, the world's population increased by another fifth, or 500 million persons, and a conservative estimate is that it will reach 7 billion by the century's end.¹² Although the world's total population is expected to grow by 40 percent, urban populations are expected to double. One estimate is that the urban population of Africa will grow from 58 million in 1960 to 294 million by the year 2000; that of Asia from 559 million to 3,444 million; and that of Latin America from 144 million to 650 million.¹³

Squatter settlement in Brazil.





Detail of squatter settlement in Morocco.



An extensive squatter settlement in Morocco. (Courtesy of the Laboratoire Photographique de Service de l'Urbanisme du Maroc)

The differential advantages between one region and another generate population movements toward the more favored areas, and there was a time when liberal immigration policies among nations facilitated population redistribution from the older congested nations to the new, more sparsely settled countries. That there is not far more squatting than there is in Jamaica, for example, is partly because England had accepted more Jamaican immigrants than it now does. Hong Kong's once tolerant attitude toward migrants increased the proportion of its squatting numbers for a time, but its later more stringent policy curtailed it. The mainland's open door to Puerto Ricans reduced and continues to hold down squatting in San Juan. But the general tightening of immigration policies has now tended to confine population movements to anchorages within the countries themselves so that these cities have assumed the characteristics of the old frontier.

MOTIVATIONS FOR SQUATTING

In agricultural economies, the construction of one's shelter is apt to be a personal, family or tribal undertaking. Almost every man in such economies, in order to survive, acquires the ability to erect some form of shelter. Though rural housing is often far from satisfactory, space for locating the house is ample, even on the smallest farm plot, and materials for the shelter are usually close at hand.

In contrast, the construction of one's shelter in the urban milieu becomes more complicated. Land and materials are commodities of the market. They must be bought for cash and the time and skills available for self-building are sometimes consumed in the job-hours and the work-journey. Legal standards are imposed on both land use and shelter construction in the interests of health and safety. Unemployment is rampant; house and materials production are still underdeveloped as industries, and where they exist, incomes are too low or too inconstant to pay for the product. Mortgage financing is either non-existent or loans are procurable only at ransom interest rates. Although most governments have assumed some responsibilities for providing or financing shelter for their people, the less developed countries lack the financing resources, the skills and often the materials with which to launch housing programs commensurate with their needs.

Although the main provocation for squatting stems from the desperate quest for haven, neither the motivations nor the justifications follow a uniform pattern everywhere. War or its aftermath, mass expulsion, fear of slaughter or banditry, hunger, oppression, and the need for refuge and survival share places in the catalogue of causes along with the less condonable motivations of opportunism and speculation. Some squatting in India and Pakistan followed the Partition, when millions of Moslems and Hindus fled for their lives to escape wholesale massacre. Philippine squatters fled toward the cities to escape the devastation of war or in fear of the Huks. The Chinese refugees who settled in Hong Kong fled privation and hunger, often trekking hundreds of miles by foot in quest of a precarious foothold on a hillside. In Taipei, Taiwan, squatters left the mainland to escape the Communists, but their numbers also include nearby peasants who sought the city's opportunities. In some of these cases, the sympathies of officialdom and of the public implied a consent at least to temporary anchorage. Occasionally, as in Taipei, even a private owner may tolerate an unsolicited settlement out of sympathy.

Pampas de Comas near Lima, Peru, a *barriada* with a population of 35,000, was precipitated, according to John C. Turner, by a slum clearance operation undertaken to make way for a block of office buildings and apartments. Here there was no alternative to squatting. Often, however, squatting may have initial justification on humanitarian grounds, but none for its perpetuation. Within squatting colonies, there may also be some who are the helpless victims of the human drama and others who have simply moved in on the act. In still other cases, the acquiescence of government while the squatments were being erected lent implied justification to the squatter's investment. In such cases, the mere assertion of official disapproval might have been sufficient to repel a *sortie*, while in other cases, all the official force that could be mustered might not have prevailed against a collective invasion.

Most commonly, however, squatting stems from internal migrations spurred by the growing privations of the rural hinterlands and the quest for the better life chances of the cities. The wide differential between the hinterland subsistence level and the urban wage is an important propeller. Interwoven into the decision may be the attractions of city life, the desire to trade, the presence of kinsmen who have already

established their havens, the yearning for land and the hope of acquiring it, and the desire to train for a vocation or to give a child a schooling. As long as freedom of movement is acknowledged as a right or unrestrained as a privilege, it will assert itself in the drive to cities. And as long as the cities fail to provide land and housing, the newcomers will do what they can to acquire a haven.

Unlikely as it may seem, there are those who actually prefer their squatter shacks to what the legitimate housing market offers. They may feel that what is available is too costly, or that it offers insufficient space and privacy. Others quit the costly or crowded central slums for the outskirts -- a sort of squatter suburbanization. Public housing, even when available, may be objectionable to them as making for a more bureaucratic regulation of their private lives, or they may not cotton to the vertical way of life characteristic of the public housing project. Some may feel that the proximity of their squatter location to their jobs makes up for other shortcomings. Others may prefer the squatter colony as a favorable location for trade.¹⁴ Still others may simply enjoy the squatter way of life and the exemptions it offers. There are those also whose inducement is the opportunity for taking in boarders or subletting to subsquatters. For many, there is the yearning to own one's own land and home, and the hope of attaining that ownership by sticking it out. There are still other instances where a squatter worker may feel he has an advantage over a well-housed worker in being able to secure a housing allowance as long as he can claim to be badly housed.¹⁵

In short, the motivations for squatting are as complex as the human spirit. They are pardonable and unpardonable, comprehensible and incomprehensible, with variations in the circumstances that enter into any judgment by the outsider. When law is uncertain or policy fluctuating, enforcement is apt to be irresolute, and when property rights are unprotected, a vacuum is created which will tend to be filled by those with a stake in filling it.

SOME ATTRIBUTES OF SQUATTING

Though the typical squatter hutment is the most primitive of shelters, the squatting process does have some redeeming features. In appropriating government land, the poor man gains access (albeit an illegal access) to a piece of the unused public domain and out of it creates through his own efforts a shred of wealth, divestable though it might be, plus the hope of acquiring and owning a freehold.

So too, squatter-building is probably the main contributor to the building inventory of the developing nations. It is largely self-help or aided self-help construction. It is built without government aid. It has the virtues of speedy erection and uses very little, if any, imported material. If it is no solution to housing famine, it might allay some of its spasms.

Most important is that squatter-building is by no means always of a static quality. The shelter may be only a patchwork of flotsam or a jumble of wood findings, but it may nevertheless serve as the temporary shelter destined to be replaced by a more lasting structure. If, moreover, the squatment is a one-story shelter in a warm climate, easy access to the outdoors may offset some of the squalor and degradation of the interior.

If building materials are cheap and readily available, squatments may even be durable from the start, as in Ankara, where tile roofs are common. Cement block may be used where it is cheaper than lumber and wattle and daub may be put together by an expert hand.

There is, in fact, a law of squatting economics as there is a law of housing economics. Initial investment is what is warranted by risk. Risk is calculated not only by availability of cash for materials but also by the power or influence of the squatter settlers as measured against the contentiousness or tractability of officialdom. Security of settlement depends on such factors as the force of the squatter numbers and the influence of their organization. If they are sufficient in number, they may have their own legislator to represent them or they may be so important a minority in several districts as to influence a mayor's election. The prospects for the conversion of illegal to legal tenure, the attitudes of courts, and the persistence or defeatism of private owners are other factors in their calculations. If squatters know, when they seize land, that other squatter groups in the same city have been given running water or electricity or have been allowed to remain in possession without serious challenge, they are apt to put up more durable buildings from the start and are likely, as soon as circumstances permit, to improve their makeshift structures. If however, the settlement is built on a public road, near a mosque or in a place likely to stir popular protest and prompt official action, the materials used will be skimpy and the shelter will probably remain unimproved. Steep hillsides subject to slides and marsh land subject to flooding will also discourage better building at the same time as it prompts officialdom to demolish them.

Squatment quality also varies with the settlement's available skills. In Karachi, Pakistan, temporary shelters were erected by skilled workers hired to build adjoining apartment houses. They sojourned there during the building process, then sold them, and these often formed the nucleus for a squatters' settlement. Some squatters from rural areas carry with them talents for building acquired on the farms. On arrival and before employment is secured, more time will be spent on the building. If and when employment is obtained or if the owner lacks skill to build with his own talents, a neighbor may be hired for piecemeal additions as money becomes available. Sometimes the laborer lives in the house, erecting the materials as and when the squatter can buy them. Often building is a joint venture with adobe bricks made by the squatter and the laying done by the worker or vice-versa.

Although conflicts between squatters occur where there is competition for sites or intrusion upon another's squatment, cooperation in building may be noticeable where the need for cooperation stems from the advantages of common defense or concerted pressures. It may also stem from the cooperative organization of the squatter group prior to the sortie. Help in the building thus may take on the semblance of a mutual self-help project. In one Caracas squatting area, a savings cooperative will enable cooperators to borrow for necessary materials and repay the debts in installments. The cooperative also intends to buy materials at reduced prices.¹⁶

Getting up an outer wall enclosure before official discovery provides a better moral case against eviction, as well as a temporary sleeping place. The speed demanded in putting up the wall may impel hiring a worker at the outset. Thereafter the pace of building may take anywhere from a year to a decade. Workers may be hired from time to time for the roofing, concrete flooring and extensions as money becomes available.

More significant benefits can be derived from squatting if initial help is given the squatter in laying out the land and if he receives encouragement from the authorities. Where it is possible and justified by the circumstances, it can provide a cheap and effective means of easing the housing problem of poorer families while bringing the squatter into the framework of law.

NON-URBAN SQUATTING

Though the more serious implications of squatting are currently in the urban areas, the earliest forms of squatting were on agricultural land and it still occurs there. Usually such land is unsurveyed or uncared for; it may belong to the government or a railroad, or it may be abandoned land or the property of absentee owners. The squatter may till the land and add improvements, such as a house or trees. In Venezuela, squatters cultivate soil without intention to remain, using the "slash and burn" method as they move to other soils.

Agricultural squatters may also include workers on plantations who have been temporarily assigned plots on which they might erect shelters. If they remain after their employment ends, they are considered squatters and may be evicted. Circumstances may alter the case, however, as on the island of Mombasa (Kenya), where several worker families continued on the land after termination of their employment. They have not only put up houses and tilled the soil, but have also planted fruit trees in order to reinforce their moral claim to the land, as well as to establish the number of years in which their tenure had received acquiescence. When, subsequently, a dairy farmer purchased the land and tried to have the squatters ousted, he found the authorities reluctant to intervene, even though his legal claim was unimpeachable. It is not uncommon to find courts taking a judicious rather than a judicial view of squatter claims. In Ankara, for example, courts have dismissed eviction cases on technicalities while routine appeals by the squatter from unfavorable decisions prolong the litigation and the squatters stay.¹⁷

There are also what might be called itinerant squatters. Pastoral nomads, for example, may return to particular areas and claim them as group or tribal property. Sometimes, as in the case of the Masai in Kenya, the government may grant title or rights as compensation for cooperation. Itinerant squatting has also been practiced by Ghanian fishermen who erect shelters on public beaches or other government lands. Near Lagos, Nigeria, fishermen have remained undisturbed for many years but recently the land on which they erected their shelters became valuable and was sought by purchasers for legal settlement.

In other cases, squatters have taken over lands on waterways which have become available through accretion (the increase or extension of land by the action of natural forces such as the retreat of rivers or the sea exposing new land to which no private claim has been asserted).

In some cases, squatters may move onto land in which the legal title is clouded or uncertain, or lands which have been left behind by refugees. In Pakistan and India, for example, land and houses abandoned by refugees after Partition were quickly taken over.¹⁸



A typical slum area in Central Lagos.
(Photo: Lagos Executive Development Board)

Inter-tribal squatting has also manifested itself when one tribe moves onto the land of another and retains control by force majeure. In Ghana, when this led to claims and conflicts, a chief settlement officer was appointed, who was clothed with judicial powers to determine boundary and other rights among the claimant tribes.

Absence of a system of land registration (another symptom of underdevelopment) contributes not only to squatting, but to defective land holdings, a condition which has frustrated land development, as well as made litigation a busy enterprise.

SQUATTING IN THE MORE DEVELOPED COUNTRIES

Though the squatting problem is most prevalent in the developing countries, there is some background of experience in the history of the more developed nations. Their most common form of squatting had been agricultural and had the flavor of pioneering. But minor urban squatting has also had to be contended with from time to time.¹⁹

Neither rural nor urban squatting were common in Europe during its industrialization periods, largely because attitudes toward land ownership as well as rights and legal institutions were well installed. Even when European and English landowners enclosed the long-used commons, the rigid fact of ownership prevailed over custom in the resolution of rights. What was once a permissive entry into the commons was summarily converted into a trespass. Rural squatters appeared subsequently in England, but they were never a force.²⁰ Street-sleeping is a minor problem in England and is confined to vagrants and the temporarily unfortunate who are viewed as social problems. It has diminished markedly from 1904, when some 1700 adults and 50 children were found on London's streets. Today the total has been estimated at no more

than 130.²¹ When squatting in vacant mansions was attempted in London during the more recent depression years, official action was taken promptly, putting an end to further invasions.

If squatting was not one of the manifestations of urbanization in England, the first surge of industrialization, nevertheless, brought many afflictions to it in other forms. The English cities had grown with startling rapidity and found themselves without municipal governments capable of dealing with their new problems. The building industry was not sufficiently developed to meet housing needs and, even if it were, the attractions of profit in trade were greater. Poverty, unemployment, and slum life aroused social protest and in the 19th century invoked government intervention in the form of public housing programs and other reforms.

In the new world, of which the United States became a part, most squatting was on the frontiers where land was unguarded and claimed by conflicting interests -- the Crown, land companies, Indian tribes, and others. Pilgrims and other early settlers were actually squatters, and considerable acreage that later became New England cities, such as Salem, was originally squatter-settled. George Washington complained about a squatter on his land west of the Alleghenies, and other private owners of the period looked upon the pioneer settlers as trespassers. But in a land unsurveyed and unguarded, the struggle for survival not always paid respect to the instruments of title, particularly when held by some foreign absentee.

After the revolution, the vast open lands in the West became the most likely targets for pioneers who appropriated land freely, though not without some resistance from a young government that saw land as a potential source of revenue. Troops were ordered to drive squatters off but the squatters came back in greater numbers. The history of the United States from the founding to the period of the Civil War, in fact, records a prolonged contest between a government that asserted ownership to its land, and squatters who asserted rights to it. Attitudes toward squatters varied with the politics of the region and fluctuated with the pressures of the period. Henry Clay assailed them as a "lawless rabble." Indulgences in the form of preemption rights were seen by him as "a violation of all law and an encouragement to persons to go on the public lands and take the choicest portion of them."²² A preemptioneer, said Clay, might as well squat in the East Room of the White House; he might as well rob the public treasury as to rob the public land. But federal officials felt it was impossible to dislodge the settlers or to prevent further settlement. Pressures for turning over land to squatters developed, taking form in the passage of successive preemption laws from 1830 to 1862. In the long run, the squatters won the preferential right to buy their land. The arguments in their favor are reminiscent of some that are being made today for squatters. They were described as "a very respectable class of citizen"; a "sturdy class of pioneers"; "they had risked much and made valuable improvements." Protective associations were organized to safeguard the interests of the local settlers against outsiders and pressed their claims before government, as the practice often is today. Some of the associations became informal local governments, echoing the current efforts of squatters who organize to protect their footholds. Disputes were arbitrated by committees as in parts of Latin America currently. The protective and claim associations enforced their rules and saw to it that each settler's stake was safeguarded -- by force of arms when necessary.

The subsidence of the frontier squatting issue did not end squatting in the United States. With the in-flow of immigration, squatting became noticeable in some of the cities. A squatter or "shanty" population appeared in New York City, where "these people passing through the thickly settled prosperous districts of the city to the unused

land beyond, covered large tracts with their little cabins, made of waste lumber, etc., and planted upon land for which no rent was paid. Such squatters were found in the twentieth ward at a very early date. Many were Germans, of the rag-picking fraternity, but many Irish also lived in this way."²³ Before the city could acquire the land for Central Park in the 1850's more than 1000 squatters had to be evicted from a swampy shanty town. The extent of these squatter tracts was not substantial, however, and the existence of the frontier, the growth of the economy, and the construction of cheap tenements ultimately absorbed what little urban squatting there was. It was a temporary situation, hardly comparable to what is happening in the areas of the developing world.

The United States subsequently experienced a wave of squatting in the great depression of the 1930's. In 1932, more than 25,000 families and 200,000 young people were reported as homeless wanderers.²⁴ Some of them scavenged for materials much the same as do the squatters in underdeveloped areas, building their homes on whatever vacant lands were available.

St. Louis, Mo. . . . Four no-rent colonies with an aggregate population of 400 men, women and children have been established along the banks of the Mississippi River here. They bear the significant names of Hooverville, Hoover Heights, Moneyland, and Happyland. The shacks are made from such old materials the owners can salvage.

The residents of these colonies are persons hard hit by the depression who are willing to work if they can find employment. Mayor Gus Smith of Hooverville says he and his neighbors will stay on the riverbank all winter.²⁵

Further developments in the same settlement were reported on January 17, 1932.

Hooverville. . . . gave abundant proof that it is a permanent settlement -- it dedicated a church. . . . The building is a shanty constructed of orange crates and scrap lumber; its pews are rough timbers salvaged from nearby dump heaps.

In New Haven:

A shack colony on Congress Ave. Blvd. was demolished today by the police after an investigation disclosed that a number of unemployed were in serious condition from the cold and from lack of shelter and food. A dozen huts of old boards, brick and tin had been constructed by jobless men. The police acted only after Joseph Pasco was found frozen to death and Anthony Taboi unconscious.²⁶

Localities invoked health ordinances, tore down the colonies and dispersed the inhabitants.²⁷ But the squatments sprang up elsewhere. The government subsequently adopted resettlement and rent relief programs and a vast public works and housing program which absorbed unemployment and overcame the depression. Squatting is rare today, although there is occasional squatting on newly irrigated land or in forests opened by roads.²⁸

Canada is one of the more developed areas which is still experiencing some squatting. In its frontier towns near Whitehorse, the capital of the Yukon Territory, squatters have appeared on swamps, bluffs, and in sections christened with sobriquets, such as Whiskey Flats, Moccasin Flats, and Sleepy Hollow.²⁹

One concentration is composed of 287 households, another of 305. The majority of the squatments are classed as unfit for living and a social worker estimates that 80% of the welfare cases can be found among the squatters. The settlers include the aging, unemployed, the chronically ill and the rejected, as well as others who see squatting as a cheap way of securing their shelter. A study of a Whitehorse squatter area emphasizes the high percentage of multiproblem families, as well as the prevalence of bootlegging, petty crime and gambling. Though local residents look upon the squatter as "shiftless," some among the squatters are high-income wage earners, including a chiropractor, a freight company manager, and a garage superintendent. The squatter feels that he saves as much as \$800 a year by squatting, while the legitimate resident complains that he is subsidizing the squatter in his cheap shelter. Despite the attitude of the legal residents, the squatters are estimated to pay more than one million dollars annually for goods and services. Some improve their houses from their earnings, join clubs, as well as participate in service organizations. Eviction is a constant threat, and, at one time, all contributed to the hiring of legal counsel to protect their "rights." Although squatting goes on in Canada's frontier areas, the new mining town of Thompson, Manitoba, has forbidden squatting and succeeded in resisting invasions.

With the rise of labor disputes, the sit-down came into being in the more developed countries. It was characterized by a cessation of work and refusal to be ejected from the shop. It is primarily a form of protest and is employed as a means of forcing compliance with the worker's demands. It might be described as a recent variety of squatting, has been held to be illegal and has virtually disappeared as a bargaining device. More recently, the sit-down has also appeared as a device for group protest of political grievances, and is both illegal and disdained.



Squatter shacks in Chile. (Courtesy of Agency for International Development)

TYPES OF SETTLEMENTS

The most common squatter shelters are the one- and sometimes two-room shacks built of adobe, tin, cardboard, rags, or a patchwork of all. In Kingston, Jamaica, many shelters are no bigger than seven by ten feet and house as many as eight to ten persons, sometimes sleeping in shifts. Rubbish is uncollected and often deposited between the shacks, in a gully or on an ever-rising dump. Vermin share the holes and crevices in the squatters' huts, and in one of the areas in 1961, only a single tap existed for every 700 people; in another area there was not even that.

In a not untypical Caracas barrio called "Niño Jesus," accommodating 400 families, 70 percent of the ranchos are one-room shacks made of cardboard, scrap tin plate and slats taken from wooden crates or building sites. Each of these shelters has a dirt floor, and the roofs are secondhand aluminum or tin sheeting. Utilities are lacking. Water must be carried from a distance or bought from a tank truck. About a fifth of the houses have two rooms (a few have three), with walls of baked clay, concrete flooring, tin roofs and unglazed windows. About a tenth of the ranchitos are more complete and, but for the lack of sanitation and services, might be termed livable.³⁰

Where uninterrupted tenure seems probable, more lasting structures may be built. In Pakistan, where land was left behind by evacuees during the Indian Partition and the squatters felt there was no prospect of their return, brick buildings were erected. In Adana, Turkey, 44 percent of the houses are made of brick; 17 percent of concrete block, and 38 percent of wood and brick; 60 percent have electricity and 13 percent have water; in Erzincan, half are made of wood and half of adobe; in Erzerum, 90 percent are of masonry construction and 10 percent of adobe. In most other cities of Turkey, concrete block or masonry brick represent the predominant materials. Brick and tile roofs may be seen in these Turkish areas because these materials are available at reasonable cost and tenure has either been assured or seems more certain. In Taipei, where tile and bamboo are abundant, one sees houses with old tile roofs and mud walls on bamboo frames.

Where the squatter is not certain of his possession, he may build a portable house or one in which the materials can be disassembled or are dispensable. In the Philippines, such houses are often built on stilts. In Puerto Rico, groups of houses were moved from one site to another with the government's assistance.

For the poorer people, the house serves its main purposes of providing shelter, a modicum of privacy for the essential functions of life, and a place for the storage of one's possessions. The shack may not serve these purposes well, but if the climate is clement, survival is possible and life can even be tolerable.

Water for drinking, ablutions, dishwashing and laundry must be carried by hand or head or it may be bought by the barrel where the community is served by a truck which can negotiate the dirt roads. In Caracas, public water is supposed to be delivered free, but the service is unreliable and private truckers supplement the service. The cost of water in one barrio in Caracas is said to be as much as 400 Bolivars a year, or the equivalent of a worker's salary for a month.

Lack of schooling is another serious problem. In the Niño Jesus barrio, only a third of the children receive schooling.³¹ In other places, there is no schooling whatever, for settlements are too often outside the established zone of public services. For the emerging generation, this is one of the most serious aspects of the squatting problem.

Materials for squatter shacks may be scavenged but are also bought from second-hand materials specialists catering to squatters. These dealers sell thatch or cane, secondhand lumber or tin scrap. When a hut is completed, a makeshift drain may touch elbows with a good fitting; the main house may be the off-scourings of a dump while the extension may mark the beginning of a tolerable shelter.

Electricity may be supplied by the local utility, a neighbor's generator, or it may be tapped illegally. Electrical companies often see inadequate profit in serving the barrios or lack the cash for extending the service. (In one case, the company claimed inability to finance installing the service because the city had not paid its debts to the company.)

SITE AND SQUATTER PLANNING

The usual appearance of a squatter settlement, particularly in its first stages or when it is but a tentative mooring, is that of a clutter of shacks of all descriptions set in squalor and exhibiting the ingathering of the area's accumulated litter. It is not as orderly in assemblage of materials as in the avine nest or the beaver's dam. Nor is it the product of the automatic division of labor characteristic of bees or the cooperative efforts of African termites. Man is not a natural homebuilder comparable to some of the instinctively talented lower species. He chose the readymade cave, when the latter were already demonstrating their inimitable architectural powers. "A skillful workman," says Darwin, "with fitting tools and measures would find it very difficult to make cells of wax of the true form, though this is effected by a crowd of bees working in a dark hive."³² Man must learn to build and in the harder rural and polar environments, he must learn quickly under the pressure to survive. But in the new world of the city, even the skills he acquired are soon lost or invalidated. Self-help undertakings in housing have been found difficult, requiring time, organization, training, and arduous supervision. Given time, help and encouragement, he might rise to the occasion as a home builder and the squatter operations often exemplify his good prospects -- if he receives the proper aid and cooperation of officialdom.

The layout of the site is affected by its size and contours, as well as by whether the squatments are built contemporaneously or sporadically. Haste and subterfuge do not make for the best plot-planning. Whether settlement is by penetration, infiltration and inundation or by initial mass descent may also affect the pattern. Official acquiescence to mass descent may induce more care in the laying out of plots. In Peru, where officials have been helpless to cope with the massive squatter invasions and where squatting has developed into something of a fine art, one squatter group has been known to hire a surveyor to lay out sites on the territory it intended to invade. Some of the Peruvian settlements show the hand of the skilled amateur who might have had a good future as a city planner.

Plot sizes vary in squatterdom. A lot may be the city-size 2500 square foot lot as in Pampa de Comas, Peru, or the back-to-back hovel just wide enough to house its human forms. Much depends on the size and location of the settlement and the mass pressures on the space. In populated cities, where land is apt to be at a premium, there is intensive lot crowding. In the Philippines, many sites are chosen for their proximity to employment opportunities: in Manila, it is the neighborhood of the harbor and the trading centers; in Gua Gua, it is the surroundings of the market and the edges of fish ponds; in Legaspi and Cebu, the piers; in Davao, the downtown park section; in the highland resort of Baguio, the squatters hang on to their positions in the undulating valleys where the tourist trade will not have its mountain panorama mottled by reminders of the human misery below.³³



Squatter housing in Hong Kong.

A gently undulating hill covered by a squatter colony, particularly when the roofing is tile as in Ankara, may give the appearance, from a distance, of a speculator's subdivision. In the new steel city of Santo Tomé, the squatters selected a section in the El Roble area where the mosquito was less prevalent and the breeze was good but small patches of land have been colonized throughout the city, as well as in areas where settlement is permissible. In Caracas, the colonies are perched on the mountain ranges, but some also adjoin the public housing superblocs and are even found within the project's grounds. On an hour's auto ride from the city hub to the suburbs, one never loses sight of the ranchos. One is also apt to find squatter shacks near the new costly private developments and resort areas outside the capital; availability of water for a new private development spurs a new squatter development nearby.

Despite the shabbiness of each hutment, the composite often has a human appearance and even what architects call "a human scale." Each squatter has exercised a watch over his neighbor's encroachments so that in its chaos, the product may nevertheless reflect a multitude of individually imposed controls. The pathways are rutted, but wind their uneven ways between houses, where one often sees some brave flowerbeds giving color to the wretchedness. The pathways are respected by prospective squatters and a Ricardian law operates to consume the less and less desirable sites until the most inaccessible or most precarious ones signal the saturation point of settlement.

The better exceptions however, hardly describe most squatter areas and what the visitor sees from the air or from a distance ignores the conditions within each house: the lack of privacy, the crowding, the absence of water and waste disposal, the want of a place to perform the human ablutions except in a little hole between crowded buildings, and the never-cleared garbage dumps. The creek that looks colorful on the film slide may be the polluted ditch that carries the city's effluents. And no casual or birds-eye view can expose the pitiful statistics of poverty, illness and social disruption within many of the colonies.

Central location of a squatter site has its advantages for making a living and for access to the city's enterprises and adventures, but it is simultaneously a likelier candidate than an outlying site for clearance operations. Clearance frequently enforces settlement on a site removed from the probable orbit of a city's development -- the hills, ditch-sides, dump-sides, and the land unserved by schools and utilities. Often the shop-squatter will venture on sites where other squatters hesitate, particularly where the squatment is the shop or stand without the living accommodation.

SQUATTING HEALTH AND SAFETY

The squatter house is generally a slum and so is the settlement of which it is a part. The factors that increase disease and morbidity in slum areas are compounded by the additional factors of lack of sewage, poor water, and intense crowding. Although there are no definitive studies on health in squatting areas, there is a substantial literature on the impact of poor housing and environment on the health and well-being of slum occupants. High death and disease rates generally correspond with areas of poor housing in most parts of the world. It is known that expectoration left on the floor in a dark room suffers bacilli to remain alive for weeks or months whereas sunshine in a room might kill them in a few hours. Darkness also increases the number of accidents. A substantial percentage of squatter houses lack windows and many of the huts are jammed together so that there is often little opportunity for escape to the sunlight. Overcrowding increases the incidence of diphtheria, scarlet fever, and many other contagious diseases. Dampness in slums intensifies rheumatism, pneumonia, tuberculosis, and colds. The incidence of secondary cases of tuberculosis among children is 75 percent higher in overcrowded dwellings. Infant mortality is also considerably higher in slum areas than in areas of normal standard.

The move to the city, however -- even to the city's slums -- brings families closer to the health authorities, doctors, and dispensaries and doubtless has a salutary effect on health conditions compared to those in the rural areas. Whatever statistics exist show both increases and decreases in infectious diseases with the move to the city. An Indian survey, for example, showed that the health status of the urban population is inferior to that of the rural inhabitants despite urban proximity to health care facilities.³⁴ In El Salvador, infant mortality was higher in the city but it declined in cities of other countries.³⁵ Much depends on the climate, circumstances, and particular physical conditions in each area. It depends also on the nature and extent of the services provided by the public authorities.

Lack of good water and drainage mainly accounts for the great differences in the prevalence of intestinal diseases between underdeveloped and industrialized countries as well as between one squatter area and another.³⁶ An indication of the impact of lack of drainage on health are the statistics in Lagos, Nigeria, which has good drinking water but no sewage disposal. Out of 4759 pupils whose stools were examined,

more than 85 percent were found to be infested with parasites. Infestation with roundworm and hookworm were in the proportion of four to one and the two parasites often co-existed. Among adults, infestation with hookworm was higher than among the children, and almost 60 percent of government workers were found infested. Dysentery and diarrhea accounted for more than 10 percent of all deaths in 1960. In the same year, 54.5 percent of all deaths in Lagos occurred among children under five years of age. The major causes of death among this group are the same as for the total population, primarily pneumonia and bronchitis, malaria, dysentery and diarrhea.³⁷

There are numerous other factors in squatter areas that affect the health conditions of the occupants. In Venezuela, for example, thatch is a breeder of the barbeiro bug which is responsible for Chagas disease. (Thatch, however, makes a cheap and satisfactory roofing material in other countries.) In Singapore's attam kampongs, the municipality does excellent work in keeping the areas drained and free of disease but they are said to "constitute a menace to the general health of the whole city."

Fire is a major problem in squatter areas and some fires have wiped out whole colonies. Scrap, wood and carton houses are particularly inflammable and the hazard is increased by the inability of fire trucks to move into the colonies and by lack of water.



Roof squatters' shacks in Hong Kong. (Courtesy of the United Nations)

Part III

Social and Legal Aspects of Squatting

ATTITUDES TOWARD SQUATTING IN THE OLD AND NEW WORLDS

The squatting now occurring in the urban areas of the developing world is virtually without precedent in man's age-old struggle for space and shelter. The more developed countries have experienced some urban squatting, but it generally consisted of small pockets of squatments, whose illegality was never questioned. They were temporary havens, for the most part, and were soon removed.

Nor was squatting tolerated in the ancient world, where trespasses of any kind were not only disdained but were sometimes viewed as sacrilegious. When the Aryan primitive tribes reached Greece and Italy and brought their houses together, religion dictated that an enclosure be erected at a certain distance in the form of a hedge or wall of wood or stone. The Termini or the sacred bounds of the fields were thought not to be displaceable by any power on earth. To violate a boundary mark was to give offense to a god. The encroacher and his oxen, according to the old Roman law, were immolated in expiation. The Etruscan law promised even more drastic penalties:

"He who shall have touched or displaced a bound shall be condemned by the gods; his house shall disappear; his race shall be extinguished; his land shall no longer produce fruits; hail, rust, and the fires of the dog-star shall destroy his harvests; the limbs of the guilty one shall become covered with ulcers, and shall waste away." ³⁸

The injunction against encroachment was also noted by Plato:

". . . . Let no one attempt to disturb the small stone which separates friendship from enmity, and which the land-owners have bound themselves by an oath to leave in its place." ³⁹

No such religious proscriptions discourage squatting in our day. Squatting is a trespass of desperation and it tends to create its own self-justifications. Sometimes it lays claim to traditions, and one such claim is based on the belief that once the house is roofed over and the squatter has not been ousted, his right to quiet enjoyment is thereafter secured. Claims of this sort have been asserted in Italy, Israel and Turkey. The source of the claimed tradition is vague and its authenticity dubious. The Koran prescribes that conquered land should be divided among the victors. Similarly, some squatters may feel that the semblance of victory over the state seals the conquest and entitles them to retain their holdings. The Ottoman Land Code of 1858, under which "metruke" describes the land owned by the state, the possession of which it could hand over for common use, e. g., woodland pasture, threshing floors,

fair and camping grounds, ⁴⁰ might conceivably be another source for the assertion of the tradition. But neither of these claims are trustworthy and no governments acknowledge them either as traditions or as rights. Nor are there to be found extant any legal justifications for squatting, and in fact penalties are provided in Turkey both for squatting and for failure by officials to enforce the law. Under Turkey's five year development plan, however, provision is made for rehousing squatters and no squatment in designated areas may be demolished unless the squatter is relocated. Thus, whatever squatters rights there are, exist only by virtue of a statute which is usually part of a rehousing program, but it is not a statutory validation of a trespass.⁴¹

LAND OWNERSHIP OF SQUATTER SITES

Public land provides the most attractive target for the squatter and he will most often select such land rather than the private holding. Unguarded and unused land will be appropriated in preference to land that is used, fenced off, or protected. In Manila, the areas laid waste by bombardment became the squatter havens, for these had the advantages of being near the city center, the work locations, and the piers. In other cases, roadsides in public ownership, parksides, reserve land held for public development, water catchment areas and other public land have been settled on. What would ordinarily not be tolerated by the authorities, like squatting on a road, might be acquiesced in when commiseration tempers the strict enforcement of law. This was the case in Taipei and Karachi.

Whether private land is seized depends on the presence or absence of the owner and his power to resist entry, on whether the land is in use, on the numbers and power of the squatters, and on the attitudes of officialdom. In Kingston, Jamaica, a main squatter area is owned privately, but neither the owner's protestations nor the efforts of police have been able to win him repossession. Singapore squatters occupy considerable private land. In the Philippines, both public and private land is occupied and while owners complain, they fear reprisals if they take action to oust the squatters. In Caracas, most of the squatting sites are publicly owned, but occasionally a vacant area in a private development will be appropriated. In Turkey, both private and public lands are appropriated but in some cities, it is predominantly private land that is victimized--in Adana, the private proportion is 93 percent; Bursa, 94 percent; Erzincan, 50 percent; Erzerum, 55 percent; Hatay, 50 percent; Izmir 60 percent; Samsun, 60 percent. On the other hand, in Diyarbakir, Mersin, Urfa and Iskenderun, all or most of the squatments are on public land.

Frequently, squatting on private land is the consequence of an original authorization later annulled, as when workers on a farm in the urban orbit are no longer needed but hold on. More often, the settlement is by appropriation. Between two private parcels, the one preferred will be the larger tract that facilitates a concerted sortie. A concerted sortie may be facilitated by a convenient screen, as in Manila, where a large signboard gave a group the better opportunity to erect their shelters during the night before their onslaught could be forestalled. But as often, the settlement is sequential, taking form successively in penetration, infiltration and inundation.

Some who have seized land have come to terms with the owners and now pay a nominal rent for the holding. These have ceased to be squatters in the true sense. There are also cases in which the government, virtually giving up any claim to repossession, has installed water and utilities, thus converting the trespass into legality in all but the delivery of the deed.

SQUATTER STATUS IN THE URBAN COMMUNITY

The squatter's social status and the regard with which he is held in the community vary with the reasons that have impelled the squatting, his influence and the threat he offers to the community. The attitude may be sympathetic or hostile. It may stir the interest of some humanitarians as it has in Hong Kong where considerable nonprofit private housing is being built, or it may stir demands for using the steam shovel.

The squatter may be viewed as an outsider, a newcomer and hinterlander competing for jobs and space, and this is often coupled with the fears of him as a potential trespasser on private property. Since some squatter areas are places where prostitution exists, where criminals hide from the law, and where there may be a high proportion of juvenile crime, the squatter's address may not be a very good recommendation. In Kingston Penn, a squatter area in Jamaica's capital city, squatters complain that giving their address is enough to deny them a job. There is less stigma, however, in agricultural squatting which may boast a pioneering flavor as in Australia.

In a developing world in which poverty is widespread, however, the lines of social division tend to blur though they may become clearer when the status symbol is also associated with caste, color or origin. The slum settlements of Untouchables in India and the small Eta or Korean ghettos in Japan are examples. If one's livelihood is associated with scavenging or the disdained trades such as the treating of hides or nightsoil collecting, it adds its dimension to lowly social status. Entry into the big city, however, tends to dissipate distinctions for the newer generation and often obscures their special identity.

In some countries, such as the Philippines, a number of squatters ply respectable trades within and outside the colonies. Thus in squatter areas of Davao (Philippine Islands), one is apt to find master plumbers, lawyers and notaries public, physicians, dentists, and a wide assortment of trades and occupations, including the clergy.

More than 30 percent of the squatters in the Pinto Salinas area in Caracas were found to be tailors and similar home workers and the average income of an 18 percent sample was \$170 monthly. Almost every occupation was represented, including policemen. About one in four squatters in one area had TV sets while taxis and old automobiles are not uncommon, though most are used for livelihood rather than for pleasure or status. Other settlements contain poor and unemployed families, as well as skilled and unskilled workers, a few government employees and shop keepers. In Pakistan, the writer came across a small colony of expert weavers, and after Partition one could see lawyers in Pakistan's cities practicing their professions on the streets.

The Turkish study shows that in Adana, 85 percent of the squatters are workers, 13 percent small merchants and 2 percent government employees; in Bursa, 87 percent were workers, 9 percent small merchants and 4 percent government employees; in Erzincan, 40 percent were workers, 40 percent farmers, 10 percent small merchants, 5 percent were engaged in handicrafts and 5 percent were government employees; in Erzerum, 60 percent were workers, 20 percent were small merchants, 10 percent were government employees and 10 percent were farmers.⁴² In Ankara, the writer also came across some policemen, as well as civil servants in the squatter hills.

In Santo Tomé, Venezuela, many of the squatters are steel workers. The housing shortage being what it is, they are looked upon with no less respect than the better-housed citizens. In Peruvian colonies, one is apt to find white- as well as blue-collared workers and a wide variety of occupations. A survey by Manila's Social Welfare Administration in 1958 showed 17 percent without income and 40 percent earning less than the minimum wage. Unemployment among squatters is generally very high, one reason being that many of them are newcomers.

In Taipei, squatters include bourgeois merchants who have set up their shops, some of them with living quarters above. By claiming distant relationship with a prosperous landowner, squatters in one case have not only been tolerated on his estate, but earned a measure of community status.

Though in many cases squatter status may be a disadvantage, the pioneering spirit of squatter groups braving the urban frontier (often with no other possessions than sheer courage) may stir the admiration of employers, if not of the authorities. In such cases, their acceptance as workers depends less on their squatter status than on their skill and competency. The ingenuity of squatters in some of the Peruvian colonies and the way they have organized their settlements have evoked admiration rather than stigmatization. That many dock workers live in the squatter areas of the Philippines does not bar them from employment on the piers. In Venezuela, the need for living space is so great and squatting so common that little distinction is made on the basis of residence, and some of the employers have invested in savings and loan societies to help their squatters and other workers with their housing problems. From the employer's point of view, the practice of squatting has its advantages. Squatter colonies house a ready labor force which otherwise might have to be offered company housing, at considerable cost to the companies. If the squatter acquires ownership, as many eventually do, he may even become a better worker with a stake in the community.

SQUATTING AND LAW OBSERVANCE

The squatters' attitudes toward government and law have not had the benefits of research any more than have most other aspects of the subject. Since the social organization of the squatting settlement is by its very nature illegal, it might be expected to encourage disrespect for law generally. Yet law enforcement or its equivalent very often operates within the illegal framework. One reason is that social or anti-social conduct is a function of group life; its extent as well as the particular forms it assumes depend on the cultural status of the group and its organization. Squatters, like other people, vary in backgrounds, attitudes and ethics, while custom, traditions and religion may all play their parts in the regulation of individual and group behavior.

Necessity, moreover, introduces complex self-justifications, on which ethical judgment can be made only in the total context. On the old frontiers, for example, horse stealing was a capital crime, but murder of an enemy was often lauded as good marksmanship. Similarly must one assess ethics against the background of custom, mores, environment, and the exigencies of survival. Plugging into the electrical power line, taking over the street for the selling of merchandise, appropriating some inexpensive junk or scrap, or not cooperating with the hostile police force in crime detection may be illegal by statute, but condonable by the squatter community.

In squatter colonies removed from the law's protection, the law of the settlement will differ from that of the world outside. Where old tribal or group customs survive, disputes or violations of another's rights are decided on their merits and enforced. The elders, a priest, or a designee may be the respected referee and decisions, when rendered, are in the nature of arbitrations, which are generally complied with under the social pressures of the squatter community.

Because there may be greater anonymity in squatter areas, they are sometimes the quarries for prostitutes, contrabandists and black marketeers, as in Manila where the police complained that the colonies were the hideouts for law-breakers. Where the invasions are of private property, moreover, the squatters depend upon threats and duress to retain their possession and this, too, does little to encourage respect for legal process.

Except for the illegality of possession, however, the squatters in most colonies are no less law abiding than those in other poor working men's quarters. In one Philippine area, for instance, property rights are violated but the squatters scrupulously observe a local law requiring house-numbering. In Venezuela, a large installment house says squatters are no different than others in paying their debts. In Peru, a responsible committee of squatters governs, passes on new applicants and on requests to sell their holdings. The association makes and enforces rules, such as a prohibition against re-renting. The committee also files petitions and requests for government aid and concerns itself with the maintenance of internal order. Troublemakers are screened out and efforts are made to control those who are already there. The committee also tries to offset the general public impression of lawlessness and anti-government feeling within the *barriada* by publicizing the productive work of the occupants.⁴³

In the Caracas "Niño Jesús" settlement, a junta functioning since 1962 has set up a school for 80 of the squatters' children, and sponsors a sewing and dressmaking course. It has widened and levelled the main paths to facilitate the delivery of water to more families and even improvised a sewer line. (It has also tapped into an electrical line after the electrical company turned down its request for such services to the *barrio*.) It publicizes its case for government services and solicits a wider community support for the amelioration of conditions.⁴⁴

In Guatemala City, slum dwellers have similarly cooperated in the building of a sewer line and have taken pride in the work.⁴⁵

In sum, there may be no law and order in some cases and order without law in others. Some aspects of frontier life which have been identifiable in agricultural squatting are present even in urban squatting. There is often the similar need for group protection in the common interest and, as on the frontier, spontaneous squatter associations have grown out of crude contacts. Mutual aid has sprung from mutual dependency, the mutual perils of the law or of lawlessness within the settlement. As on the frontier, too, the originally lawless possession may ultimately provide the seed for lawful settlement and growth--if a constructive policy is made, if settlements are validated, and help is given to foster improved development.

But squatting also carries a mixed blessing. Breakdown of law cannot always be quarantined in a city. Unlike squatting on the open lands, it is visible and has a more epidemic quality, carrying its example into other sides of the social and political order. When police cannot enforce order, disrespect for order grows, and when judges cannot enforce their decrees, the process of law breaks down, spurring



Squatters in Guatemala digging ditch for sewer.

fear for investments, hesitancy to invest and expand, inability to finance, emigration of enterprise and ultimately the very unemployment which makes squatter life less endurable. Industry threatened to leave one South American city when squatting broke into lawlessness. In Jordan, disrespect for the authorities by squatters is said to have led to a wider disrespect for contract and property rights.

Thus sometimes law needs to be restored even if there must be a legalization of the illegal to accomplish it. Official policy, however, (in Kingston, for example) opposed supplying the colonies with water for fear that it might thereby sanction the illegal seizure. Elsewhere authorities fear that the supply of services might be a stimulus to further incursions; in some cases, water, garbage collection and electricity is given without conceding the rights to possession. The lack of uniformity in policy is due to the lack of uniformity in the influence of the squatters and of the public and official attitudes. Provision of services is more likely when the prospects of eviction are dim, when squatters' votes may turn an election, or when social pressures are exerted against officials.

Supply of services, however, is apt to enforce more reciprocal responsibilities by the squatters and the grant of ownership to squatters on public property will give them a greater incentive to improve it. Conveyance or legal rental of the property will tend to spur law observance. The stabilizing force of land ownership as a conservator of law and order has been emphasized frequently and has influenced political policies in the settlement of the United States.⁴⁶ When an individual has a legal stake to protect, the value of which ascends when safeguarded by law, the possession of which depends upon the protection of law, and the inheritance of which is supervised by law, he will not only tend to be law abiding, but be more apt to defend the legal process from which he derives his protections.

SQUATTER TENURES

Squatting has produced forms of tenure which would confound the 19th century conveyancer familiar only with the traditional full covenant and warranty deeds, fee simples, leaseholds, life estates, etc. Nor would they be any more comprehensible to the lawyer functioning in tribal areas where custom makes the rules. In the developing countries, squatter tenures usually have neither law nor custom to define them. Nevertheless, sales, leasing and subleasing manage to go on as though legal rights existed. They go on without benefit of title registration, statutory or judicial protection, and depend on good faith or squatter-community strictures to fulfill agreements. Often a thousand or several thousand dollars may be involved in a sale. Inheritance is respected among squatters and "trespasses" are checked by the individual or the pressures of the squatter community. In Santo Tomé, Venezuela, for example, a vacant squatment on public land was offered for subletting and it remained respected. The neighbors referred prospects to the owner who had moved to Caracas.

The main form of squatter tenure is the squatter owner-occupier. Though the squatter has no title to land which he can legally convey, there is a constructive ownership in the building. Under common law, a building affixed to the land, whether legally or illegally, becomes the landowner's property; but the squatment or its materials have the attributes of personalty and neither the authorities nor the legal owner will lay claim to the building; they are content to see the squatter move with his chattels.

A common form of tenure is squatter tenancy which is derived through the squatter owner. Many new arrivals often begin as squatter tenants and hope to convert to ownership status when they can. Squatter subtenancy exists when a tenant of a squatter sublets all or part of his holding to another.

The professional squatter landlord is another type found in the colonies. He offers houses or rooms for rent as a business. He may serve the function of inn-keeper for migrants, or rent rooms or bedspace on a daily, weekly, or monthly basis to more permanent guests. He is usually the best-informed on the fluctuations of official policy.

Squatter cooperators are a group who share the common foothold and protect it against intruders, public and private. Cooperative effort is necessary from the initial plan of organization to the need for joint action and resistance. Cooperative features may also exist in the pathways and common grounds. There is usually a more spontaneous cooperation among squatters from the same village, family, or tribe, but the cooperators may also be a mixed group who assembled for the express purpose of the acquisition.

There are also squatters with a color of right as in La Paz, Bolivia, where the government promised land but the plots were not defined and the deeds not delivered. The settlers nevertheless took over the land and built in anticipation of the government's living up to its commitment.

The speculator-squatter buys and sells squattage. He may have several houses, one of which he occupies himself. Because private owners are often happy to buy a squatter off, a business may function in which specialists encourage a squatting sortie by offering protection to a venturer in return for a share in the settlement. A lawyer may even act as an entrepreneur, as in some Philippine

squatter areas, or he may act strictly in his professional capacity negotiating a settlement for a squatter client.

Commercial or occupational squatters are in trade or carry on service operations in a squatter shop or house. The shop may include a grocery or craft shop, usually with living quarters adjoining, or it may be a beverage cart on which the squatter curls up for the night. Large settlements are usually punctuated with shops throughout. In other cases, stalls are set up on the area's main street, catering to the city-wide as well as local trade. The area may burgeon into the region's flea market or become its low-priced agora where almost anything is obtainable at a bargain price. In Guatemala City, the squatter market looks to the non-squatters for its customers and the non-squatters in turn depend on the squatter market for the purchase of essentials.

Street sleeping, which is most common in India, is technically a form of squatting but unless a shelter is set up on the street, it lacks the security of squatting cum dwelling. In some cases, street-sleeping becomes habitational street-squatting--in Hong Kong, for example, after a fire, the displaced families erected makeshift shelters on the streets. Street-sleepers may also be vagrants, but most often they are victims of homelessness and poverty. In Lagos, Nigeria, street-sleepers may be found at the piers, and some are accommodated after closing hours as store watchers by the legitimate merchants. They bed down at the store fronts and are expected to keep other street-sleepers away as part of the concession. The most numerous street-sleepers are found in Calcutta where they number in the hundreds of thousands. Census figures in Bombay made public in 1963 showed that one in every sixty-six persons was homeless, while another 77,000 people lived under stairways, in cattle sheds, on landings, or in similar makeshifts. A street-sleeper may carry a straw mat or set up a thatch tent. Meals are prepared on the street.

There are also floating squatters living in old hulks or junks which are towed or sailed into the city's harbor and serve as family homes and often as workshops. In Hong Kong, hundreds of such junks and sampans clutter the harbor.

Squatting may be converted into a legal relationship when the private land owner comes to terms with the squatter and accepts rent from him. The squatter may do this to avoid ouster, while the owner may accept a nominal rent because the conversion of the relationship from squatterage to tenancy gives him a better legal hold over the squatter. Protection by rent controls, however, may thereafter protect the tenant against eviction.

In countries with an established squatterdom, there will be an active market in squatter real estate and value is fixed not only by the house and location, but by the prospects of acquiring a legal tenure or of remaining undisturbed.

In Cebu (Philippine Islands), officials transferred squatters from one city-owned site to another and in Manila alternate land was sold to squatters to speed their removal. In 1958, the Philippine Social Welfare Administration succeeded in resettling about 6,000 families.⁴⁷

Slum clearance operations (and in some countries, urban renewal) are an ever-present threat to the squatter. While theoretically a squatter would have no right to an award in eminent domain should property be taken over for slum clearance or other public purpose, there is a tendency on the part of the government to



A whole family lives and works in this dress-maker's shop near San Salvador, El Salvador. (Courtesy of the United Nations)

make some compensation or to offer alternative sites. The offer of a public housing unit will not always appease a squatter with an established stake or with a water buffalo that can wallow about freely in a squatter colony, but not in a project. Availability of public housing, however, can do much to absorb the potential squatter.

Land that is squatted on is devalued by the encumbrance though it is marketable subject to the squatter's occupancy. In Singapore, such property is bought by builders or land operators prepared to treat with the squatter. Threats, blandishments, and ultimately offers of real compensation are part of the tools of negotiation. When a squatter is bought off in the Philippines and his hut remains, the "For Sale" sign sometimes reads "Free of Squatters" and commands the higher market price for cleared property.

Price levels of properties subject to squatter occupancy vary with the prospect of eviction. This prospect is often dim for the owner where squatting is widespread or where the courts are loathe to act and the authorities apathetic or hamstrung. Squatter prices will fall during the tenure of an aggressive official, such as the late Mayor Lacson of Manila, who waged a campaign to oust squatters from city property.

Questions of compensation to owners arise when a property bought subject to squatter occupancy is destroyed by fire or other catastrophe. Since value rises with the clearance, it is often felt that the owner has been unjustly enriched. This was the case in Singapore where, after a major fire, the city moved in promptly to acquire the property--but not before it enacted a law providing that in eminent domain proceedings, the legal owner shall be entitled to an award of only a third of the market value. The statute thus implied that the squatter possession was valued at two-thirds of the site's market value (or, to update the old English proverb, possession is two-thirds of the law).

An important question both for the squatter and owner is whether the squatter can ever gain legal title solely by sitting on his squatment for a prescribed period. In the United States and England, a valid legal title can be acquired not only by actual deed, but also by the fact of possession. The legal term for this is "adverse possession", but in the United States, the requirements⁴⁸ for a possession to mature into ownership are that there be a prescribed statutory period (usually 15 or 20 years), and that the possession not only be actual, open, continuous and exclusive (which the squatter might establish), but that it be under a "color of right" (which few squatters can establish). But statutes can grant rights that did not exist in law, and the longer a squatter remains undisturbed, the likelier that pressures will be exerted to grant him rights or protect him against ouster. In some jurisdictions, moreover, statutes of limitations may operate against an owner; e.g., laws barring legal action to enforce rights after the lapse of a prescribed period.⁴⁹

To avoid legal issues, some private owners try to persuade the squatter to pay rent so as to establish a relationship of landlord and tenant and remove any doubt of the owner's claim to title.

CONCLUSION

If the picture looks bleak for cities in the developing world, there is also an aspect which offers hope. There is no shortage of space in the world for urban man. There is enough space within the world's urban orbits to accommodate his needs for his work, living space and leisure. The most densely populated continent is not Asia, Africa, or Latin America but Europe, with an average of 85 people to each square kilometer. The most crowded country in the world is not China but the Netherlands, with 350 people per square kilometer, compared to 60 for Asia (excluding the U. S. S. R.), 8 for Africa, and 9 for North and South America.

Space shortage is nevertheless a critical problem because of the intense competition for sites within the presently limited urban cores. As the world urbanizes, the competition for space will become intensive rather than extensive. If the urban radius within each country can be stretched by proper urban land planning and land policy and by the addition of transportation, water and other utilities, the spatial needs for urban expansion can be met in most places. This necessitates a re-appraisal of urban land policies and of internal and external aid programs to put an increasing emphasis on land and utility development, on providing transportation links to work locations, making proper land-layouts, and facilitating the building of housing by or through the people themselves. Properly carried out, this should lead to subsequent self-improvement of the sordid settlements we see today.

The rural migrant to the city is carrying with him the same yearning for a piece of land which he craved in the hinterland. He may not be able to build the best house at first, but he has demonstrated in his squatter settlement that, given a secure foothold and some help, he can, despite his impediments, rise to the occasion. The main obstacle is not the dearth of urban land, but the skills and wills to bring it into use for a more rational development.

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4. Tad Szulc, "Now it is up to Latin America," New York Times Magazine, August 13, 1961, page 69.
5. I have already expressed my opinion on this aspect of the problem in Man's Struggle for Shelter, op. cit., Ch. 8, 15 and 16.
6. It was also widely applied to settlers on public lands of the United States who had not complied with the regulations of the public land office. Glasgow vs. Hortiz, 66 U. S. 595. See also U.S. vs. Bagnell Timber Co., 178 Fed. 795, Allard vs. Lobau, 2 Mart. N.S. La. 292. A court in England refers to a squatter on unsettled lands of a colony and defines it as "a person who has taken possession of a piece of land and occupies it by buildings or by cultivation and has by so taking possession of it asserted a right to it." Hoggan vs. Namaimo Railway (1894) AC 429.
7. While illegality of occupancy is usually implicit in its application, the term was loosely applied to Kikuyus who, during the Mau Mau outbreaks, left their reserves for the white settler areas where they were welcomed and hired as farm labor, given wages and a shamba in which to live. John Gunther, Inside Africa (New York: Harper & Bro., 1953), page 321.
8. Webster's New International Dictionary, 2nd Edition (Springfield, Mass: G. & C. Merriam & Company, 1940).

9. The term "squatter sovereignty" in United States history is the doctrine under which the status of slavery in the territories was to be determined by the settlers themselves. Stephen A. Douglas called it "popular sovereignty," but abolitionists, who wanted slavery totally excluded from the territories, contemptuously called it "squatter sovereignty."
10. New York Civil Practice Act, Section 1411. Squatting is also a penal offense.
11. Report on the World Social Situation (New York: United Nations, 1957), page 113.
12. Report on the World Social Situation (New York: United Nations 1963), page 5.
13. Estimate of Homer Hoyt, Study of International Housing Subcommittee on Housing, Committee on Banking and Currency, U.S. Senate, 88th Congress, 1st Session, March 1963, page 17.
14. In the squatter areas of Kingston, Jamaica, for example, squatter tradesmen have virtually no other customers but their fellow squatters since the areas are in disrepute with the general public which keeps clear of them.
15. This is the case in the new city of Santo Tomé, Venezuela, where the steel mill is also required to give its workers travel allowance plus portal-to-portal pay until he is re-housed.
16. From an unpublished memorandum, "Barrio Niño Jesus En Marcha," September 12, 1964, prepared by barrio inhabitants in a plea for government cooperation.
17. Granville H. Sewell, Squatter Settlements in Turkey (unpublished Ph.D. thesis, Massachusetts Institute of Technology, June 1964), page 44.
18. Abrams and Koenigsberger, Report on Housing in Pakistan, *op. cit.*
19. English literature often mentions squatting. Macaulay, in his History of England, refers to an "impudent squatter" who built a shed for rubbish. In Australia, on the other hand, agricultural squatters were referred to in 1847 as "a class principally composed of good men of good education, gentlemanly habits, and high principles." See "Squatter," The Oxford English Dictionary, (Oxford University Press, 1933) quoting Leichart. The term squatter as used probably referred both to initial squatters and to tenants of the Crown with prescriptive rights rather than trespassers. Thus, in a similar usage, a Mrs. C. Prald is quoted: "I am glad to have married a squatter instead of a townsman."
20. A study of the English land system, commenting on the plight of the peasants victimized by the enclosures, says: "On the wild heaths of Surrey, Hampshire, and Sussex, as well as in the great woods of the southern and Midland counties, there abode a race of squatters or 'hutmen' which has since almost retired before advancing civilization. Some few of them may have established by prescription a claim to property in their little tenements, and become peasant farmers, but the great majority were ousted as trespassers, with the progress of enclosure, and must have passed into the ranks as mere labourers, if they did not swell those of poachers and other semi-criminal vagrants." George C. Brodrick, English Land and English Landlords (London: Cassell, Petter, Galpin & Co., 1881), page 57.
21. Manchester Guardian, December 13, 1963.

22. Roy M. Robbins, Our Landed Heritage (New York: Peter Smith, 1950), page 75.
23. Robert W. DeForest and Lawrence Veiller, The Tenement House Problem, Vol. 2 (New York: The MacMillan Co., 1903), page 72.
24. New York Times, December 11, 1932.
25. New York Times, September 24, 1931.
26. New York Times, February 6, 1933.
27. New York Times, August 23, 1932.
28. More than 29,000 acres along the Colorado River, closed to homesteading in the early part of the century, are occupied by squatters who during the last two decades have infiltrated into the area and stayed there. Business thrives and property turnover occurs, with one large plot bringing as much as \$125,000. There are squatter trailer courts, gas stations, stores, and boating facilities. The squatters have become politically strong by organizing for the protection of their "rights," and the government has seemingly condoned their presence by establishing a post office and negotiating for rental arrangements. Daniel M. Burnham, The Wall Street Journal, June 14, 1961.
29. J. R. Lotz, "Northern Settlements and the Squatter Problem," Habitat, November-December 1962, page 2.
30. "Barrio Niño Jesus En Marcha," op. cit.
31. Ibid.
32. Charles Darwin, The Origin of Species (New York: The New American Library, A Mentor Book), page 243.
33. Abrams and Koenigsberger, Report on Housing in the Philippine Islands, op. cit.
34. Gwendolyn Z. Johnson, United Nations, Bureau of Social Affairs, Population Studies, reprinted in Ekistics (Athens: Doxiadis Associates, December 1964), page 404.
35. Ibid.
36. Ibid.
37. Metropolitan Lagos, report prepared for the Government of Nigeria by Otto Koenigsberger, Charles Abrams, Susumu Kobe, Moshe Shapiro and Michael Wheeler (New York: United Nations, April 27, 1964).
38. Fustel de Coulanges, The Ancient City (New York: Doubleday Anchor Books, Doubleday & Co., Inc. 1956), page 69, quoting Script. Rei Agrar., ed. Goez, page 258.
39. De Coulanges, op. cit., quoting Plato, Laws, VIII, page 842.

40. Encyclopedia of the Social Sciences, Vol. V, "Land Tenures" (New York: MacMillan Co., 1932), page 102.
41. Because of the feeling among some squatters that, under Ottoman law, a right did exist, I made inquiries in Ankara. According to a memorandum by Fikret Ungan, Director of the Department of Housing and Planning, Ministry of Construction and Resettlement, December 29, 1964, a building started in Turkey without a permit may be stopped. It is subject to vacation by the owner within 15 days. A house illegally erected may be torn down if the house is uncompleted. If occupied, it can be torn down after 15 days notice. Demolition cost is charged to the owner. Anyone who builds, occupies, or transfers the buildings with knowledge of the illegality is subject to a fine of TL 50-500 and imprisonment up to three months. Mayors and municipal employees not applying the law are subject to penalties of 90 days to one year imprisonment.
42. In Hatay, the proportion for workers was 82 percent, for small merchants 14 percent, while 4 percent were government employees; in Iskenderun, 78 percent were workers, 17 percent small merchants, and 5 percent government employees; in Mersin, 85 percent were workers, 12 percent were small merchants, and 3 percent government employees; in Zonguldak, 90 percent were mining workers.
43. William Mangin, "Urbanization Case History in Peru," Architectural Design, (London, August 1963), page 366.
44. "Barrio Niño Jesus En Marcha," op. cit.
45. Gordon E. Howard and Bernard Wagner, Housing and Urban Development in Guatemala, Report to Agency for International Development, December 21, 1964.
46. For a similar view on Mexico, see George McCutchen McBride, The Land System of Mexico (New York: American Geographical Society, 1923), page 3.
47. Abrams and Koenigsberger, Report on Housing in the Philippine Islands, op. cit., page 28.
48. Belotti v. Bickhardt, 225 N.Y. 296; Evans v. Francis, 101 N.Y.S. 2nd 716.
49. Nisbett and Potts 1 Ch. 386 (England); but see contra Conway v. Shuck 203 Ark 559 (U.S.).