Edisio Fernandes

1. Introduction

Hernando de Soto's influential books — *The Other Path* and *The Mystery of Capital*[1] — are undoubtedly very important contributions to the ongoing debate on the importance of confronting the growing phenomenon of urban illegality, especially through the formulation of public policies aiming at regularizing informal settlements and other extralegal economic activities.

In fact, this debate on urban illegality has increasingly involved urban planners and policymakers internationally since the mid-1970s, but de Soto's contribution has certainly widened its scope and reach. This can be measured by the impressive coverage given by the media to his books — which have repeatedly been discussed in editorials in the *Economist*, the *Financial Times* and the *New York Times*, amongst other influential publications — but above all by the fact that several governments have formulated regularization programs largely, and sometimes loosely, based on his ideas.

I believe that what makes de Soto's ideas so appealing is the fact that, perhaps better than anyone else before him, he has been able to emphasize the economic dimension and implications of the process of urban illegality. While most of the academic research, social mobilization and public policies on the matter of informal settlements and land regularization have been supported by a combination of humanitarian, ethical, religious, sociopolitical and environmental arguments, de Soto's has stressed the significant impact comprehensive regularization programs can have on the overall urban economy, by hooking the growing informal "extralegal" economy into the formal economy, particularly in urban areas.

Moreover, he has argued that such public policies can be instrumental in reducing social (and global) poverty. In his view, small informal businesses and precarious shanty homes are essentially economic assets, "dead capital" which should be revived by the official legal system so that people could have access to formal credit, invest in their homes and businesses, and thus reinvigorate the urban economy as a whole.

Put simply, de Soto's is a tripartite argument: people need to feel secure of their legal tenure conditions so that they can start investing in housing/business improvement; security of tenure and resulting access to credit can only be provided by the legalization of the informal occupation/business; and the way to proceed with legalization is to grant individual ownership titles.

As a result of his ideas, the full (and frequently unqualified) legalization of informal businesses and the recognition of individual freehold property titles for urban dwellers in informal settlements have been proposed or even imposed in several countries — among others, by the World Bank — as the "radical" way to transform urban economies.

I would argue that the main flaws in de Soto's argument are three-fold.

First, while discussing the importance of legalizing informal settlements, he has completely failed to question the nature of the legal system that has generated urban illegality in the first place.

Second, existing research in several countries has already proved that, given a combination of certain social, political and institutional conditions, residents in informal settlements can share a perception of security of tenure, have access to (in)formal credit and public services and do invest in housing improvement even without having legal titles.

Third, existing research has also proved that, while the recognition of individual titles can indeed promote individual security of tenure, if it is not promoted within the context of a broader set of public (urban, politico-institutional and socioeconomic) policies legalization may also aggravate the process of sociospatial segregation, in that many of the original beneficiaries of the programs would not have remain on the legalized land, which should be the ultimate objective of regularization programs — especially those promoted in informal settlements in public land.

Moreover, it should be added that de Soto's argument has also failed to consider the essential gender and environmental implications of the process of land legalization.

I shall discuss these points in more detail.

1.1 Law, urban development and urban illegality

As I have recently argued elsewhere[2], the discussion on law and illegality within the process of urban development has gathered momentum in recent years, especially since the Habitat Agenda[3] stressed the central importance of urban law. At workshops promoted by the International Research Group on Law and Urban Space (IRGLUS) over the last eight years, researchers have argued for the need to undertake a critical analysis of the role played by legal provisions and institutions in the process of urbanization.[4] The UNCHS Global Campaign for Good Urban Governance suggests that the promotion of law reform has been viewed by national and international organizations as one of the main conditions for changing the exclusionary nature of urban development in developing and transitional countries, and for the effective confrontation of the phenomenon of growing urban illegality.[5]

The fact is that illegal practices have taken many different forms, especially given the growing informal economy. However, special emphasis has been placed on the fact that an increasingly larger number of people have had to step outside the law to have access to land and housing in urban areas — that is, between 40 percent and 70 percent of the population in the main cities are living illegally — having to live with no proper security of tenure in very precarious conditions, usually in peripheral areas. This process has had many serious implications — social, political, economic and environmental — and needs to be confronted by both governments and society.[6]

In this context, de Soto's argument is a very conservative one. His books fail to qualify the discussion on property rights and he seems to assume that there is a

universal, a-historical, “natural” legal definition of such rights. However, as the case of his native Peru clearly indicates, far from proposing one single legal definition, in many developing countries the state has treated the different forms (financial, industrial, intellectual, etc.) of property rights — and the social relations established around them — differently, allowing for varying degrees of state intervention in the domain of economic property relations. It is only in so far as a very specific form of property rights is concerned — namely, that of real estate, in urban and rural areas — that the legal system in Peru, as for that matter in many developing countries, has failed to affirm the notion of the social function of property against the dominant individualistic approach given to such rights by the civil legislation, still expressing the fundamentals of classical legal liberalism.

The survival of legal liberalism regarding land and property ownership — when governments have intervened in other sectors of the economy in the most daring possible way — has of course been due to a combination of social, political and economic factors, which need to be addressed before any reformist program — such as proposed by de Soto — can be implemented. The main questions remain unanswered by de Soto, even because he has failed to ask them: what kind of implications this legal system has had on the process of urban development and who has benefited from the unchallenged maintenance of such a status quo?

I have also argued that it should be stressed that de Soto's uncritical ideas sit comfortably with two other intertwined, conservative political-ideological approaches to law and legal regulation.

First, discussion of the role of law in (urban) development has been unacceptably reduced to the simplistic terms proposed by those who suggest, despite historical evidence, that capitalism per se can distribute wealth widely and who defend a “hands-off” approach to state regulation aimed to control urban development. Whereas globalization is undoubtedly irreversible and in some ways independent of government action, there is no historical justification for the neoliberal ideology which assumes that by maximizing growth and wealth the free market also optimizes the distribution of that increment. Several indicators of growing social poverty, especially those closely related to the precarious conditions of access to land and housing in urban areas, demonstrate that even if the world has become wealthier as a result of global economic and financial growth the regional and social distribution of this newly acquired wealth has been far from optimal.

Moreover, the successful industrial development of many countries (e.g., the U.S., Germany, or even Brazil and Mexico) was achieved by adopting regulation measures and by not accepting unreservedly the logic of the free market. Perhaps more than ever, there is a fundamental role for redefined state action and economic regulation in developing and transitional countries, especially regarding the promotion of urban development, land reform, land use control and city management. The central role of law in this process cannot be dismissed.

Second, the impact of economic and financial globalization on the development of land markets has implied an increasing pressure on developing and transitional countries to reform their national land laws, and to homogenize their legal systems to

a significant extent, to facilitate the operation of land markets internationally. This growing pressure for a globalized, market-orientated land law reform, with the resulting "'Americanization' of commercial laws and the growth of global Anglo-American law firms," is based on an approach to land "purely as an economic asset which should be made available to anyone who can use it to its highest and best economic use." This view aims to facilitate foreign investment in land rather than recognize that there is "a social role for land in society" and that land is a "part of the social patrimony of the state" (McAuslan 2000).[7]

Indeed, the different cultural and religious values which have determined social and legal (even if in an informal way, as discussed by the analysts of the phenomenon of legal pluralism) relations around land matters in many countries has not been taken into account by policymakers. This has indeed been the case of de Soto's Peru, where official land policies have long ignored the values of the native indigenous peoples — who had built very successful civilizations long before the colonizers invaded their land. To different extents and in different ways, the same applies to countries such as South Africa and Egypt, where regularization programs have failed to incorporate customary and religious values.

Last, but not least, what de Soto has failed to understand is that it is widely acknowledged that urban illegality has to be related not only to the dynamics of political systems and land markets, but also to the nature of the legal order in force, particularly regarding the definition of urban real property rights.

1.2 The challenge of regularization programs

Special emphasis has been placed on land tenure regularization policies aimed at promoting the sociospatial integration of the urban poor, such as proposed by the UNCHS Global Campaign for Secure Tenure. Several recent studies have argued that, in the absence of a coherent, well-structured and progressive urban agenda, the approach of legal (neo)liberalism will only aggravate the already serious problem of sociospatial exclusion.

In particular, policymakers and public agencies should become aware of the wide, and often perverse, implications of their proposals, especially concerning the legalization of informal settlements. The long claimed recognition of the state's responsibility for the provision of social housing rights cannot be reduced to the recognition of property rights. In fact, the legalization of informal activities, particularly through the attribution of individual property titles, does not necessarily entail sociospatial integration. On the contrary, if they are not formulated within the scope of comprehensive socioeconomic policies, tenure legalization policies can have other effects: bringing new financial burdens to the urban poor; having little impact on alleviating urban poverty; and, most important, directly reinforcing the overall disposition of political and economic power that has traditionally caused sociospatial exclusion.

It should be noted that, while regularization has become the most frequent policy response to the general problem of illegal settlement, the term is being used in a variety of ways, each with different meanings, by many different agencies and

researchers. The implementation of the physical dimension of regularization policies entails the upgrading of infrastructure and introduction of services and highlights the need to be culturally sensitive. Regularization policies to provide security of tenure require greater attention to the gender implications of the process.

However, one fundamental question to be addressed concerns the impacts of regularization policies on the (formal and informal) land market. Regularization has been seen by many researchers as entailing "marketization" of processes operating in erstwhile illegal settlements. One area of concern is the possibility of "gentrification," which in this case means not the rehabilitation and changed use of buildings in the inner city, but the process of middle-income groups "raiding" newly regularized settlements for residential or other purposes, with consequent expulsion of the original inhabitants. That would be of special concern if the informal settlements to be legalized occupy public areas: how can the public investment in housing, services and infrastructure be justified if the land is to be privatized and thus fail to fulfill a social function after legalization?

It is clear that a range of economic and political issues need to be addressed when defining regularization policies so that they can be sustainable. In particular, the residents of illegal settlements should be included in the economy and politics of the city to avoid the dangers of increased socioeconomic segregation. "Instant regularization" as proposed by de Soto and the World Bank cannot be sustainable — as can be confirmed by a quick glance at the extraordinary, improbable official numbers of legalized areas and plots released by Peruvian authorities.

Although their remedial nature should be stressed, one should defend the legitimacy of tenure programs, pragmatically in some cases, or as a fundamental right in others. Responding successfully to the complex problems of illegal settlement is difficult, and particular solutions cannot always be replicated. Ultimately successful regularization is dependent on government and requires costly programs and legal reform. However, the gap between the questions raised and actual practice in the field is significant. Because of the pressing need to "get ahead" of the process of illegal settlement, public agencies are concentrating on cure not prevention. Local governments can only halt the process of illegal settlement by working on more effective housing and land delivery systems. Moreover, effective solutions require renewed intergovernmental relations and the promotion of public-private partnerships within a clearly defined legal-institutional framework. Given the "top-down" approach frequently given to this issue, the discussion on empowerment needs to be widened so the voice of the urban poor can emerge.

Moreover, existing research has shown that there is no clear link between regularization/legalization and poverty eradication. This could only be attained by the promotion of structural urban reform, which in its turn depends largely on a comprehensive reform of the legal order affecting the regulation of land property rights and the overall process of urban land development, policy-making and management.

Indeed, if they are meant to provide security of tenure, have an impact on poverty and promote sociospatial integration, tenure regularization policies cannot be formulated

in isolation. Instead, they need to reconcile four main factors, namely: adequate legal instruments creating effective rights; socially-orientated urban planning laws; politico-institutional mechanisms for democratic urban management; and socioeconomic policies aimed at creating job opportunities and income.

The search for innovative legal-political approaches to tenure for the urban poor includes reconciling the promotion of individual tenure with the recognition of social housing rights; incorporating a long-neglected gender dimension; and attempting to minimize the impact of tenure policies on the land market so that the public investment is not capitalized upon by land subdividers. Pursuit of these goals is of utmost importance within the context of a broader, inclusive urban reform strategy.[8]

Several cities internationally have attempted to materialize this progressive urban agenda by reforming the traditional legal system. Significant developments aiming to democratize the access to land and property have included the de-elitization of urban norms and regulations and the creation of special residential zones for the urban poor, as well as confronting the exclusionary nature of fiscal land value capture mechanisms by redressing the regressive fiscal burden.

2. In your experience, what are the practical challenges to achieving the "representation of assets in legal property documents"?

In my experience dealing with regularization programs in Brazil, one of the main difficulties has been the legal and technical obstacles put to the legalization of the informal settlement as a whole, which, in Brazil, is the condition for the legalization of the individual plots. Also the obsolete and bureaucratic provisions of the land registration legislation have not made it any easier for those involved in such regularization programs.

3. Can you describe your experience with "extralegal property systems," and how can they be incorporated into a larger and legal property system?

I have been working with regularization programs in Brazil for almost 20 years. Several municipal programs proposing to improve tenure conditions and regularize informal settlements have been undertaken in Brazilian *favelas* since the 1980s, combining upgrading works, service provision, land legalization and titling.

An important factor has been the creation, within the scope of zoning schemes, of special residential zones for social housing, corresponding to the settlements to be regularized.

Following the paradigmatic experience of Belo Horizonte (1983), the original programs intended to guarantee security of tenure by transferring full freehold, individual titles to the occupiers. While they have been relatively successful regarding the undertaking of upgrading works and service provision, they have largely failed to promote land legalization and security of tenure given the financial costs and legal and technical difficulties involved.

Other municipalities such as Porto Alegre and Recife have formulated innovative tenure policies to support regularization programs based on different legal-political notions, aiming to promote both individual security of tenure and the integration of illegal areas and communities into the broader urban structure and society. They have viewed the local state's responsibilities in terms of its sociopolitical and legal obligation to provide adequate and affordable social housing rights — and not in terms of providing individual property rights. Moreover, they have attempted to minimize the distortions provoked by tenure policies on the (formal and informal) land market.

Such tenure policies have applied the legal instrument entitled “Concession of the Real Right to Use — CRRU,” which, being a real right, can provide legal security of tenure. It can be registered at the public registry office, thus pre-empting eviction measures, and in essence it allows the beneficiaries to transfer the right to legal heirs as well as selling, renting out and using the property as collateral. The CRRU can be used in an individual or in a collective manner. Although it is a form of property rights, it is more specifically a form of leasehold and as such does not imply in the full transfer of freehold titles.

While the creation of special residential zones have enabled the local state to control the conditions of land use and development through specific planning regulations, the utilization of the CRRU has made possible the control by both the state and local communities of the transfers of rights, so that the public investment is not capitalized upon by land subdividers. A basic gender dimension has been recognized, in that, regardless of their legal marital status, women have been given a priority treatment for the recognition of CRRU titles.

In both cities, upgrading works and service provision have not directly depended on the completion of the legalization process. Tenure policies have been implemented in areas consolidated in sociopolitical and urban terms, where it is generally accepted that the residents are entitled to services, public equipment and collective facilities. Housing has been largely the result of self-construction, improvements have been regularly made and access to informal credit, particularly to obtain building materials, has been possible regardless of the areas' legal status. On the whole, conditions of sociospatial integration have improved.

In general, the official land market has kept distance from the upgraded areas and the original population has remained in them; even in those areas where there has been significant internal mobility, the community's original socioeconomic profile has been kept.

All such developments seem to be directly related to the articulation of tenure policies with socially oriented urban planning laws and progressive city management strategies. Whereas the special residential zones seem to give the areas and their residents a form of social and legal identity vis-à-vis the broader society and the land market, the institutional apparatus created to manage them has given the residents a political arena to defend their rights and put their claims forward. In particular, the incorporation of the special zones into Porto Alegre's ground-breaking experience of

participatory budgeting has been of utmost importance for the consolidation of social citizenship rights.

Despite the incipient stage of the legalization process, there is a generalized perception of security of tenure, which, I would argue, can be politically precarious. In those areas where there is consistent social mobilization and ongoing tenure regularization programs, there seems to exist less interest in obtaining land titles than was the case in the 1980s. However, having a title becomes important when a conflict arises, be it a legal confrontation between the occupiers and the original landowner; be it a domestic or family conflict; or be it because of other external economic factors such as the undertaking of major public works, which may turn the occupied areas more attractive to the official land market to the detriment of the residents' interests.

Given the constant changes in the local political contexts, in many cities where the tenure policies and regularization programs are not consolidated, such as Sao Paulo, several cases of removals by the public authorities have been reported. In other cities, such as Belo Horizonte, land legalization programs — and the recognition of security of tenure — has been increasingly opposed on environmental grounds, especially given the fact that many informal settlements are located in environmentally-sensitive areas; in other cities, such as Rio de Janeiro, tenure legalization programs have been directly affected by the sociospatial impact of drug trafficking. In many cities, there has been an intensification of pressure from the (informal and formal) land market owing to several external factors.

This seems to indicate that the terms of the sociopolitical pact supported by the combination of urban legislation and political-institutional mechanisms — generating the perception of security of tenure — are essentially precarious, and can be changed to the detriment of the residents' interests. Moreover, it should be stressed that, being restricted to consolidated situations, tenure policies have not been applied to the vast majority of informal settlements in Brazilian cities. Invasions have taken place on a daily basis, and most people living in such areas have no security of tenure at all.

It is in this context that the utilization of the CRRU can promote more effective conditions of security of tenure for the urban poor. It provides social housing rights, recognizes individual security of tenure and helps promote sociospatial integration in a combined manner.

This seems indeed to be a potentially winning combination: a technically adequate tenure regularization programme based on consistent legal-political framework; the combination between the tenure regularization policies and the broader urban planning legislation; and the combination of both with progressive politico-institutional mechanisms enabling the effective participation of the affected communities in the city's urban management process.

The undertaking of upgrading works and service provision in informal settlements has unquestionably improved the basic daily living conditions of the affected communities. However, if they are to have a more significant impact on the growing conditions of social poverty, tenure and regularization policies have to be both part of a broader set of public policies aimed at promoting urban reform as well as supported

by socioeconomic policies specifically aimed at generating job opportunities and income.

Question 4

In the absence of an effective legal system to manage property rights, microlending programs can be effective in drawing on other abstract assets that people might have such as social connections and a good payback history. This is already happening in what the deSoto refers to as the extralegal sector. Microcredit is a way to extend credit opportunity for investment until a better legal framework for identifying physical capital is developed. A microlending system can work hand in hand with the property rights system adjustments the author is calling for. Any comments on this?

My research in Brazil has clearly indicated that, regardless of the absence of legal titles, people living in consolidated informal settlements — particularly those which are currently being regularized — have increasingly had access to informal credit and public services; more recently, access to limited official credit has been recognized in some places to enable residents to buy building materials. That said, it is debatable if the recognition of titles would widen the access of these people to formal financial agencies, as banks do not seem to like to lend to the poor and the poor do not have the resources to cope with the pressure from such official systems.

Question 5

In October 1999, the UN and the International Federation of Surveyors held a Workshop on Land Tenure and Cadastral Infrastructures for Sustainable Development in Bathurst, Australia. The "Bathurst Declaration" stated "land administration systems need to be re-engineered, using modern technology for recording and describing tenure arrangements." Please comment on the effort to "re-engineer land administration systems" based on your own experience.

One of the problems faced by the people involved with regularization programs in Brazil has indeed been the lack of a proper land administration system in the country. Brazil's highly concentrated land structure was formed throughout centuries of largely uncontrolled occupation without any proper Cadastral infrastructure, and the 1850 land law recognized all *de facto* situations — including those resulting from invasions, imprecise demarcation, administrative corruption and uncorroborated registry history. Intensive urbanization throughout the 20th Century has aggravated matters further, especially given the complex spatial configuration of informal settlements in *favelas*. Regularization programs have used different Cadastral systems to reconcile the legalization of the area with that of the individual plots, which is always a lengthy and bureaucratic procedure, and in some cases the utilization of GIS seemed to be a positive technical experience — although its wider utilization has been hindered by the high costs involved. Deeply flawed as it is, I do not believe that any structural change in the land registry system would be likely in densely occupied urban areas in Brazil; however, some municipal administrations have tried to minimize the problems by updating their Cadastral systems. Should land reform be promoted in the countryside at some point, one should hope that it will be supported by a “re-engineered” land administration system.

Question 6

The Bathurst Declaration also stated: "An integrated perspective of the interface between markets, land registration, spatial planning and valuation indicates that society, through processes of good governance enabled by access to appropriate and reliable information, sets minimum requirements in terms of environmental standards and expectations and social tolerances." One of our roundtable participants, Edesio Fernandes, has written that "a new, socially-oriented and environmentally friendly approach to property rights is needed. ... A wide range of legal-political options should be considered ..." Any comments or observations, based on your experience?

I suppose I have already made my point!

Question 7

Richard May makes the case (in another article that will appear in this issue of Interplan) that de Soto's research and findings help relate the two current campaigns of the UN Center for Human Settlements ("security of land tenure" and "good governance") to the broader topic of "finance for development". In June, there will be a special session of the UN General Assembly to discuss progress in implementing the Habitat Agenda ("Istanbul plus 5"). There will be a lot of discussion about the two campaigns, and "finance for development" (FfD) will be the subject of a global UN conference in 2002. What can organizations such as Habitat learn from de Soto's research?

I will allow myself to reproduce here the policy recommendations I recently made in my contribution to the research project "Innovative approaches to tenure for the urban poor," coordinated by Geoffrey Payne and sponsored by the UK's Department for International development (2001).

Policy recommendations

a. Tenure policies cannot be formulated in isolation and need to be conceived within the broader context of set of preventive public policies and direct investment in infrastructure, service provision and housing policies aimed at promoting urban reform.
b. The objectives of guaranteeing individual security of tenure and protecting against eviction have to be reconciled with other social interests to fully justify the state intervention, especially to make the sociospatial integration of the areas and communities possible; to guarantee the permanence of the original occupiers on the land once it has been upgraded and legalized; and to improve conditions of social citizenship.
c. The recognition of housing rights and the guarantee of security of tenure cannot be reduced to the recognition of individual property rights.

d. The choice of legal instrument(s) to be used to promote land legalization and security of tenure has to take into account, and express, the local political context and the broader objectives of regularization programs.
e. Land legalization and tenure programs have to be articulated with urban planning schemes and laws to improve the conditions of sociospatial integration and to minimize distortions on the land market; the creation of special residential zones for social housing, with specific urban regulations, within the zoning scheme deserves consideration.
f. Tenure programs have to be supported by a clearly defined legal-institutional apparatus within an effective and participatory management process at all stages.
g. It is fundamental that policymakers promote better popular awareness about the general objectives of tenure regularization programs as well as about the specific nature and implications of the legal instrument used to promote legalization and security of tenure.
h. Tenure programs depend on continuous state action and systematic and renewed public investment; the effective participation of the communities in the city's budgeting process is a privileged way to guarantee all the above objectives.
i. Tenure programs have to be supported by legal-institutional measures and public policies aimed at widening the conditions of access to formal credit and finance for the residents.
j. The gender dimensions of the process of urban development need to be taken into consideration by the time of the formulation of tenure programs to redress historical and cultural inequalities.
k. Tenure regularization programs can only have a more direct impact on urban poverty if part of a broader set of public policies aimed at promoting urban reform as well as supported by socioeconomic policies specifically aimed at generating job opportunities and income, which process requires systematic inter-governmental relations; public-private partnerships; and renewed social mobilization.

Question 8. What do you imagine will be the impact of these ideas and findings on donor approaches to property reform and good governance?

The impact of de Soto's ideas has already been significant on the action of the World Bank and the governments of several countries; one should hope that other, more critical considerations are also taken into account in this debate.

Question 9. What specifically can planners — and planning — contribute to the process of changing "dead assets" into capital?

Being a lawyer as well as a planner, I would like to stress that the discussion of laws, legal institutions and judicial decisions has to be supported by an understanding of the nature of the law-making process, the conditions for law enforcement, and the dynamics of the process of social production of urban illegality. Particularly in so far as the discussion on property rights is concerned, I would suggest that the legal treatment of property rights should be taken out of the narrow, individualistic context

of civil law so the matter may be interpreted from the more progressive criteria of redefined public urban law.

Notes

1. Hernando de Soto. 1989. *The Other Path*. London: I.B.Tauris & Co; 2000. *The Mystery of Capital,* London: Bantam Press.

2. Edesio Fernandes. 2001 (forthcoming). "Land and the production of urban illegality," *Land Lines*. May

3. Habitat Agenda – The global plan of action adopted by the international community at the Habitat II Conference in Istanbul, Turkey, in June 1996

4. See Fernandes, Edesio. 1999. "Redefining property rights in the age of liberalization and privatization," *Land Lines*. November: 4-5.

5. UNCHS: United Nations Centre for Human Settlements (Habitat). See www.unchs.org/govern for information on the UNCHS Global Campaign on Good Urban Governance and www.unchs.org/tenure for information on the UNCHS Global Campaign for Secure Tenure.

6. See Edesio Fernandes and Ann Varley (eds.) *1998 Illegal Cities — Law and Urban Change in Developing Countries.* London: Zed Books.

7. Patrick McAuslan. 2000. "From Greenland's icy mountains, from India's coral strand: the globalisation of land markets and its impact on national land law." Paper presented at the 1st Brazilian Urban Law Conference.

8. Geoffrey Payne. 2001 (forthcoming). "Innovative approaches to tenure for the urban poor." United Kingdom Department for International Development.

Edesio Fernandes *is a Lecturer at the Development Planning Unit of University College London and a Senior Research Fellow with the Institute of Commonwealth Studies of the University of London. His research interests include urban and environmental law, planning and policy, local government and city management, and constitutional law and human rights in developing countries. He worked as a city planner and as a lecturer in Brazil (1980-86) and as a legal advisor during the national Constitution-making process (1986-88). He has been a consultant to many governmental and non-governmental organizations, in Brazil and elsewhere. He is the author of "The Challenge of Environmental Management in Urban Areas" (Ashgate, 1999) and editor of "Environmental Strategies for Sustainable Development in Urban Areas: Lessons from Africa and Latin America" (Ashgate, 1998). He is coordinator of IRGLUS — International Research Group on Law and Urban Space. He holds a diploma in urban planning and a Ph.D. from Warwick University.*