



*Brindisi to the Brindisians*, graffiti in Brindisi, Italy. Photo by A. M. Pusceddu.

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## **In/formalization**

Edited by

**Alan SMART, Josephine SMART, Filippo M. ZERILLI**

Contributions of

**Stamatis AMARIANAKIS, Lenka BRUNCLÍKOVÁ, Dolores KOENIG, B. Lynne MILGRAM, Sarah MUIR, Antonio Maria PUSCEDDU, Alan SMART, Mechthild VON VACANO, Filippo M. ZERILLI & Julie TRAPPE.**

## Informality as a strategy to formalize

Finding housing in Bamako, Mali

**Dolores KOENIG**

American University, Washington, DC

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**ABSTRACT:** Informality can be a gateway to formality. The growing urban population of Bamako believed that peri-urban land not yet deeded offered potential for future ownership. Village chiefs collaborated with them to allocate plots, sometimes mimicking formal procedures, believing it improved prospects for subsequent legalization. The very prospects of future formalization motivated action.

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The concept of informality includes various strategies for different purposes. Sometimes, informality is used to escape regulation indefinitely or is avoided because the costs of formalization are too high or the benefits too small. This occurred in Latin America and even in Bamako's center-city informal neighborhoods. At other times, informality may be a gateway to formality. Informal means may be used to access goods or resources when formal access is not possible but is foreseeable. The goal however is eventual formalization. This was the case in peri-urban Bamako. Land here was not yet formally plotted or deeded, but the growing urban population saw places they could build their homes. They envisioned a future in which the land would be formally demarcated and they could get legal titles.

### *Formality and informality in African cities*

Many have perceived developing country cities, especially informal areas inside and on the periphery, as spaces of disorder, chaos, ungovernability, and poverty (reviewed in Demissie 2007; Smart 2006: 33). Others have pointed out that informal areas are not necessarily either chaotic or poor. For example, Kihato (2007: 116) argued that informal areas represent alternative regimes to govern and regulate activities, and Ndi (2007: 22) suggested that

they generate a new kind of urbanism, which may include alternative modernities. Whether informal urban neighborhoods are considered problem or potential, informal and formal are presented as fundamentally separate from one another. The goal of many planners is to transform the seemingly unregulated informal into the formal, governed by state regulation and subject to state scrutiny (Roy 2005: 148; Mica 2016: 141).

Roy and others have questioned whether there is a radical difference between formal and informal. Hodder (2016: 117-9) suggested that the dichotomy between informality and formality is ultimately imaginary, because the processes and rules of formality are shaped and sustained by informal social relations. Roy (2005: 148) proposed that informality be viewed as a mode of urbanization, since substantial numbers, sometimes a majority, of residents of developing country cities live in informal areas. Mica (2016) proposed that formalities and informalities often incorporate the rules of both, thus are often hybrids. Trans-formality is a type of informality that occurs when the move toward formality comes from the bottom-up; those involved may adopt rational-legal approaches (Mica 2016: 148). Although the transition from informality to formality is by no means universal, the example I discuss here, urbanization on Bamako's periphery, is aptly understood as a kind of trans-formality, where the goal of residents is eventual formalization.

In Bamako's housing context, informality is indeed a lack: of government planned roads and lot allocation, of title deeds, of integration into utility-sponsored water and electricity systems. Its informality reflects a structural understanding of formality as involving state regulation (Mica 2016). In large part the informality is due to the inability of the municipal and national governments to cope with high growth and provide formal institutions in new neighborhoods (Vaa 2007). The data here come from short-term fieldwork in 2009 and long-term knowledge of the Bamako real estate market.

### *Bamako and its periphery*

Bamako, Mali's capital city, has grown substantially over the years, from about 130,000 in the 1960s to 1.9 million in 2010 and estimated at almost 3 million in 2015 (UN Habitat 2014: 270). As the city has grown, so too have its residential areas. The formal city within the boundaries of the District of Bamako is no longer sufficient to hold its population; urbanized areas include neighboring, technically rural, communes on the periphery. The District of Bamako itself contains a patchwork of formally parcelled lots with title deeds and what locals call «spontaneous neighborhoods», whose populations have

grown substantially since independence in 1960. In the District, both formal deeded and informal spontaneous neighborhoods are densely settled; affordable housing is difficult to find. Thus many residents have moved outside the formal District boundaries. As close-in areas become relatively built up, people move even farther out into the periphery. There, they find areas managed under customary tenure.

### *Customary tenure as the basis of informality on Bamako's periphery*

Before urbanization, Bamako's urban periphery was primarily used as agricultural land. Although individuals cultivated their own fields, often in the family for generations, these were not individually owned. Rather, customary tenure was conceptualized as village ownership. The village itself had rights over an area of land, which it considers its land. The village chief, usually a senior male of the most senior lineage of the village, was the incarnation of the rights of this collectivity. Traditionally, village chiefs did not act unilaterally but with the consultation of elders of other senior lineages. Among the rights held by the chief was the right to allocate land to newcomers.

People throughout West Africa, especially in semi-arid zones like Mali, have used mobility as a strategy to maintain livelihoods for generations. Crises, such as war or drought, often pushed them to move, but so too did the search for greater opportunities elsewhere. Village chiefs would allocate settlement rights to newcomers who might invigorate a village economy or provide better defense in times of war. Thus, villagers generally distinguish an autochthonous population, descendants of the original settlers, from a «stranger» population, newcomers or those descended from them. I have no information on the distribution of population between autochtones and strangers on Bamako's periphery, but it is likely that the city's opportunities have attracted a significant number of strangers. Although strangers may often be economically indistinguishable from autochtones, they have inferior political rights.

When new residents come to Bamako's periphery, their goal is to find a building lot on which they can then construct their own housing. They search out those who control access to land, usually the village chiefs. This system is informal in the sense that it is not a part of the formal legal system. There are no standard building lots, title deeds, or defined roads. Nor do these areas have access to the range of public services, such as water, sewage, and electricity, expected in urban communities. Schools and health clinics exist, but are geared to small rural communities.

The central government has introduced some changes into the system. In the 1990s, Mali decentralized its government by dividing up the country into communes composed of multiple villages, with local control by elected commune governments. This change was recognized in Mali's revised 2000 land code, slightly modified in 2002. This law recognizes the commune's rights to any undeeded (i.e., non-matriculated) land within its borders. The law also recognizes customary land rights; communes can only gain control over the non-matriculated land held by rural villages with their agreement and the payment of compensation. The process of urbanization invokes the potential role of the commune government to matriculate land by apportioning it into building lots and offering residents title deeds. To do so, however, it must first matriculate the land after gaining the consent of those with customary tenure.

### *Getting land on the periphery*

Many villages' chiefs have realized that urban growth means that their villages have little future as agricultural areas. In the past, strangers received use rights for a symbolic payment of ten kola nuts, but new residents want a permanent transfer of ownership, where they can build residences. There is no traditional model for the transfer of land from annual cropping to permanent habitation. Thus, many chiefs, sometimes but not always in conjunction with elders, have decided that the best option is short-term benefit. They have begun to negotiate prices with those who would like to settle and build. Some interviewees noted that prices had increased dramatically, sometimes 10-fold, from the 1980s through 2009. These sales have no formal legal status, since village is not and cannot be matriculated; they are informal agreements between customary owners and users.

Even though the land sale is informal at purchase, the hope of newcomers is for future formalization. Once a village has informally ceded a significant percentage of its land to individuals, the commune government may decide to negotiate a final cession of land from the village to the commune. Then, the commune can carry out a formal matriculation and parcellization and sell the lots (now carrying the potential for title) to actual or potential residents. Residents also envisage that formal parcellization will bring roads, water, and better services. Thus, informality here can best be conceptualized not as an alternative to formal urbanization, but as a step on the path to formalization. This suggests trans-formality, the bottom-up effort to move to formality (Mica 2016).

During 2009 fieldwork, people did not point to villages in which this transformation had taken place. Instead it was an imaginary that motivated people's actions. When people settled, surveyors, who reflect formal organization, were often called upon to mark out plots; sometimes a village undertook its own parcellization. Villages might also issue a paper marking the transfer of the lot. People could pay the commune government to stamp this paper, even though it was not a legal document. This adoption of formal technologies of ownership suggests the adoption of rational-legal approaches (Mica 2016).

Residents establish their ownership by building on their new lots. Residents hoped that when formal parcellization occurred, they would have the right to purchase the lots on which they lived. On the other hand, if their house was in the right of way of a new road or water system, they hoped to gain the right to buy a replacement lot in the formalized area. Thus, they saw the existing process as an investment in future stability. They recognized that they might have to pay three times for their lot: first, to procure land from the village; second, to get a temporary title when the commune carried out formal parcellization; and third, to get a title deed, when all conditions, such as construction of a permanent house according to building standards, were fulfilled.

### *Conclusions*

The informal process of urbanizing Bamako's periphery is thus a bottom-up effort toward a more formal organization. Driven by urbanites who consider that the periphery offers them a chance for stable and affordable home ownership, it depends on the cooperation of village chiefs and commune governments who want the economic benefits that formalization, through sales and eventual titling, can bring.

There are losers as well. The main losers are existing villagers, who are forced to move even further out if they want to continue to farm. Interviewees claimed that farmers saw their land sold out from under them by chiefs and other village elders. Others said that the chiefs, who should act as representatives of villages, used the proceeds from sales to benefit themselves and their supporters rather than the village as a whole. Another loser is the zone of Bamako itself, where urban sprawl has led to increasing congestion and pollution.

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