

## INFORMAL SETTLEMENTS ACT: WHAT WENT RIGHT IN THE PORTUGUESE CASE?

Paulo Silva

University of Aveiro, Department of Social, Political and Territorial Sciences, paulosilva@ua.pt

Keywords: informal settlements, law making, Lisbon Metropolitan Area

### **Abstract:**

*Informal settlements rose in the developed world for some decades, affecting, in the European context, mainly the southern countries. Many have been the models to react to this dynamic, namely through legal action. In today's world this is still affecting a significant part of the population, according to main world institutions (UN Habitat, OECD, World Bank). It is estimated that in Europe there are still around 50 million people live under these conditions. In the past, Portugal was one of the countries most affected by informal settlements. In the 1980's over one tenth of Lisbon's population was living in slums and in illegal urban areas. What started by being a critical issue in territorial terms is today almost an inexistent problem. This paper will focus on the way planning institutions were able to design a responsive legal framework, addressing informal settlements and creating a setting favourable to regenerate those areas.*

*The paper will discuss the role of planning institutions, as well as the role of informal settlement in the law making process and in the law improvement process, a process that started in 1995 and lasts until nowadays. Beyond the formal procedures there were some key factors which warranted the success of this tools: several decades of experimentation, short links and a constant interaction between agents will be presented.*

### **1. Introduction**

Informal settlements is a broader expression that is used to describe a wide range of illegal urban occupations. They are in general (1) associated with a mismatch with planning and architectural rules and (2) are in some cases the result of the occupation of land not belonging to the settler (OECD, 1998). They rose in the developed world for some decades, affecting in the European context mainly the southern countries. Many have been the models to react to this dynamic, namely through legal action. In today's world this is still affecting a significant part of the population, according to main world institutions (UN-Habitat, 2003, OECD, 1997). It is estimated that in Europe there are still around 50 million people live under these conditions (UNECE, 2010), namely in the eastern region.

This wave of informal settlements is not new. It affected central European countries like France in the decades of recovery after the Second World War – adopting mainly the shape of slums formed by precarious constructions in someone else's land - and in southern Europe countries like Italy. Later during the 1970's and 1980's the three then young democracies of southern Europe – Portugal, Spain and Greece – were also affected. Due to the effort put on some of these experiences and to the need of models to intervene in new cases – still emerging in the Balkans, institutions as UN consider that lessons should be extracted from well succeeded cases. The need of new models is perceived as crucial in terms of governance, of bottom up solutions and on legislation (UNECE, 2010).

In this paper, the Portuguese experience in dealing with informal settlements will be focused. When 48 years of dictatorship ended in 1974 the housing situation in the country was dramatic. Underneath a peaceful middle class atmosphere created by the previous corporative state, there was an explosive housing situation involving derelict buildings in city centres on one hand; shacks build in empty spaces close to the inner city (in public but also in private land) on other hand; and

the occupation of rural areas in the peripheries. They corresponded to different groups in the Portuguese society. The ones living closer to the city centre, either in old building or in slums had less resources – the places didn't belong to them, they had less income and they were older – while the third group had different characteristics – they owned the land, were younger and possessed a stable job and an income. While the state tried to mitigate the two first situations by institutionalized solutions such as the construction of social housing, the third type of precarious housing continued to grow (Silva, Farrall, 2014). This was the result of the consolidation of a new middle class, of the return of financial revenues of Portuguese emigrated mainly in central European countries and the needs of housing from civil servants returned from the African ex-colonies.

The focus of this paper is on the way planning institutions dealt with informal settlements in the peripheries of main Portuguese cities, based on an informal market of rural land, illegally divided in order to stimulate urban sprawl at low prices. They started to be known as “*bairros clandestinos*”, in the bureaucratic jargon of the 1970's, the same way they were called “*marginales*” (sp.) or “*abusivi*” (it.) in other idioms. The line was drawn: even if not much was made to deal with them, they were placed beyond legality. When a more responsive law was launched in Portugal in 1995 they adopted a new name, AUGI. The acronym meant that they were urban areas of illegal origin. This was the beginning of a process which will be addressed in this paper.

The reason for this is the fact that were these kind of informal settlements which had a stronger impact in the Portuguese urban system. This occurred to such an extent that planning institutions were under pressure to find legal alternatives to deal with informal settlements.

In the past, Portugal was one of the countries most affected by informal settlements. In the 1980's over one tenth of Lisbon's population was living in slums and in illegal urban areas. What started by being a critical issue in territorial terms is today almost an inexistent problem. This paper will focus on the way planning institutions were able to design a responsive legal framework, addressing informal settlements and creating a setting favourable to regenerate those areas.

The paper will discuss the role of planning institutions, as well as the role of informal settlements both in the law making and in the law improvement processes, which started in 1974 and lasts until nowadays. Beyond the formal procedures there were some key factors which warranted the success of these tools: several decades of experimentation, short links and a constant interaction between agents will be presented.

Much has been researched in terms of informal settlements in Portugal. In the early years after 1974 a relevant number of publications were produced in order to discuss the causes and effects of informal settlements. Main authors were practitioners who reflected on their professional practice in planning meetings (most of them promoted by local authorities) and in academic research (Portas, 1988). As the territorial impact was stabilized – this started to happen in the 1990's – this wave of research slowed down significantly. A decade later, when the results of the application of the AUGI act started to have some physical impact in the urban system a set of new works started to be produced, focusing on the impact of ex-informal settlements in the urban system (Silva, 1996, 2010).

One of the main conclusions of some of these post-AUGI act researches relate with the special status that informal settlements acquired in the Portuguese planning system. Less has been said about the lessons that can be extracted from the making, implementing and monitoring of the management model behind the legal frame. Considering the AUGI act more than legal action to deal with informal settlements, it is possible to find a rich process in terms of testing, of sharing knowledge, of networking, of brokerage, on monitoring and feed backing, which can be useful to informal settlements in other contexts and to the regular urban management models in general.

It is the aim of this paper to shed light on the process behind the AUGI act, identifying their main actors, the problems related with informal settlements at different levels – governance of the process itself, financial resources and bureaucratic procedures – and the main answers to respond to them. This has as final goal the replicative role of this legal frame in regard to other urban management contexts.

## **2. Legal, illegal and legitimate: what shapes legal frames for informal settlements?**

### *2.1 Legal, illegal and legitimate*

Informal settlements are the expression of a conflict between two parts. On one hand, the landowners, who bought rural pieces of land without any planning permit to urbanize or build and transformed these places in very precarious urban settlements – where infrastructures, collective facilities, accessibilities were missing. On the other hand, there are planning institutions, defining rules to that informal settlements don't match as urban settlements. They were not planned to exist in the urban system, therefore they lack all the basic conditions needed for an urban settlement – infrastructures, collective facilities and accessibilities, among others.

Legal frameworks play a crucial role in this set and in the way each side perceives its own rights. They establish what is legal. Urban formality and informality are addressed in regard to legal frames. It is in regard to a set of rules established by law that property rights are recognized. But laws are itself interpreted in a systemic way. In abstract, and according to the law, occupation might be considered illegal due to the mismatch with legal frames. But in concrete if the same occupation is related with the fulfilment of a housing need, although it continues to be illegal, that same occupation might be considered legitimate, as for instance housing is considered a social right. Under this context, legality and legitimacy play an important role when it comes to discuss informal settlements.

At the same time law draws the line between legal and illegal. On one hand, in the case of informal settlements a legal tool designed to control them, is perceived as a limitation of a property right, when seen from the landowners' point of view. On the other hand, when a legal tool is not just controlling but it is contributing to a balanced solution in order to allow some planned occupation this is seen by planning institutions as a concession to informal settlements.

### *2.2 Portuguese informal settlements milestones*

The emergence of informal settlements is well documented, to start with, by the fact that was a territorial dynamics which affected mostly – in terms of surface, but also in terms of number of residents – the Lisbon Metropolitan Area, shaping the suburbia of the capital. It is a process which consistently started 50 years ago, when the Portuguese capital experienced some prosperity as the result of the opening of the economy to the exterior. Informal settlements' emergence reflect this starting point and evolved according to some main key dates: 1960's - the decade of a strong migratory movement towards Lisbon, from all the country regions (Fonseca ...); housing shortages occur, leading to the development of an informal division of rural land, later occupied by illegal constructions; 1966 - the year of the construction of the first bridge in Lisbon over the Tagus river which opens the door to the speculation with rural land in the south bank of the river; 1968 – water floods in Lisbon's region put in evidence housing conditions; hundreds of people died most of them due to the precarious conditions of informal settlements in the north bank; 1974 – the revolution stands for the establishment of a democratic regime with a new constitution (approved in 1976) in which housing and association are recognized as constitutional rights; first attempts to plan informal settlements produce the first urban layouts soon after the revolution; 1976 - central and local governments are elected; the cooperation between municipalities and informal settlements is established; 1986 – The entrance of Portugal to the European Union adds a new meaning to the problem of informal settlements; they are not anymore only a matter of housing scarcity, due to the scale that in the meantime they achieved, they became an environmental and

planning problem; 1995 – After two decades of “try and fail” (in fact not much progress was apparently done in this period) in order to deal with informal settlements the AUGI act is approved by the Portuguese parliament after a surprisingly short period of months of discussion.

In order to understand this process, two milestones associated with trigger events have two be underlined. The first one is the revolution of 1974 which will change politically, ideologically and socially the country. The second one was the entrance to the European union, which had less impact in the short term, but which transformed the country in the long-term in terms of environmental and planning standards (and of the financial means to achieve them). It is in this sequence of these trigger events that the AUGI act, not without before other attempts being made.

### *2.3 How Portuguese planning institutions tried to deal with informal settlements for almost 30 years*

Until the 1960's, urbanization in Portugal was an activity exclusively carried on by the central public administration. However after the first years of that decade, it became impossible to planning institutions to ignore the rise of informal settlements around the city of Lisbon, even where they were just starting, like in the south bank of the metropolitan area (Silva, 1996). Therefore, the first legal initiative to control informal settlements was to open to the private initiative the possibility to urbanize. The expected results from this legal initiative was to increase the offer of urbanized soil and by that way to reduce the attractiveness of informal settlements in the real estate market. However, this did not happen: the needs of housing were so large by then that private entrepreneurs explored the high density market while at the same time other sector of society continued to invest in informal settlements. Acknowledging the failure of this policy and not wanting to openly recognize that informal settlements were emerging out of the control of the authoritarian regime, it was only in the early 1970's that some legal initiatives were carried out, with very limited effects. The attempt to control the existent informal settlements was not doing any harm to the emergence of new ones. Data from the 1970's showed how this was a flourishing industry in Portugal, answering to housing needs (Ferreira, 1984).

With the 1974 revolution informal settlements assumed a political and ideological meaning. On one hand informal settlements were seen as an answer to housing needs; on the other hand, not all the informal settlements were related with housing scarcity. In some cases landowners were buying several plots of land, due to their low price; others were buy plots of land in coastal areas in order to build secondary houses. Different actors' agendas generated a new perception of informal settlements: there were the “good” ones, corresponding to a legitimate aim to a home and there were the “bad” ones related with speculation and with less legitimate aims – like, at the time, to have a secondary house. From 1974 on legal documents will reflect this ideological setting with an institutional discourse emphasizing that there was not only one but two kinds of informal settlements.

Some other factors were: (1) different political parties with opposite agendas involved in plan-making at the central government, at the local government and at the landowners associations' levels; (2) the use of similar legal procedures for informal settlements and for legal settlements, despite of the fact that they had very different characteristics; (3) diversity of informal settlements, from small but heavily occupied to very large but weekly occupied areas; (4) different impact at national level, with informal settlements mostly concentrated in the Lisbon metropolitan area and in the coastal areas of Algarve, in the south; (5) different spatial planning approaches and tools with different characteristics, scales and levels of detail; (6) The need to cater to spatial planning indicators and to make a correspondence of those indicators and an uneven distribution of land by landowners.

These factors on one hand, turned the process of dealing with informal settlements more complicated; but on the other hand it allowed to explore most of the sides of the problem, which turned out to be two decades of experimentation. Some of these experiences had similar protagonists: politicians re-elected for different terms (in Portugal until recently there was no limit

of terms for local elections); practitioners who specialized in dealing with informal settlements; and landowners who embraced the legalization of the informal settlements almost as a full time job. Also as time passed landowners settled in and became residents, gaining political weight. This set of conditions played a key role on the way the AUGI act was produced and approved in 1995.

#### *2.4 The AUGI act*

Law-making are usually long, are based on the intervention of many actors, are highly hierarchical processes and tend to become very static bodies. We find this pattern in most of the spatial planning laws produced in Portugal. The AUGI act process, before and after its approval contradicts this pattern in many ways. As opposed to other legal frames, the AUGI act was discussed by a parliamentary commission and approved by the national parliament in few months. During the process a much reduced number of entities was consulted, but those who intervened were highly representative of main parts – municipalities, which were in charge of spatial planning; and informal settlements' landowners associations. As opposed to other cases the production of the AUGI act missed the intermediate levels of the hierarchical planning institutions pyramid; instead the main actors on the production of the law were the parliament, on the top of the hierarchy and representatives of the municipalities on the opposite side. And finally, this legal body became highly dynamic, with several revisions in the last twenty years.

The process of law-making showed a great consensus among the four largest political parties in Portugal. The extension of the problem of informal settlements became so large in the 1980's and early 1990's that all the political parties realized that had more gains than losses in dealing with informal settlements. The left wing parties had a traditional linkage with informal settlements at the local level and the centre-right wing parties had a significant part of their electorate living in informal settlements, namely in Lisbon suburbia; in addition, they aimed to dispute also left wing parties' local influence. For these reasons, when the law was produced and about to be approved they all wanted to be part of solution and not of the problem.

Among all the technical details included in the AUGI act, the priority was to solve those aspects that in the past affected planning institutions responsiveness. The first of this was the fact that prevalent rules obliged the total amount of landowners to agree on decision-making. This became an almost impossible task, regarding the fact that in many cases informal settlements had hundreds or even thousands of landowners. To even reach them was sometimes very difficult; in addition any decision had to be taken with the agreement of all. Due to this, an equivalent body to the old landowners' associations was established – and called management commissions. According to the AUGI act, the majority of their members are entitled to decide in general assemblies by the whole of the landowners. This possibility became very important to allow processes to move on medium and large size informal settlements. But on the other hand, it could imply a heavy burden for small informal settlements. Aware of that, the AUGI act introduced a rule in which small informal settlements could be exempted of management commissions, if they wanted.

Law-making was influenced by the fact that the majority of informal settlements were concentrated in Lisbon metropolitan area. Over 10 % of the population was living in informal settlements by the 1980's. The major practical contributions to the law came from those municipalities most affected. On the north bank, one municipality's territory (Loures) was particularly occupied by informal settlements, mainly of small size but highly occupied by housing and small activities as well. On the south bank, another municipality (Seixal) had its territory largely occupied by large scale informal scales, although still with a comparatively small population by then.

Diversity of planning tools used in the past was one of the exploratory qualities of previous experiences. Aware of that diversity, the AUGI act not just accept it but also promoted it, leaving the option to the management commissions and to the municipalities, according to each case. From then on, they were free to choose which kind of tool to use in order to legalize the settlement, either an urban or a detailed plan or, for simpler cases, only a parcelling out project.

Finally, the ability to match planning needs in terms of collective spaces was another critical issue addressed by the AUGI act. In order to meet this need different mechanisms were established: municipalities together with management commissions could decide to include extra areas to the future settlement in order to meet the urban needs; they could establish a balanced distribution among the different landowners; or even decide to compensate financially the municipality when it was impossible to find spaces in connection with the informal settlement.

### **3. Analysis and discussion of results / findings;**

Flexibility was apparently the secret to meet under the same set of rules such diversity of circumstances involving informal settlements. In less experimental contexts what could have happen instead? Probably a highly hierarchical planning institutional structure would establish a legal frame which, as it happened before, (1) would have been contested; or (2) ignored. Apparently the AUGI act was published too late for an informal settlement's process started in the early 1960's. However this "delay" seems to have been crucial to explain some of this legal tool's characteristics.

#### *3.1 Pressures to legislation and planning innovation*

Experimentation went through various phases and although it is clear that 1974 revolution was a milestone in this process. It is however necessary to admit that all the initiatives taken before and after the revolution were part of a learning process which culminated in the AUGI act. From this perspective, all the previous legislation initiatives, although bad-succeeded were part of a learning process – the public administration machine and a large set of practitioners guaranteed the continuity between dictator and democratic regimes. Legislation actions taken before and after 1974 were ineffective due to the fact that it was an exhausted state - politically talking, before the revolution and financially talking after that – who knew that very few alternatives to informal settlements could be offered. Also the state as a unified entity is something that disappears after the revolution, since municipalities started to be democratically elected. Their closeness to residents in informal settlements and to the rest of landowners very soon created conditions stretch ties, proved soon after to be stronger in some cases than institutional solidarity.

In terms of planning instruments that shift between central and local governments before and after the revolution was even more evident. While planning instruments before the revolution ignored the emergence of informal settlements and municipalities had not a say in terms of planning, after the revolution both levels of government engage into planning in order to deal with the explosive situation of informal settlements. In general, centralized planning initiatives were less accepted by landowners while local planning initiatives turn to be the beginning of an experimental phase of twenty years. The length of the processes and the perception of the landowners – of losing construction and property rights, although they never had them according to the law – was one of the main reasons for the failure of these processes. In addition to the growing pressure to legalize and the lack of responsiveness of plans, a growing environmental awareness regarding urban sprawl entered into the Portuguese scene with the entrance of the country to the European Union in 1986.

Also in 1986, an exception is open in order to deal with the largest informal settlement in Portugal, covering an area of over 400 hectares (Quinta do Conde). In order to register the plot of land under the name of the new landowners an exceptional authorization was established by the central government in articulation with the municipality (Sesimbra) – since it showed to be a successful mechanism, nine years later that exception was included in the AUGI act as a rule. And the experimentation effect continued. Since it worked successfully to the informal settlements the application of the rule was later extended to every other urban developments in order to ease the land registration process.

### *3.2 Governance concerns*

In many aspects the AUGI act met governance goals considering the kind of rules created. But this was not something achieved at once. In the initial version of the act, all the mechanisms are set mainly around two structures – the municipalities and the management commissions. A remarkable flexibility of the law allowed that for each case there were three open options – legalization managed (1) only by landowners (through management commissions), (2) only by the municipality; or (3) by both entities. Again, this was a way to create the options to cater the needs of each specific informal settlement. In some cases their pro-activity would allow them to move on their own; in other cases, due to short resources or lack of technical expertise they could make the management together with municipalities; and eventually if they would not accept to move on at all, municipalities could take the lead on their own.

In many situations along the AUGI act making a pattern was set: experimentation was an opportunity to acknowledge the diversity of situations to be addressed; the setting of rules translated that diversity. That was not only an initial pre-disposition; along the years of implementation, from 1995 until today efforts have been put in terms of keeping a constant improvement. Reflecting this, the first major revision of the AUGI act was made in 1999. Among several changes, we underline two of them.

The first one is concentrated on redistributing the power in relation with the decision-making process. According to the 1995 version, the management commissions were the only entity representing the landowners. In 1999 the act is changed in order to allow individuals to be more vocal in the decision-making. Parliamentary reports refer the fact that this was the result of the disappointment of some landowners in regard to the management commissions. The same reports refer that this information was sent to the parliament through the Ombudsman. In fact in the 1998 Ombudsman yearly report we found references to landowners' complaints about the lack of responsiveness of management commissions.

The second one refers to the role of the original landowner – the one that illegally divided the land and sold the parcels to others, but most of the times was still owing part of it. The initial version of the AUGI act, excluded them from any kind of decision-making process. In a way, this was a “moral” statement, to move away any decision from the sphere of action of the agent responsible for the process. However, when management commissions and municipalities started to apply the law, they realized that in some cases most of the needed spaces for collective facilities and public spaces for instance. In one of the law's revision, this was one of the changes introduced. Despite of the “moral” statement behind the initial version of the law, a more pragmatic perspective realized the need to include the original landowner also in the process.

This work of monitoring and improving the law has been based on a set of long-term relations between agents, and on “institutional by-passes”, or short chains, between the parliament (who is responsible by operating the changes), the municipalities most affected by informal settlements (who deals with the planning process) and the management commissions (who tests on the field the rules). Some protagonists – landowners' representatives, law-makers, parliamentary commission's members – are in the process for decades, carrying information, sometimes staying in the same job and other times moving from one context to another. Some parliamentary deputies have been councillors in municipalities where informal settlements took place; in some cases, a landowner started by being a management commission member, then became elected for the local parliament and later was hired as municipality's advisor for informal settlements, being one of the representatives in parliamentary auditions; law-makers started by working to residents' associations, carried that experience for the law-making process of the AUGI act, continued to work in the successive law-changes and eventually that accumulated experience to adapt other spatial planning legal frames.

This context established a dilemma in Portuguese planning institutions. On one hand, there was the awareness of the need to prevent urban sprawl; on the other hand, there was a public recognition of housing needs and a more discrete assumption that informal settlements would be in part the answer to those housing needs. Both sides of this dilemma were part of the experimentation phase which shaped the 20 years before the AUGI act was approved. The failed appliance of punitive decree-laws showed that that was not the way at the legal level. But the initiatives to frame informal settlements through planning seemed to be also unfruitful. Plan-processes were too long and their approval was too difficult. Traditional ways of planning, implying a full agreement between all the landowners, were in many cases very difficult or almost impossible to achieve.

#### **4. Final ideas: the outcomes of a law-making process**

We started this paper by enhancing the impact of informal settlements in the developed world in the past as well as in the developing world in the present. However, looking closer to the Europe this is a not so irrelevant issue, when considering still southern and eastern parts of it. The need for solution in many various contexts is necessary and yet the lessons to be taken should be put in perspective in order to be effective to other contexts. From many models tested, legal aspects are always present, since solutions for informal settlements have necessarily a legal impact on property rights, which can be seen from different angles. From those who are landowners, the process of legalizing informal settlements can be seen as putting in risk, if not legal, at least legitimate property rights. For those who are on the other side – public administration, planners, politicians – to legalize informal settlements tends to be seen as the achievements of those rights that for landowners were already acquired.

In face of this evident conflict of different informal settlements' perceptions, the following lines will conclude about the way a legal frame, in a country heavily fustigated by informal settlements processes during several decades, managed to establish a consensual set of rules for both parts. In this section, as opposed to previous attempts to control informal settlements, the process based on experimentation, the key-issues addressed, the dynamics of the law itself and the impact on other legal frameworks will be underlined.

What made this law to have such an effect on dealing with informal settlements and later with other kinds of urban settlements? As referred previously, if there is a lesson to be extracted from the AUGI act process of law-making is the one of the importance of experimentation, long-term relations and short chains. Experimentation was useful to test traditional models – using pre-established planning procedures – to the limit in which planning institutions recognize their failure. Testing and failing brought out the search for new solutions. And if they were not in plans nor in planners, than they should be “above” them, in the legal frameworks. The trial and fail process, long of two decades brought with it another outcome – the establishment of long-term relations. These long-term relations between politicians, planners and landowners were crucial to create trust among them, one of the key-conditions for governance settings. Actors involved in the law-making and in the law-evaluation processes interacted at different levels sometimes already for three decades. But in order to permit a fluid flux of information, on the top of long-term relations, short chains were required. The brokerage role of some actors was crucial to establish links between informal settlements and the planning institutions responsible by the law-making, in this case the national parliament.

In this paper it has been discussed a rather successful case of establishing a legal frame in order to deal with informal settlements. The impact of this process can be multiple. On one hand, the way experimentation was present is very evident. Twenty years (1974-1995) of dealing with informal settlements was the process that lead to the establishment of a new legal frame. What seems obvious today, only happened due to a learning process of two decades. Much work can be done in further researches in order to understand his shift happened only after such long period. Maybe one of the reasons is related with the fact that for many years and even after the revolution, informal settlements were seen like something to be punished and repressed at the legal level while at the plan level some attempts were made in order to legalize with strict urban criteria those who had conditions to be integrated in the urban system.



What the AUGI act also reveals is an awareness that informal settlements were not only a matter of city planning, neither of property rights, but also a matter of governance. Much of the changes imposed by this act are related with the quality of the decision – based on the majority of the elements of the management commissions but also with its effectiveness. Decisions are based on consensus-building but they are as well associated with the need to move on. This act shows a clear concern with exempting the decision making process from “grey zones”, in which the planning process could get stuck. Due to the complicatedness of the traditional administrative land registration process, new rules are set in order to allow individuals to register their plots of land without depending from the other co-owners. For a conservative public administration based on the same rules for decades something of this kind would have unthinkable some decades before.

Another relevant conclusion of this paper in regard on the AUGI act is related with its dynamics. This law, approved 20 years ago was subjected to a significant number of changes until our days. The stunning and unusual pace of changes might lead to a first suspicion of a badly done law. But analysing the number and the content of those changes it is possible to observe the consistency and the coherence of the adaptation of this law to the contexts in which it was applied. It reveals a close evaluation of the impacts of the law in the contexts in which it was applied – a diversity of informal settlements in terms of size, number of agents and uses.

And finally, the replicative effect of this law must be underlined. This legal tool was effective to deal with a specific dynamics, the one of informal settlements. But from this experience lessons were extracted to other spatial planning legal tools. The assumption that property rights were associate with property obligations, was firstly set within the context of informal settlements. Only later this was assumed for every type of urban settlements, being legal or illegal. The experimental context had to be “accepted” by planning institutions in order to deal with an exceptional problem. This exception was later adopted as a rule in order to deal with urban settlements in general.

## 5. References

- Dovey, K., 2012. ‘Informal urbanism and complex adaptive assemblage’. *International Development Planning Review*. 34. pp 349-367.
- Ferreira, A., 1984. ‘Crise do alojamento e construção clandestina em Portugal’. *Sociedade e Território*. 1. 29-37.
- Fonseca, M., 1990, *População e Território: do país à área metropolitana*. Lisbon. ed. Centro Estudos Geográficos
- Indovina, F., 1990. “La città diffusa”. in Indovina F., Matassoni, F., Savino, M., Sernini, M., Torres, M., Vetoretto, L., *La città diffusa*, Venice. Daest. Istituto Universitario di Architettura di Venezia. pp 19-43
- OECD, 1998.
- Olstrom, E., 2005. *Understanding Institutional Diversity*. Princeton. Princeton University Press.
- OECD, 1997. *Glossary of Environment Statistics, Studies in Methods*. Series F. 67. New York. UN
- Portas, N., 1988. “Sobre alguns problemas de descentralização”. *Revista Crítica de Ciências Sociais*. 25/26. pp. 1-78
- Roy, A., 2011. ‘Slumdog cities: Rethinking subaltern urbanism’. *International Journal of Urban and Regional Research*. 35. pp 223-238.
- Silva, P., 1996. “Tendências recentes de ocupação do território – o caso da Quinta do Conde”. MsC thesis polic., Lisbon, University of Lisbon
- Silva, P., 2010. “Área Metropolitana de Lisboa: descontinuidades, desenho e planeamento”. PhD dissertation. Department of Environment and Planning. University of Aveiro
- Silva, P., Farrall, H., 2014. “From informal to formal: what can be learned from reviewing fifty years of Portuguese models, policies and politics”. *Responsive Urbanism in Informal Areas*. Working Paper Series. Cairo University. Cairo. pp. 330-346
- UNECE, 2010. *Self-made cities, In search of sustainable solutions for informal settlements in the United Nations Economic Commission for Europe Region*. UN publ.
- UNHSP, 2003. *The challenge of slums: global report on human settlements*. Earthscan Publications Ltd. London.