



# STRATEGIC MANAGEMENT OF TENURE SECURITY: A CASE STUDY OF ‘JJOGBANGS’ IN KOREA

**Youshik Kim**

Team Leader, International Project Team  
Habitat for Humanity Korea, Seoul, Korea

**Junic Kim**

Assistant Professor, School of Business  
Konkuk University, Seoul, Korea

## ABSTRACT

*This study explores the impact and necessity of securing tenure in a slum upgrading programme, stressing the application of extended and distinguished concepts of tenure security. It diagnoses the current tenure security status of slum dwellers in Korea and further emphasises active community participation and Non-Governmental Organisation capacity building to realise balanced tenure security. It also analyses the case of the Jjogbang Improvement Pilot Programme (JIPP) from the perspectives of three types of tenure security: ‘legal’, ‘de facto’ and ‘perceived’. The results of this study enhance the importance of tenure security, improve the understanding of slum upgrading programmes, and propose valuable implications for future programmes.*

**Key words:** Tenure Security, Jjobangs JIPP and slum upgrading.

**Cite this Article:** Youshik Kim and Junic Kim Strategic Management of tenure Security: A Case Study Of ‘JJOGBANGS’ in Korea, *International Journal of Civil Engineering and Technology*, 8(4), 2017, pp. 2140-2156.

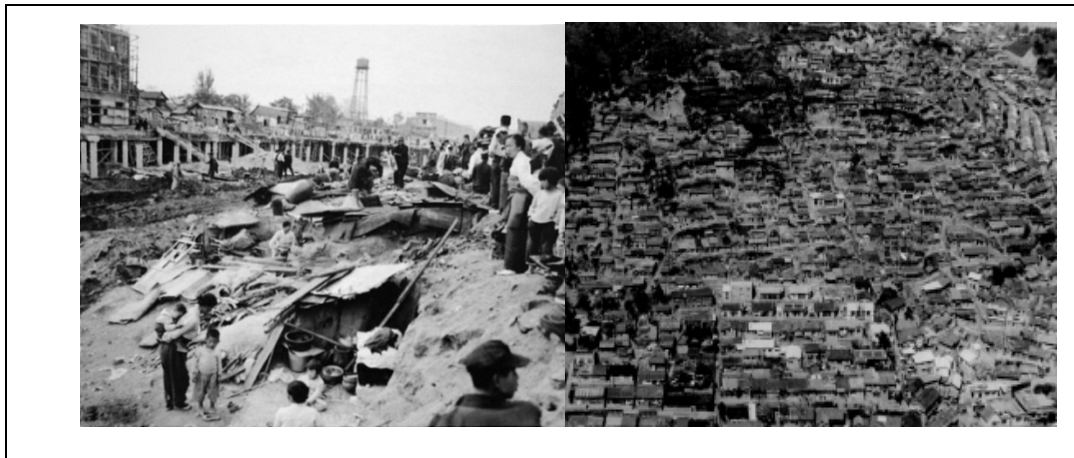
<http://www.iaeme.com/IJCET/issues.asp?JType=IJCET&VType=8&IType=4>

## 1. INTRODUCTION

These days, 80 percent of the populations in the least developed countries’ urban areas are living in informal settlements, and the numbers will more than double by 2030 (UN-Habitat, 2006). It is not surprising that negative results regarding achievement of Millennium Development Goal (MDG), Goal 7, Target 11 lead slum dwellers issue into the mainstream of Sustainable Development Goals (SDGs) Goal 11 that ensures for all to have an accessibility to adequate, safe and affordable housing, and upgrades slums (UN-Habitat, 2011). In addition, unfortunately, governments have failed to tackle the rapid urbanisation and

increasing number of slum dwellers to deliver basic needs, including tenure security, to low-income people (Payne and Durand-Lasserve, 2012).

The history of slums in South Korea begins immediately after the Korean War. Refugees and victims of the war migrated to urban areas and occupied unauthorized, state-owned lands such as riversides and hillsides, and naturally, resided in informal settlements (Kim, 2007). Because a huge squatter area was created and expanded in the centre of Seoul, inevitably, government intervention was needed to meet the rapidly increasing demand for housing in Seoul and to reduce low-income housing issues (Kim, 1996). In this process, individual rights such as tenure security were subordinate to the government's long-term plan. For instance, in the 1980s, Seoul perpetrated the most inhumane and ruthless evictions as reported by the Habitat International Coalition (Kim, 2010).



**Figure 1** Slums in Seoul, South Korea in the 1960s-70s

Source: National Archive of Korea; National Museum of Korean Contemporary History

Despite significant and continuous efforts toward achieving MDG Goal 7 through a slum upgrading programme lasting decades, the slum situation has unfortunately been exacerbated (UN-Habitat, 2011). UN-Habitat estimates that the number of slum dwellers in the world will grow from 924 million to 1.5 billion by 2020 without significant intervention to improve basic needs such as access to clean water and sanitation and security of tenure (Payne and Durand-Lasserve, 2012; UN-Habitat, 2011).

Intervention in South Korea, however, expanded slum areas due to a lack of government capacity and the consideration of slum dwellers' rights (Lee, 2006). In this context, new substandard settlements emerged as an after-effect of the government-driven forced eviction strategy. Considering this problematic phenomenon, this study considers the following research question: 'To what extent does tenure security impact current slum upgrading programmes?'

The aim of this study is to critically propose the importance of tenure security in slum upgrading programmes. Although South Korea underwent mass human evictions and violence in the process of its slum upgrading programme, an awareness of tenure security is still low. By examining the 'Jjogbang' Improvement Pilot Programme (JIPP) in Seoul, South Korea, this study evaluates the impact and necessity of tenure security in slum upgrading programmes.

## 2. LITERATURE REVIEW

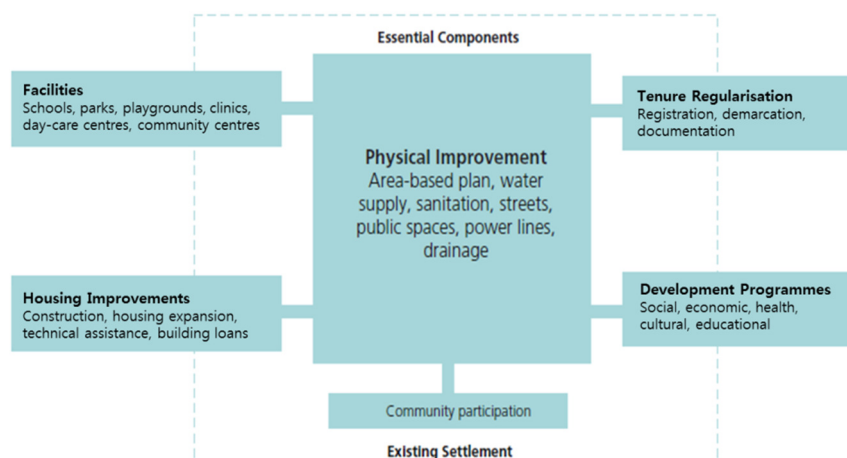
### 2.1. Slums and slum upgrading

According to UN-Habitat (2003a), discussions on what the word 'slum' means have continued since its first appearance in the 1820s. Slums are identified as having the poorest quality housing located in marginalized areas that suffer from prevalent crime and drug abuse. While the definition of a slum in the 19<sup>th</sup> and 20<sup>th</sup> centuries included connotations of conflict and division, the term slum today is defined primarily as informal, low-quality housing (UN-Habitat, 2003a; UN-Habitat, 2012b). Moreover, some define it by focusing on operational aspects and others emphasis the character of the slum. However, UN-Habitat defines a slum as follows:

[H]ousing areas that were once respectable or even desirable, but which have since deteriorated, as the original dwellers have moved to new and better areas of cities. The condition of the old houses then declined, and the units have been progressively sub-divided and rented out to lower-income groups (UN-Habitat, 2006:4).

A slum is determined based on five measurable indicators: 1) access to improved water, 2) access to improved sanitation, 3) sufficient living area, 4) durability of housing, and 5) tenure security (Martínez et al., 2008). Consequently, the definition indicates the physical, social, economic and political deprivation of a slum, yet there is no universal definition because it must be considered in the context of each country. It is worth noting that not everyone living in a slum is poor (Meikle, 2002). Thus, the scope of this study only considers the poor in such areas. In addition, terms such as slum, squatter settlement and informal settlement are used somewhat interchangeably by agencies and authorities (UN-Habitat, 2003b); therefore, this study also uses those terms interchangeably.

Slum upgrading is viewed as any intervention for economic, organizational or environmental improvement (Syagga, 2011) and the provision of basic services –a clean water supply and adequate sewage disposal (MIT, 2014). Figure 2 shows the elements of slum upgrading and correlations among elements. The definition considers not only the question of 'what slum upgrading entails' but also 'who is involved in slum upgrading'. Key stakeholders are identified as private companies and 'citizens, community groups, governments (national/local) and any other development partners (non-governmental, multi-lateral/bilateral organizations)' (Syagga, 2011; MIT, 2014).



**Figure 2** What is slum upgrading?

Source: UN-Habitat (2012b:10)

## 2.2. Tenure security

A number of studies refer to tenure security as the right to sell and transfer (Besley, 1995; Durand-Lasserve and Royston, 2002); a pre-requisite element that can protect one from forced eviction (Robinson, 2005; Durand-Lasserve and Royston, 2002); the provision of credit and increased productivity (Sjaastad and Bromley, 1997; Brasselle et al., 2002); a direct relation between affordability and subsequent access to basic services (Pimple and John, 2002; Banerjee, 2002); and an agreement between an individual or group to hold real property under a legal framework (UN-Habitat, 2004).

Since the 1950s, security of tenure has been discussed as a driver of economic development. According to Dickerman et al. (1989), the discussion was initiated when the UK colonial office advocated tenure security as an important element in improving the social and economic conditions of the poor. Bruce (2007) examined the impacts of land tenure insecurity on the country and suggested advantages of securing land tenure in Liberia's post-war context. Fitzpatrick (2006) also studied the lessons of tenure security in Tsunami-affected Aceh, Indonesia and suggested that community-driven adjudication of land rights is useful for long-term investment and recovery. Along with a market-based economy, this movement has promoted individual ownership by adopting Western legal forms of ownership. Namely, international aid agencies such as the United States Agency for International Development (USAID), the World Bank, the United Nations (UN) and the Food and Agriculture Organisation (FAO) have facilitated developing countries with this market view of tenure security. The importance of tenure security was placed in a more focal position in 2000 when the UN adopted the MDGs and is regarded as a key component from 2015 when SDGs newly launched by following of MDGs. In MDG Goal 7, the UN imposed a global challenge: achieve tenure security using measurable indicators (UN, 2013). In addition to the MDGs, the FAO stated that '[s]tates should establish appropriate and reliable recording systems, such as land registries, that provide accessible information on tenure rights and duties in order to increase tenure security and to reduce the costs and risks of transactions' (FAO, 2012:18). However, some writers have criticised the MDGs because of their poor, vague design. These critiques, of course, have been linked with concern about tenure security as an indicator, providing an opportunity to rethink the concept of tenure security. Tebbal and Augustinus (2003) point out the necessity of a 'new innovative tenure type' that is affordable for the urban poor. They imply that a range of tenure types should be introduced beyond property titling.

## 2.3. The relationship between tenure security and slum upgrading programmes

Tenure security is described as one the main concerns for slum dwellers and the poor (UN-Habitat, 2007; Handzic, 2010; Archer, 2012). UN-Habitat (2007) included tenure security in its major assessment criteria for slum upgrading programmes. One reason is that tenure security increases investment opportunities and the ability to use the land as collateral for loans, which leads to easier credit access (Van Gelder, 2009). Van Horen (2004) proposed a conceptual framework. He explained that the delivery of tenure security must be regarded as a socio-economic activity. Through this framework, he identified that tenure security must be studied in a public consolidation context. Lessons from past experience emphasise the limitations of legalised, formal tenure. Legalised tenure has been criticised in that not every slum dweller needs it (Handzic, 2010). In this sense, empirical studies also strengthen the importance of 'perceived' tenure security. This is also analogous to the discussion of legality verses legitimacy of tenure security. Collective land ownership schemes in Thailand (Archer, 2012) and new temporary and communal forms of tenure in Phnom Penh (Payne, 2004) show the need for tenure security. In addition, Boonyabancha (2009) uses the case of the Baan

Mankong area to explain the strengths of tenure security, which can facilitate the poor's involvement in a working system. In other words, tenure has great influence on transforming relationships among the poor themselves, thus increasing capacities. Moreover, Syagga (2011) stresses that the provision of legitimacy can realise perceived tenure security, illustrating this using the case study of Kenya. Rather than focusing too much on ownership, increasing perceptions of tenure security seem to be more attainable for the poor. Van Gelder's (2010) study also illustrates the strength of the relationship between perceived tenure security and housing investments. This study indicates that the degree to which residents perceived their tenure situation as insecure differed. De Soto (2003) argues that tenure security encourages residents to upgrade their houses and settlements and explains the physical and financial impacts on the dwellers.

### 3. METHODOLOGY

The primary research question of this study is 'To what extent does tenure security impact the current slum upgrading programme?' and this study aims to critically examine the importance of tenure security for slum dwellers with three sub-questions:

- Why is tenure security important in a slum upgrading programme?
- What types of tenure should be considered in a slum upgrading programme?
- What are the obstacles to slum dwellers' achieving tenure security?

The case study method is used to analyse these questions and the JIPP has been chosen to explore the criticality of tenure security. The data come from secondary sources including journals, laws, conference reports, media and the internal policy documents created by Habitat for Humanity Korea. Through this data, the case study method successfully links the theoretical debate to empirical practice and critically tackles the research question.

#### 3.1. Case study

The case study method has been used as a tool for an in-depth study of individual cases and has employed many data collection and analysis methods. There are a number of perspectives on the case study method (Gerring, 2004; Gerring, 2007). In this study, we chose a single crucial case study to tackle the research question for a couple of reasons. First, the case used in the study can be used as a critical test to verify the existing theory. To be specific, the case is adequate to verify the importance of tenure security, which is widely accepted in slum upgrading programmes in many countries. Second, a single case study is a powerful method to identify the relationship between the case and the country specific context, while multiple case studies focus on comparative results rather than particular contexts (Gerring, 2007; Stake, 2013). These characteristics are clearly combined with the case's uniqueness. Considering that the slum upgrading programme in Korea must be understood through the lens of tenure security debates and the programme should be evaluated in Korean legal, economic and social contexts, a single crucial case study is suitable for the research method. In addition, the lack of case studies on Korean slum upgrading programmes can essentially hamper the validity of comparative case studies.

#### 3.2. The JIPP (Jjogbang Improvement Pilot Programme)

Choosing the case is one of the critical factors in determining the outcome of the case study method. There are various criteria for choosing an adequate case, such as internal values and data accessibility. According to Denzin and Lincoln (2005), the applicability of the case is magnified when the case is specific, unique and boundary-clear. Moreover, accessibility of the data is also an essential point. Denzin and Lincoln (2005) prioritized the accessibility of

the data rather than the representativeness of the case. Considering a benefit of a single-case study is the ability to analyse the phenomena surrounding the case, the accessibility of the data set is vital for conducting an in-depth study (Lee, 2009). Based on these perspectives, we chose the JIPP, established by Habitat for Humanity Korea in 2013-2014. It is also worth mentioning that the JIPP is designed to function continuously; thus, this research has significant relevance in terms of applying theory to practice. In order to answer the research questions and achieve the objectives, the case study method is designed in the following manner. First, to enhance the understanding of the components of aJjogbang, the case study initially looks into the formulation of aJjogbang in its historical context and examines its characteristics. As mentioned above, recognizing the country's particular context is the main force behind achieving tenure security. Korean journals, policy reports from the government, research institutions and non-governmental organisations (NGOs) are the primary sources for this analysis.

Second, Van Gelder's (2010) tripartite views (legal, *de facto* and perceived tenure security) are applied to the JIPP to examine the current tenure status in the Jjogbang, which helps identify the extent to which the current slum upgrading programmes in Korea should be improved. In terms of legal tenure security, analyzing the legal system and government policies regarding slum upgrading identifies the government's perspectives on the slum dwellers and the current relationship between tenure and tenant–property owner agreements. Moreover, interviews and policy working papers from the City of Seoul, NGOs and research institutions are the primary sources to investigate *de facto* tenure security. Through exploring both intrinsic (e.g. the length of occupation and the cohesiveness of the community) and extrinsic factors (e.g. third-party support and political acceptance) (Van Gelder, 2010), current attempts and limitations in managing the JIPP will be presented. Perceived tenure security is investigated based on the internal reports of Habitat for Humanity Korea and Big Issue Korea, news articles and public hearing sessions from the City of Seoul.

## 4. CASE STUDY: THE JIPP

### 4.1. The emergence of new substandard settlements in Korea: Jjogbangs

A Jjogbang is one of the new substandard types of settlements in South Korea (Ha, 2004; Lee, 2006; Habitat for Humanity Korea, 2014). The origin of the term Jjogbang means 'divided room'. One adult is barely able to lie down in a Jjogbang and it is uncomfortable to stand due to its low ceiling height. In addition, a lack of ventilation and safety facilities leave Jjogbang residents highly exposed to health and safety risks (see Figure 6). At present, there are approximately 3100 dwellers living in five Jjogbang areas in Seoul (see Table 1 and Figure 5). However, the number of residents is far higher than the statistics show, as there is no official census information.

**Table 1** Number of Jjogbangs and dwellers in Seoul

Region (in Seoul)	No. of Jjogbangs	No. of dwellers
Yeongdeungpo	541	506
Namdaemoon	708	755
Yongsan	975	875
Jong-ro	757	670
Dongdaemoon	527	314
<b>Total</b>	<b>3,508</b>	<b>3,120</b>



Source: Big Issue Korea (2013)



**Figure 5** Location of Jjogbang in Seoul



**Figure 6** Characteristics of Jjogbang in Seoul

Source: Sisa Press (2013), VOP (2011) and Chu (2010)

Two significant historical points have emerged around the formulation of Jjogbangs. First, Jjogbangs emerged due to significant urban/rural migration in the process of the rapid economic development and urbanization of the 1960s-70s. As seen on an international level, the rapid urbanisation trend can hamper the resilience of a city and lead to an imbalance between housing supply and demand for the poor. Similarly, a large number of people moved to Seoul due to its rapid urbanisation (Ha, 2007). In terms of industrial structure, a change from the labour-intensive to the technology-intensive and the flow of labour, especially of those who lack skills, resulted in an unskilled day-labour force based in the slum areas in the centre of Seoul. In this sense, the origin of the Jjogbang has been explained as an illegal settlement not designated by the Housing Act, such as a red-light district, and consisting of obsolete dormitories and outdated accommodations. Consequently, the dwellers of these types of settlements become long-term residents because they cannot escape economic poverty (Kim, 2007).

Secondly, it is worth noting that the Jjogbang is a negative outcome of government-driven slum relocation programmes. After the government of Korea forced the evictions of slum dwellers in the name of 'housing regeneration' without *de facto* alternatives, the low-income communities and families were destroyed and isolated. For example, a major eviction programme in Seoul was carried out prior to the 1988 Olympics, with government justification of the evictions in order to make a 'clean' and 'beautiful' city (UNCHS 1996 cited in Ha, 2001). Approximately 800,000 people were evicted in Seoul from 1985 to 1988 (Kim, 2010). These impetuous programmes destroyed huge slum areas but created a new, fragmented, smaller type of substandard settlement, the Jjogbang.

#### 4.2. Legal housing rights for the poor in South Korea

In terms of housing rights, tenure security has not been defined under Korean legal provision so far. Therefore, the tenure issue is not treated primarily as a legal concept but as a *de facto* concept in South Korea, resulting in a lack of consensus in the range of recognition. Although the Habitat II agenda emphasises the importance of tenure security (UN, 1996), vague definitions of housing conditions in Korean constitutional law negatively influence the policy making process. Rather, tenure security can be subordinated when the government expropriates a concession for public services.

According to the National Human Rights Commission in Korea (2006), tenure is secured only for 'owners' and 'adequately contracted tenants'. This means that there is no legal protection system for the tenure of squatters and slum dwellers. As a result, historically, slum residents are forcibly evicted accompanied with violent displacement (NHRC, 2006). At present, South Korea is still not free from forced evictions. The main focus of the government is to relocate slum dwellers rather than to upgrade and help the dwellers by sustaining communities. For example, four dwellers and one police officer were killed in a conflagration in Yongsan in 2009 (Korea Herald, 2010). This incident was the result of a physical conflict between the dwellers living in informal settlements and the government forcing their eviction. During this conflict, serious human rights violations were committed by the government through mobilising a group to evict them. After this tragedy, several bills were proposed to protect the dwellers, but they have not been a high priority on the political agenda.

#### 4.3. Tenure in a slum upgrading programme in Seoul: The JIPP

Within this framework, this section analyses the performance of the JIPP during a 10-month period in 2013-2014 in partnership with Habitat for Humanity Korea, Big Issue Korea and Samsung Group. The JIPP includes 166 Jjogbangs in three slum areas in Seoul (*Dongdaemoon*, *Yongsan* and *Jong-ro*) and all of the participants are categorized as the lowest



income dwellers. This programme has been designed to initiate pilot projects and to provide services incrementally. The main roles of the stakeholders are as follows (Habitat for Humanity Korea, 2014):

- Big Issue Korea is to gather the opinions of the slum dwellers, to provide basic services such as counselling and health care and to build community capacity and employability.
- Habitat for Humanity Korea is to improve physical housing conditions such as replacing rotting wall paper and installing ventilation, water and sanitation facilities. Moreover, Habitat for Humanity Korea manages and organises the JIPP, including mediation between Samsung and Big Issue Korea and recruits young-adult volunteers for the programme.
- Samsung Group, the main donor, provides funds of 300,000,000 won (approximately £170,000). It is also in charge of public relations and volunteer participation.

The JIPP focuses on upgrading physical housing conditions and social conditions. Van Horen (2004) points out that slum upgrading ranges from the provision of basic physical services (narrow focus) to the integration of socio-economic development and contributions to institutional change (broader focus). In this sense, although the JIPP has been designed to create physical and social impacts, future programmes should aim for public consolidation and institutional-level impacts, including tenure security and regulatory framework reform.

#### 4.3.1. 'Legal' tenure security

There are two focal points that must be considered to *legalise* tenure security in Seoul. First, there is no legal act corresponding to informal settlement dwellers. Therefore, different legal acts have been applied based on the type of building (one building can contain 10 to 20 Jjogbangs). Various types of buildings exist such as buildings for housing, factories, dormitories and temporary accommodation. This clearly indicates that Jjogbangs have been treated not as new substandard types of slums but as subsets of the old-fashioned, obsolete structures that need to be 'destroyed and redeveloped'. For example, some buildings are subject to the Housing Act while other buildings fall under the Rental Housing Act, Building Act or Framework Act on Fire Services (City of Seoul, 2013). This inconsistency obviously results from the lack of a decisive definition of a Jjogbang under the legal system and thus, their dwellers have been excluded from political interests and concerns. Consequently, this omission and inconsistency seriously hampers legal tenure security in slum upgrading programmes. The JIPP has undergone several challenges in this regard, which have seriously blocked tenure security (Habitat for Humanity Korea, 2014). However, it is problematic that no stakeholders in the JIPP have taken on the role of advocating tenure security. As Ha (2008) points out, this situation is attributed to the lack of capacity in South Korean NGOs and lack of government interest. Habitat for Humanity Korea also has little experience in influencing policy makers or the revision of laws.

Second, there is huge gap between political will and the voice of the poor. The major point is that the focus of government policies is not on welfare-oriented slum upgrading but on profit-oriented housing redevelopment (Ha, 2004). Due to the location of the slums, the City of Seoul is interested in promoting 'profit-maximised real estate development' after the dwellers are evicted. For instance, 'housing support programmes' operated by the City of Seoul provide schemes to 'buy and lease', for '*Jeons* housing' and for 'public rental housing', which are low-cost housing schemes for slum dwellers (City of Seoul, 2013). However, the underlying assumption of these schemes is that the slum dwellers should move to new sites appointed by the government. The government forces the dwellers to make a choice between

two options: 1) obtaining official housing tenure accompanied with financial payments or 2) a three-month housing relocation subsidy (£4200). In this sense, financial pressure increases even if the dwellers move to new sites because current housing subsidies do not cover the new housing payment schemes. In contrast to the statistic that 71 percent of Jjogbang dwellers do not want to move to another location due to their financial situation and the cohesive communities to which they belong, the programmes in Seoul do not close the existing gap. Consequently, this gap is reflected in the passive role the government plays in the JIPP, which is limited to providing a list of the dwellers needing the most support (Habitat for Humanity Korea 2013).

#### 4.3.2. '*De facto*' tenure security

Some factors influence the *de facto* tenure security for slum dwellers in Seoul. Van Gelder (2010) proposes that both intrinsic and extrinsic factors are based on generating *de facto* tenure security. In fact, it seems that the length of occupation has little effect on securing *de facto* tenure security in Seoul. For instance, dwellers who lived in the Poi District of Seoul for over 20 years still experienced forced evictions without plausible alternatives from the government (Poi, 2012). As long as the legality of tenure does not protect the poor, it seems obvious that intrinsic factors such as length of occupation will not create *de facto* tenure security.

However, from extrinsic perspectives, it is promising that various approaches have attempted to provide *de facto* tenure security. The government, NGOs and grassroots organisations have made significant efforts to overcome the challenges of the current legal system. These approaches are based on the assumption that there are diverse viewpoints regarding the fragmented slum areas. Incrementally, a Jjogbang is treated as an 'object that can be an alternative form of low-income housing' rather than an 'object that should be destroyed'. Providing temporary tenure security is exemplified in such approaches. The City of Seoul initiated a pilot slum upgrading project in the *Yeongdeungpo* Jjogbang area. The project essentially mandated an official agreement process for property owners where Jjogbang owners cannot raise the monthly (or daily) rent or evict tenants for five years (Lee, 2006). Likewise, Habitat for Humanity Korea includes a similar five-year agreement process in the JIPP. Although this agreement process has weak legal enforcement measures, *de facto* tenure security can be strengthened through consultations and meetings that have been held to draft the agreement in the planning process (Habitat for Humanity Korea, 2014). Moreover, continuous financial and human resources support expand the capacity of NGOs to focus on long-term strategies, including policy suggestions. Taking into account that Big Issue Korea provides basic urgent services such as healthcare and education (The Big Issue Korea, 2013), this partnership closely approaches *de facto* tenure.

#### 4.3.3. '*Perceived*' tenure security

In implementing a slum upgrading programme, slum dwellers who want to stay in the Jjogbang must not be overlooked. In this context, *perceived* tenure plays a significant role in reducing the perception of the probability of eviction by the state or landowner (Van Gelder, 2010). One interview published in an internal policy report of Habitat for Humanity Korea clearly indicates that although housing conditions are below a basic level and tenants have low financial status, dwellers (tenants) are scared to ask owners to make repairs because of the risk of being evicted (Habitat for Humanity Korea, 2014). These incidents are caused by the lack of an official rental agreement, undermining the perceived tenure security level. The JIPP attempts to encourage the perception that 'they are protected' by creating 'murals' with a participatory approach (see Figure 7). The JIPP's goal is to combine physical upgrading and social upgrading through the mural programme, which can significantly impact slum

dwellers' communities, thereby strengthening perceived tenure. Through the mural programme, slum dwellers have the opportunity to raise their voices and build external relationships. Furthermore, the JIPP wants to design the next phase so as to link enhanced perceived tenure with obtaining political power in order to pressure policy makers.



**Figure 7** Mural painting programme

Source: Habitat for Humanity Korea (2014)

Several relevant cases also strengthen the importance of the connection between community participation and the perception of tenure security. For example, the Community Land Information Programme (CLIP) in Namibia and the Baan Mankong participatory slum upgrading programme in Thailand, verify that the participatory approach positively affects dwellers' tenure perceptions (Muller and Mbanga, 2012; Archer, 2012). These cases illustrate that the participatory approach not only affects the dwellers livelihood but also catalyses the building of external relationships. Moreover, community members themselves strengthen perceived tenure through forming a cohesive community. One slum resident interviewee for Amnesty International (2013) implied the importance of the role of a cohesive community by stating that the main problem in the evicted areas is that communities did not prepare for the forthcoming, anticipated eviction. Thus, the interviewee emphasised that preparation through communication and information sharing, building official negotiation channels, and political bargaining power through cohesive community relationships are essential factors in improving perceived tenure (Amnesty International, 2013).

## **5. A STRATEGY FOR SECURING TENURE AND THE SLUM UPGRADING PROGRAMME**

### **5.1. A synthesis of the findings**

The recognition level of new substandard types of informal settlements such as Jjogbangs is quite low. It is important to bring this lack of recognition into the tenure debate. Furthermore, in contrast to the 1970s' squatting pattern, new types of settlements should be managed with the full acknowledgement of each actor, including politicians, the government, civil society organisations and Jjogbang dwellers. Moreover, the fractured and invisible formulation of the Jjogbang is the main cause of the invisibility of the dwellers who cannot be directly targeted in official policy documents (Lee, 2006). This is mainly because the state's policies towards slum dwellers are still vague with a lack of an agreed upon definition for 'slum' and

‘Jjogbang’. This implies that decisive identification in the South Korean legal system should be a precondition, and thus, such regulation would improve legal tenure security.

Second, tenure security is a priority need of dwellers in slum upgrading programmes. Their attempts to stay in slum areas clearly reflect their eagerness to maintain a stable livelihood. Diverse factors explain the reasons why the tenure issue should be included and why the dwellers prefer to stay rather than move out. Several interviews conducted by different organisations point out that dwellers tend to stay due to their cohesive communities. The community engagement is a vital driver that impacts the social assets of dwellers. Interviews and surveys clearly illustrate that social assets are more likely to be considered than physical assets. In addition, accessibility to the job market is another reason for their preference. All five Jjogbang areas in Seoul are located near traditional day-labour markets where dwellers can obtain work. However, it is problematic that there is a huge gap between the dwellers’ preferences and the state’s policy and legal direction. This gap hampers *de facto* and perceived tenure security. In fact, the slum residents have no intention to improve their housing conditions due to low levels of tenure security (Habitat for Humanity Korea, 2014). Additionally, the state encourages them to move to designated places by providing housing relocation incentives, which undermines perceived tenure security. The main assumption of government policy is that the priority of the poor is to transform their lives through moving to a better housing situation.

Third, tenure security should be viewed from within the broader concepts of slum upgrading programmes. Especially in these programmes, land and housing tenure are major concerns in all communities studied (Minnery et al., 2013). To improve tenure security, distinguishing each component of tenure and analysing interrelations among the components are essential, although the indiscriminate use of different types of tenure security can also cause problems (Van Gelder, 2010). Through the JIPP, this study found some intriguing correlations among three components. It seems obvious that a high level of legal security is closely related to high levels of *de facto* and perceived tenure security (Van Gelder, 2010). Namely, legality is a strong influential factor when it comes to discussing the interrelationships of tenure security. However, under weak legal tenure security, few correlations were found between *de facto* and perceived tenure. As high levels of tenure are only guaranteed in ‘formal settlements’ and housing markets in Seoul (Kim, 2010), it is not sufficient for NGOs to tackle *de facto* and perceived tenure security. A holistic approach to tenure security is necessary.

## 5.2. Suggestions for future programmes

Based on the synthesis above, this section briefly suggests the implications for future programmes. Considering that the JIPP is a pilot project, these implications can be applied to elaborate on the project scheme, thereby moving from physical and environmental provisions to socio-economic and politico-legal provisions (Van Horen, 2004). Capacity building to achieve tenure security is the main factor on which NGOs should focus. Minnery et al. (2013) point out that the vital element of slum upgrading in the Philippines is the ‘strong role of civil society’ and civil society should help urban poor communities to obtain tenure security. Ha (2004), Ha (2008) and NHRC (2005) also point out that the primary role of civil society is to engage in changing the laws and systems of society. The transition from narrow to broader-focused provisions will need to be accompanied by bargaining power. Thus, NGOs should concentrate not only on urging the government to raise awareness but also on gathering the opinions of the poor and discovering their core needs. Identifying the current capacity level, strengthening the knowledge of tenure security and representing the voices of the poor through active approaches are strongly recommended. As a result, these capacities and

resources can reach the point of consolidation and institutional reform beyond providing physical assets (van Horen,2004).

Community participation is an essential instrument for pursuing tenure security. From a legal perspective, there is a huge gap between governmental policy and the voice of the poor. This is caused by a failure to gather the opinions of the poor, and thus, the legal system should reflect some level of protection for dwellers in squatter areas. In this context, a recipient-inclusive approach can help bridge the gap. Considering that the recent slum upgrading projects in Seoul are interested in community inclusion, like the JIPP, the legality and legitimacy of slum dwellers can bring about significant changes when cooperating with organisations such as Big Issue Korea who provide social services. Actively collaborating with local authorities and donors is a significant element in increasing the *de facto* effects of owner-tenant agreements. The current status of these agreements is that they are mutual, but they do not carry significant legal force and responsibilities. Most have no written agreement. We also analysed how the possibility of increased rental payments and forced evictions continue to threaten dwellers' livelihoods. These possibilities prevent dwellers from investing in their livelihoods. In order to achieve the goals of this project, substantial financial and human resources should be allocated to enhance the validity of the contract agreements as well as the provision of physical assets.

## 6. CONCLUSION

This study has shown the impact and necessity of tenure security in slum upgrading programmes. By using the case study method, this study concludes that tenure security should be viewed as a distinguishable and extended concept and that the capacity building of NGOs and community participation should be accompanied by tenure security. From an international perspective, it is undeniable that MDG Goal 7, Target 11 will be difficult to achieve in the flow of worldwide rapid urbanisation. As the rate of slum expansion moves faster than that of reducing the number of slum dwellers, the physical and social conditions of slum dwellers are exacerbated. The current situation is driving many scholars and institutions to rethink the meaning and range of tenure security. They point out the lack of a precise understanding of the legal-oriented notion of tenure security. Moreover, they indicate that the indiscriminate use of tenure security hampers the efficacy of programmes (Van Gelder, 2010).

In South Korea, the word 'slum' has gradually been disappearing from the state's interests after slum redevelopment plans in Seoul were completed during the 1960s-80s. Slums seem to disappear in their physical aspects and government-driven slum redevelopment plans are regarded as useful means of urban upgrading. However, the government has overlooked slum dwellers who live in fractured, scattered and invisible places. The physical structures and regional shape of slums have disappeared, notwithstanding the fact that dwellers still suffer from a lack of basic services including clean water and sanitation. With indifference, government policies focused on profit-oriented real estate development have moved slum dwellers from political concern. Ultimately, the current direction of the government of Korea is not much different from the past forced eviction strategies of the 1960s-70s.

This study analysed the JIPP, one of the slum upgrading programmes in Seoul, to identify the status of tenure security. Consequently, current slum upgrading programmes in Seoul take a passive position on tenure security. This analysis leads to three conclusions. It is necessary to 1) redesign relevant laws to focus more on protecting tenure security, 2) gain a preliminary understanding of a country's particular context, and 3) promote active community engagement. In this sense, the NGOs' limited influence in legal and political arenas significantly affects the performance of the programme. Moreover, taking into account the

low levels of tenure awareness in the legal system, it is highly likely that they will not move from this passive position. In this situation, slum upgrading in Seoul seems to focus on the provision of physical improvements without considering tenure security. By analysing the progress of the JIPP, a huge gap between the government's policy direction and the dwellers' needs was discovered. Moreover, NGO interviews and media sources revealed that slum dwellers prioritize the benefits of sustaining their communities and accessing the job market over the improvement of physical conditions. Namely, a Jjogbang must be regarded not as an 'object to be destroyed' but as an 'object to be protected' through community conservation and participation. In this sense, slum upgrading programmes should aim to encourage slum dwellers by securing tenure incrementally. In order to achieve this aim, it is highly necessary to evaluate various types of tenure security such as legal, *de facto* and perceived tenure security.

It should be noted that a single case study has limited generalisability and further research should investigate a broader class. Nevertheless, this study proposes some focal points that contribute to international debates regarding tenure security in slum upgrading programmes. It is a remarkable lesson from history that the Korean slum redevelopment plans of the past gave birth to new substandard types of informal settlements, including Jjogbangs, so that slum dwellers were relocated to a yet another, even more vulnerable position. Moreover, a comprehensive, holistic approach should be considered where the legality of tenure is weak. The South Korean case is 'legally weak' when it comes to the protection of slum dwellers. In this situation, legal as well as *de facto* and perceived tenure security must be improved. These holistic approaches precisely diagnose the current status of the programme and provide opportunities to better decide where to concentrate efforts.

In that sense, communities should participate in the planning process so that the programmes are designed to reflect the needs of slum dwellers. The power of community action also brings effective political pressure, which secures the political advancement of the poor (Muller and Mitlin, 2007). In fact, the mural programme plays a role in encouraging community engagement. Through the benefits of community cohesiveness, the participatory approach can be combined with each component of tenure security, thereby ultimately linking economic, environmental and social development.

## REFERENCES

- [1] Amnesty International Amnesty Humanlog. Interview script, 2013  
<https://amnesty.or.kr/14968/>
- [2] Archer, D. Baan Mankong participatory slum upgrading in Bangkok, Thailand: Community perceptions of outcomes and security of tenure. *Habitat International*, **36**(1), 2012, pp.178-184.
- [3] Banerjee, B. Security of tenure in Indian cities. In: Durand-Lasserve, A. and Royston, R. Holding Their Grounds: Secure Land Tenure for the Urban Poor in Developing Countries. London: Earthscan, 2002, pp 37-58.
- [4] Besley, T. Property Rights and Investment Incentives: Theory and Evidence from Ghana. *Journal of Political Economy*, 1995, pp. 903-937.
- [5] Boonyabancha, S. Land for Housing the Poor—by the Poor: Experiences from the Baan Mankong Nationwide Slum Upgrading Programme in Thailand. *Environment and Urbanization*, **21**(2), 2009, pp 309-329.
- [6] Brasselle, A., Gaspart, F. and Platteau, J. Land Tenure Security and Investment Incentives: Puzzling Evidence from Burkina Faso. *Journal of Development Economics*, **67**(2), 2002, pp. 373-418
- [7] Bruce, J. Insecurity of Land Tenure, Land Law and Land Registration in Liberia: A Preliminary Assessment. Washington DC: The World Bank, No. 46134-LR, 2007.



- [8] City of Seoul. Housing Support Methods for Informal Settlement Dwellers  
[비주택거주가구주거지원방안마련을 위한 연구],  
2013. [http://kiss.kstudy.com/journal/list\\_name.asp?key1=30112&key2=3202](http://kiss.kstudy.com/journal/list_name.asp?key1=30112&key2=3202)
- [9] De Soto, H. Mystery of capital: why capitalism triumphs in the West and fails everywhere else: London: Black Swan Books. 2003
- [10] Denzin, N. and Lincoln, Y. The Sage handbook of qualitative research, 3<sup>rd</sup> Edition, London: Sage Publications, 2005.
- [11] Dickerman, C. Barnes, G., Bruce, J., Green, J., Myers, G., Polishuk, R., Stienbarger, D. and Sund, A. Security of Tenure and Land Registration in Africa: Literature Review and Synthesis. Madison: University of Wisconsin-Madison, Land Tenure Center, No. 12762, 1989.
- [12] Durand-Lasserve, A. and Royston International Trends and Country Contexte – From Tenure Regularization to Tenure Security. In: Durand-Lasserve, A. and Royston, R. Holding Their Grounds: Secure Land Tenure for the Urban Poor in Developing Countries. London: Earthscan, 2002, pp 37-58.
- [13] FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, Rome: FAO, 2012
- [14] Fitzpatrick, D. Addressing Land Issues after Natural Disasters: Case-Study (Aceh, Indonesia). UN-HABITAT, Scoping report 29, 2006
- [15] Gerring, J. What is a case study and what is it good for? *American political science review*, **98**(02), 2004, pp. 341-354.
- [16] Gerring, J. Case study research: Principles and Practices. Britain: Cambridge University Press, 2007
- [17] Ha, S. Housing Poverty and the Role of Urban Governance in Korea. *Environment and Urbanization*, **16**(1), 2004, pp. 139-154.
- [18] Ha, S. Social Housing Estates and Sustainable Community Development in South Korea. *Habitat International*, **32**(3), 2008, pp. 349-363.
- [19] Handzic, K. Is Legalized Land Tenure Necessary in Slum Upgrading? Learning from Rio's Land Tenure Policies in the Favela Bairro Program. *Habitat International*, **34**(1), 2010, pp. 11-17.
- [20] Habitat for Humanity Korea. Programme final report [쪽방촌개선사업최종결과보고서]. Unpublished.2014 (In Korean)
- [21] Kim, S. Issues of Squatters and Eviction in Seoul: From the Perspectives of the Dual Roles of the State. *City, Culture and Society*, **1**(3), 2010, pp.135-143.
- [22] Kim, S. A Study on the Characteristics of Public Housing Policy of Korea. Ph.D. Dissertation, Seoul: Seoul National University, 1996 (in Korean).
- [23] Kim, S. Housing Support Strategy for Meeting the Needs of JjogbangDwellers  
[쪽방주민욕구에부응하는거주지원책모색],  
2007, [http://www.ap21.kr/bbs/zboard.php?id=data1&page=4&sn1=&divpage=1&sn=off&ss=on&sc=on&select\\_arrange=headnum&desc=asc&no=26&PHPSESSID=82567bf99b130f054d6e117273b5b7d1](http://www.ap21.kr/bbs/zboard.php?id=data1&page=4&sn1=&divpage=1&sn=off&ss=on&sc=on&select_arrange=headnum&desc=asc&no=26&PHPSESSID=82567bf99b130f054d6e117273b5b7d1)
- [24] Korea Herald. Six Dead, 17 Injured after Police Raid, 2010  
<http://www.koreaherald.com/view.php?ud=20090120000028>.
- [25] Lee, S. From the Squatters to Chok Bang-Deprived Neighborhoods in Korea  
[판자촌에서쪽방까지-우리나라빈곤층주거지의 변화과정에관한연구]. *Korean Journal of Social Welfare studies*, **29**, 2006, pp. 167-208.
- [26] Martínez, J., Mboup, G., Sliuzas, R. and Stein, A. Trends in urban and slum indicators across developing world cities, 1990–2003. *Habitat International*, **32**(1), 2008, pp. 86-108.

- [27] Meikle, S. The Urban Context and Poor People. *Urban Livelihoods: A People-Centred Approach to Reducing Poverty*. London: Earthscan, 2002, pp. 37-51.
- [28] Minnery, J., Argo, T., Winarso, H., Hau, D., Veneracion, C., Forbes, D. and Childs, I. Slum Upgrading and Urban Governance: Case studies in Three South East Asian cities. *Habitat International*, **39**(0), 2013, pp. 162-169.
- [29] MIT What is Urban Upgrading?, 2014.  
<http://web.mit.edu/urbanupgrading/upgrading/whatis/>
- [30] Muller, A. and Mbanga, E. Participatory Enumerations at the National Level in Namibia: the Community Land Information Programme (CLIP). *Environment and Urbanization*, **24**(1), 2012, pp. 67-75.
- [31] Muller, A. and Mitlin, D. Securing Inclusion: Strategies for Community Empowerment and State Redistribution. *Environment and Urbanization*, **19**(2), 2007, pp. 425-439.
- [32] NHRC. Tenure Report [주거권기초현황조사],  
2005.[http://library.humanrights.go.kr/hermes/imgview/04\\_88.pdf](http://library.humanrights.go.kr/hermes/imgview/04_88.pdf)
- [33] NHRC. Status of Below-Housing Standard Dwellers [최저주거기준미달가구의주거실태조사], 2006. <https://www.humanrights.go.kr/site/main/index001>
- [34] Payne, G. Land Tenure and Property Rights: An Introduction. *Habitat International*, **28**(2), 2004, pp. 167-179.
- [35] Payne, G. and Durand-Lasserve, A. Holding On: Security of Tenure-Types, Policies, Practices and Challenges. Prepared for the Special Rapporteur on the Right to Adequate Housing. research paper prepared for an expert group meeting on Security of Tenure convened by the UN Special Rapporteur on Adequate Housing, 2012  
<http://www.ohchr.org/Documents/Issues/Housing/SecurityTenure/Payne-Durand-Lasserve-BackgroundPaper-JAN2013.pdf>
- [36] Poi. The History of Poi District [포이동재건마을이야기], 2012  
[http://poidong.net/history\\_poidong](http://poidong.net/history_poidong)
- [37] Robinson, E. Reassessing the Interaction between Investment and Tenure Uncertainty. *Environment and Development Economics*, **10**(02), 2005, pp. 143-157.
- [38] Sjaastad, E. and Bromley, D. (1997) Indigenous land rights in Sub-Saharan Africa: Appropriation, security and investment demand. *World Development*, **25**(4), pp. 549-562
- [39] Stake, R. Multiple case study analysis 2<sup>nd</sup> Edition, New York: Guilford Press, 2013
- [40] Syagga, P. Land tenure in slum upgrading projects. *Les cahiers d'Afrique de l'est*, 2011, pp. 103-113.
- [41] Tebbal, F. and Augustinus, C. The Millennium Development Goals and Security of Tenure, 2003.  
[https://www.fig.net/pub/morocco/proceedings/TS1/TS1\\_3\\_tebbal\\_augustinus.pdf](https://www.fig.net/pub/morocco/proceedings/TS1/TS1_3_tebbal_augustinus.pdf)
- [42] The Big Issue Korea. General Introduction of Jjogbang in South Korea [전국쪽방상담소현황], 2013. <http://bigissue.kr>
- [43] UN-Habitat, The Challenge of Slums: Global Report on Human Settlements, Nairobi: UNHABITAT, 2003.
- [44] UN-Habitat, Handbook on Best Practice, Security of Tenure and Access to Land, Nairobi: UNHABITAT, 2003.
- [45] UN-Habitat, Enabling shelter strategies: Review of experience from two decades of implementation, Nairobi: UNHABITAT, 2006.
- [46] UN-Habitat, Enhancing Urban Safety and Security, Nairobi: UNHABITAT, 2007.
- [47] UN-Habitat, Monitoring Security of Tenure in Cities: People, Land and Policies, Nairobi: UNHABITAT, 2012a.
- [48] UN-Habitat, Streets as Tools for Urban Transformation in Slums: A Street-led Approach to Citywide Slum Upgrading, Nairobi: UNHABITAT, 2012b.

- [49] UN The Millennium Development Goals Report 2013, New York: UN, 2013.
- [50] Van Gelder, J. What Tenure Security? The Case for a Tripartite View. *Land Use Policy*, **27**(2), 2010, pp. 449-456.
- [51] Van Gelder, J. Legal Tenure Security, Perceived Tenure Security and Housing Improvement in Buenos Aires: An Attempt towards Integration. *International Journal of Urban and Regional Research*, **33**(1), 2009, pp. 126-146
- [52] Van Horen, B. Community upgrading and institutional capacity building to benefit the urban poor in Asia. In: Forum on Urban Infrastructure and Public Service Delivery for the Urban Poor Regional Focus: Asia, New Delhi: India Habitat Centre, 2004. pp. 24-25.