

# Informal Land Sale and Housing in the Periphery of Pointe-Noire

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**Abstract:** This article examines the relations between practices in informal land transactions under customary tenure and spatial differentiation among suburbs in the periphery of the city of Pointe-Noire, Congo-Brazzaville. Urban sprawl is a permanent feature of urbanisation in Congo-Brazzaville that not only propagates slums for low-income dwellers but also entails locally embedded ways of building the city in the absence of state-led planning. The case of Pointe-Noire shows that large tracts of customary land are sold without public control, a process accompanied by the emergence of new suburbs with different stylistic patterns of housing. While suburbanisation does carry the potential to improve the quality of housing by attracting wealthy residents, it exacerbates spatial fragmentation and the exclusion of certain groups in the population from access to both land for housing in upmarket suburbs and public services. Powerful actors tend to profit most from informality.

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Communal rural land is being converted into residential areas through speculation, commercialisation, and unregulated spatial expansion of the city of Pointe-Noire in an ever-increasing number of new suburbs. This paper focuses on institutional arrangements around land acquisition and new forms of suburban developments that have taken place on the encroached peripheral land, and describes how these developments have given way to a differentiated spectrum of suburbs. Land conversion into residential plots onto the adjoining rural periphery is a reflection of the extent to which the interests of the involved actors conflict with or meet those of the regulatory system in place in the quasi-absence of urban-planning machinery. The assessment provides informative answers to the following specific questions: Who are the actors involved in the transactions of land located on the urban fringes? What are the social relations linking these actors? How do they communicate at different stages of land selling? What are the mechanisms sustaining the participation of different actors in the allocation of plots of land in the urban periphery? What are the patterns in terms of housing production, provision of services, and spatial fragmentation?

The urban projections elaborated by the United Nations insistently predict that by 2025 more than half the populations in most African countries will be living in cities. This process, called urban transition, marks the passage from a predominantly rural to a predominantly urban society, according to a United Nations Population Fund (UNFPA) report (UNFPA 2007: 6). Such a transition, however, is no longer a mere prediction, as some African countries, Congo-Brazzaville among them, have already reached that stage. According to its 1984 census, 52 per cent of Congo-Brazzaville's population were already living in cities. The 2006 population census showed an increase to 68 per cent. A more recent estimation put the proportion at 71 per cent in 2012 (UNECA 2013). It goes without saying that such rapid growth in the urban population has created tremendous demands for new land and housing, particularly on the fringes of Brazzaville and Pointe-Noire. Elsewhere, it is widely documented that the growth of cities in Africa is space-intensive, and that peri-urban areas are the sites onto which the demands for land have considerably mounted over past years (UNFPA 2007: 45–53).

In the literature there are frequent pejorative associations of the peri-urban with poverty, illegality, and slums (UNFPA 2007; Körling 2012; Ferguson 2007; Storey 2003). Peri-urban land transactions are generally discussed in isolation from differentials in the quality of housing on that land. While references to slums and squatters abound in the literature, the relations between land conversion and the forms of hous-

ing development have been largely neglected in the theorisation of the peri-urban. Hence, as Rakodi (1996) argued, it is important to understand the role of land transactions in the spatial and built-up dynamics of peripheral suburbs. Omission of this determinist linkage in most analyses has set some limitations in achieving efficiency from any urban policy aimed at controlling and accommodating urban sprawl. Closely linked to the previous point made is the residential fragmentation that results in the suburbs.

However, in opposition to this negative narrative on the peri-urban, there have been more progressive writings that have focused on the potential for emancipation in relation to high standards for housing and ownership. A peri-urban area has many functional dimensions – for instance, it is a centre of middle- to high-income residential development (Woltjer 2014) and a location of industrial and regional economic development. Overall, such functions are the root causes of rapid, extensive, and largely uncontrolled land conversion from rural land usage to urban land usage. Dupont (2005) argued that to understand the forces at work in peri-urban spaces it is necessary to analyse the modalities of the settlement process in those areas and evaluate the various components of that process in terms of population housing. The same author goes on to insist that peri-urban spaces are mixed spaces that are apportioned between populations with contrasting lifestyles and varied uses of land, bringing into play divergent and even conflicting interests.

The central argument of this article is that in the absence of formal (state-led) planning, a peri-urban area is a residential space governed by conflicting users' interests and adaptive practices – meaning, a space where individuals, either in isolation or as group, drive urbanising patterns of residency that blur the distinction between illegality and legality in the occupancy of land and the development of it into housing property. While being a space for opportunities, the peri-urban is also a space for spatial fragmentation, social segmentation, and socio-spatial inequalities. Some peri-urban spaces are characterised by a lack of infrastructure, urban services, and amenities; elsewhere such areas appear to have complex structures resulting from a mix of uncontrolled processes and the flouting of regulations that benefits both rich and poor residents. The peri-urban area, it is argued, should be analysed through its heterogeneity and fragmentation in terms of land supply and house production. This is the analytical orientation emphasised in this paper.

The city of Pointe-Noire serves as a case study, and information in the key areas of practices in peri-urban land transactions and housing production were collected with this focus in mind. Pointe-Noire is the

second-largest city in Congo-Brazzaville, with a population of approximately 715,334, according to statistics published in *Statoids* (2011) based on the last population census of 2006. It is a medium-sized city. According to UN-Habitat (2013), urban growth is strongest in medium-sized cities of fewer than five million people. Burgeoning cities of this size absorb neighbouring villages as they engulf the countryside. It is therefore useful to take it as a case study to understand spatial changes in the peri-urban.

A figure dating back to the 1980s estimated the city area to be 44 square kilometres (equivalent to 11 square miles). This estimation is far below the correct figure, as no comprehensive survey of the city's area has been undertaken since the 1980s. Since it split from Kouilou Department in 2003, Pointe-Noire has become a department of its own. This reclassification shows the importance of this city within the structure of the departments of Congo-Brazzaville. As documented elsewhere (Tati 1993), over the last several years the city has experienced rapid population growth – roughly 7.5 per cent annually. Since the 1990s, Pointe-Noire has been growing economically and attracting new residents mainly because of its booming oil industry, run by many multinational oil companies. The oil-related interests represented there have also contributed to the image of this city as one with plenty of opportunities to earn money. This has made it a more attractive place to live compared to the national capital, Brazzaville, which has been the scene of frequent military coups since the country gained independence in 1960.

Although the city of Pointe-Noire is administratively divided into six districts (*arrondissements*), it presently covers a number of localities which were once autonomous villages. These localities include Siafoumou, Mongo-Pokou, Tchimani, Loango, Ngoyo, and Vidoula, to name a few, and they have become new peripheral suburbs. Conversion of rural land into urban-based economic activities is also part of this urban sprawl. Following the collapse of the socialist-inspired one-party political system in the 1990s, property rights over communal land were returned to traditional constituencies, which include chiefdoms and other customarily designated leaders. These are non-state actors. They are, however, the prominent drivers of land supply in the periphery of the city, and they operate at the interface between formal and informal regulatory frameworks to transact peripheral rural land for residential use to accommodate the growing demands in the expanding suburbs.

## A Theoretical Perspective on Land Conversion in the Peri-Urban Space

The governance perspective provides the theoretical framework of this article. Among many other deductive applications, it offers a framework for understanding changing processes of governing land markets and house production in peri-urban areas. Along this line, governance is a key conceptual element in the discourse on effective urban management in Africa, as it touches upon the areas outside the public process (private sector, civil associations, community organisations, and civil movements) (see Wagemakers 2011). Following Lofchie, it is argued that the importance of governance to the examination of institutional arrangements around land use and housing development in the peri-urban lies in the possibility it offers to identify the precise location of effective control of land management. Because governance goes beyond the formal institutions embodied in the operation of legislated government, it does not determine in advance the locus or character of real decisional authority (Lofchie 1989 cited in McCarney, Halfani, and Rodriguez 1995: 94). McCarney et al. argue that taking the notion of governance beyond the mere notion of government

allows space in the considerations for the inclusion of groups and individuals in civil society that are increasingly instrumental in political relationships, where formal state structures are weak and unable to provide basic services. As we increasingly recognise that civil society organises into new associational arrangements, often to pursue survival strategies in this changing state–civil society nexus, it becomes important to reconsider our thinking about government within a broader dimension. Hence the increased attention to the concept of governance. (McCarney, Halfani, and Rodriguez 1995: 94–95)

From a theoretical point of view, governance helps understand these arrangements. To achieve this, it is important to conceive of governance as distinct from government, identifying governance as the relationship between civil society and the state, between rules and the ruled, between the government and the governed. The imperative of credible and legitimate governing institutions lies in this relationship between “citizens” and their “city-state.”

In reference to this article, landowners involved in subdividing and selling plots are civil society actors that operate beyond government. However, they interact with institutions of the state, while generating their own rule. Their actions in land management create a divide between

the complex reality of decision-making within governance and the normative codes in place used to explain and justify the role of government. The mechanisms of land supply and house production at work blur the boundaries of decision making in the administration of residential land and obscure which actors should be responsible for tackling peri-urban issues. This blurring of issues can lead to blame avoidance and scapegoating on matters of regulation of ordered settlements in peri-urban spaces: the responsibilities are pushed on the private parties – namely, the citizens (landowners and house builders). Landowners, either in groups or as an association of different groups, are part of self-governing networks of actors. Stoker (1998) argued that such networks raise the dilemma of accountability, and the accountability deficit can be experienced either at the level of individual constituent elements of the network or at the level of those excluded from any particular network. The solution, according to Stoker, rests on bringing the government back in some form. This is a point taken again in the concluding section.

At this stage, it is important to clarify what we mean conceptually by “peri-urban” and some of its connections with the governance perspective. Albeit easy to visualise from the standpoint of a land surveyor, the peri-urban periphery is a difficult concept to define or measure in a unified manner (Marshall et al. 2009). In the relevant literature, it can be used along with or in lieu of other concepts such as “city periphery,” “urban fringe,” “city fringe,” suburban, or “rural-urban fringe.” All of these are concepts that urban scientists use according to their needs, scope of work, and data availability. In an attempt to bring out a conceptual common ground, Jargowsky (2005) conceives of peri-urban areas as “those spaces which have recently been transformed or are in the process of being transformed, from self-regarding localities to localities which exist in a continuous but subordinate relation to a major city centre.” Such areas are not exclusively in the urban-rural hinterland regions, as other peripheral areas (for example, coastal areas earmarked for industrial development) may also fall into this category. Thus the interchangeability of these concepts is recognised and applied throughout this paper, though “city periphery” and “peri-urban” are most frequently used.

Going beyond diversity in terminologies, various works of research on residential mobility provide more in-depth knowledge of urban migratory dynamics in the city. Beauchemin (2001), writing on the residential changes affecting the periphery of Abidjan, capital city of Côte d’Ivoire, argued that peripheral extensions of a major city are the outcome not only of new arrivals from rural areas but also of already-established city dwellers who have relocated to the periphery as part of their residential trajectories.

They find in the peri-urban area certain conditions that allow them to become homeowners (either in newly zoned areas or those in need of zoning). The peri-urban area is not spatially static, as it moves in waves with the growth of the city. Thus, it is at the interface of a space which is changing and has no distinct boundaries. Demographically, it is not an exclusive receiving area for landless migrants from rural areas, as it draws its residents from both urban and rural dwellers. According to Jargowsky (2005), changes in the peri-urban areas are, for the most part, highly visible manifestations of social structures and policies located at broader scales. Peri-urban zones must therefore be understood in terms of the role they play in the larger city system, including the housing market and political structures. Put differently, the developments they generate are inextricably intertwined with the institutional arrangements around land transactions. According to Arabindoo (2005), the transformation affecting the urban peripheries cannot be isolated from the dynamics of the city as a whole or its region of proximity. Therefore, consideration should be given to the social and cultural overlap embedded in the settlement patterns of the peri-urban. Those settlements are complex heterogeneous structures that create new forms of segregation, polarisation, and socio-spatial fragmentation between the original village clusters and the new settlements catering to both the rich and the poor (Arabindoo 2005). This view is given credence in this paper.

Extrapolating from Narain and Nischal (2007: 261), one can also see “peri-urban” as a term that conveys two interrelated aspects: a place (edge of a city) physically demarcating the circulation of services and goods between the rural and the urban settings, and a concept pointing to an interface between rural and urban activities, institutions, and perspectives (Marshal et al. 2009: 3). This conceptualisation provides a way of regarding the peri-urban as a site of expulsion, with rural dwellers being pushed out of their ancestral land to make way for urban residents. Therefore, it is a site of contentions and conflicting politics between interest groups. It can also be seen as a transformation zone, where new modern housing can be expanded for the well-to-do urban dwellers, especially those in the middle classes. From that angle, the peri-urban can be conceived of as an area out of which various opportunities arise. More critically, the literature on peri-urban areas emphasises that they are areas of poor regulation or uncontrolled transformation. The regulatory void characteristic of peri-urban contexts has been much criticised (Schenk 2005). This void often occurs because authorities fail to provide services to residents in these areas. However, as Allen and Davilla (2002) point out, economic and social outcomes in peri-urban contexts are not without contradictions and ambi-

guity. Some people may benefit, others may be disadvantaged. For example, land prices might rise, to the disadvantage of low-income earners, but the middle class and high income may fare well in this process.

There are other externalities that manifest when housing is built on ecologically fragile land such as coastlines. The conversion of land for agricultural production destroys the livelihood of village dwellers and increases the risk of food insecurity. Colliding with surface or underground water reserves around the city pushes the points of water collection further away. Authors like Simon et al. (2003) and Satterthwaite (2007) have argued that peri-urban contexts are highly affected by processes such as structural adjustment, wars, political independence, cessation of conflicts, liberalisation, and the global politics of development. Structural adjustment and liberalisation (political and economic reforms) are pervasive processes that give rise to new forms of adaptation among dwellers in the cities in response to state withdrawal from massive public spending. The reforms also dictate the ways in which urbanisation processes in Africa play out in relation to global processes and politics within the context of the current, neoliberal economic model (Riddell 1997). In most African cities of today, the bulk of housing, transportation, employment, and trade take place outside formal state institutions or at their interface with informality.

While the state withdrawal gave way to a dilapidated urban infrastructure, it allowed the inclusion of human agency in the technicalities of urban innovation under the discourse of what was conveyed as governance. Structural adjustment programmes (SAP) were seen by some analysts as ineffective. Others shifted the attention to the remarkable resilience of non-state agencies to challenge the monopoly of state institutions in shaping the character of African cities today. Taking a retrospective look at these programmes, it can be argued that SAPs concentrated on efficiency of government rather than on credible and accountable institutions, as governance does, thus bringing politics to the fore. As Stoker (1998: 18) noted, the World Bank reduced the term “governance” to a commitment to efficient and accountable government. Consequently, a prevalent view on peri-urban development tends to associate its occurrence with the weakness of local government agencies.

## Methods and the Case Study in Context

The analytical framework draws on a range of sources of data and information maximising the use of secondary and primary sources. A qualitative approach is given preference, and extensive site observations and

a limited number of in-depth interviews of purposefully selected respondents were also carried out. This article emanates from a related research project that started in the early 1990s. While the original research project concentrated on the macro-trends of urbanisation and its connections to migration and development (Tati 1993), considerations of the peri-urban were added in the early 2000s, as my research interests shifted to micro-transformation at the spatial level.

A combined design was used to carry out the fieldwork. Person-to-person interviews were collected together with visual material and site observations. In total, a series of 12 in-depth interviews with people of different origins in the suburbs provided my individual primary data. To keep with a balanced representation in the convenient sample, I conducted two interviews in each of the six selected suburbs grouped into the following categories: affluent, moderately affluent, and non-affluent. People of different socio-demographic backgrounds were covered. I also interviewed three landowners involved in land selling to gain insights into the way they proceed with their practices in land subdivision and sales and their relations with the authorities in the city. Most of the details about landowners were obtained from land buyers' experiences. On several occasions, my position of participating observer allowed me to capture additional facets of the suburban built-environment, including infrastructure, services and housing styles, amenities, and forms of community-based organisations. Particular suburbs established since the end of the 1990s were selected for the purpose of this study, mainly for their diversity in housing standards. However, it is important to indicate that the physical observations are of a somewhat longitudinal nature, with frequent visits to the sites of interest to capture temporalities in the production of periphery within the period from 1993 to 2013.

## Urban Changes and the Growing Demand of Land for Housing

### City Growth and Urban Land Management in the Years of Public Control over Peri-Urban Land Development

From the earlier years of the post-independence period to the mid-1980s, attempts were made by the authorities in Congo-Brazzaville to plan urban development. Those attempts first relied upon the "master plan" initiated by the former colonial power (France). In that master plan, rules pertaining to the development of the city were elaborated in

relation to how the French technicians intended to control city growth and keep pace with the would-be urban norms in terms of infrastructure in the 1960s and 1970s. This approach was abandoned when planners realised that urban management was getting out of control due to fast-growing demands for space for housing and other activities. The magnitude of urban demands generated by urban growth was by far outpacing the projections assumed in the master schemes. Drawing from similar observations in developing countries, Devas and Rakodi argued that the shortcomings of the master-planning approach lay in

the production of a top-down, rigid zoning plan which is unrelated to the forces that really shape the city (economic, social, and political), and which is too inflexible to be adjusted in the light of the realities of the situation. (Devas and Rakodi 1993: 78)

Under the state-driven land regime, the government imposed planning controls and zoning regulation, which limited the way land could be used. The city had a relatively operational land-registration system in place. Around the mid-1980s, it ceased to operate effectively mainly due to a lack of resources stemming from the authority to manage and deliver land for housing being given back to customary landowners. This shift coincided with the implementation of economic reforms in the 1980s under the SAPs sponsored by both the International Monetary Fund and the World Bank.

## **The Years of Economic Restructuring and the Weakening of Municipal Authorities in Land Monitoring**

The SAP initiated in 1985 in the hopes of restructuring the economy marked a turning point in the state ownership of land. Subsequently, the second SAP of 1989, with its democratisation and decentralisation components, marked a period of profound change in the marketing of land for housing purposes (Tati 1993). In 1989 the one-party system was abolished, and this opened up opportunities for multiple forms of association, encouraging more democratic individual participation in decision making at the local level. The reforms of the early 1990s of both the Congolese Constitution and the law on freedom of association allowed for state-owned land to be transferred to communal ownership. These changes had considerable effects on the land market situated on the periphery of Pointe-Noire. Not only did they result in new forms of informal land markets coming into operation, they also permitted new suburbs with high architectural standards to be built in unregulated environments. The democratic openness conferred a significant power to

particular groups of individuals in the supply of communal land for residential use. Because of their eroding effect on the power of the public sector, economic and political reforms gave way to new forms of land transactions in which the role of the public authority was relegated to the last link of the chain in the transactions over land for housing. Traditional landowners gained a prominent place in the supply chain, as the power of the state eroded under the structural adjustment and the democratisation of the political space. In the next section, the process of land commercialisation is examined in detail to elucidate the management side.

## Institutional Arrangements around the Peri-Urban Land Conversion and Informality in Transactions

House construction is normally predetermined by access to land. Thus, house building and land acquisition are interrelated and the two most important components of the residential package (Rakodi 1996: 391). The land-market transactions and social relations remain understudied in the literature due to a lack of long-term embedded observations. The accounts that follow draw heavily from the observations noted during my fieldwork.

The selling of land proceeds in stages. Initially, there is usually a village adjacent to the city that is still classified as part of the rural area. The area is inhabited by people claiming to be the traditional owners or dwellers of that village under a recognised chieftaincy. According to Rakodi (1996), this is the pre-independence land vested in a community under customarily managed tenure. In Pointe-Noire, such communal land is locally called *u'toto u bwala* (the ancestral land), in reference to a territoriality with well-defined limits according to cultural practices. Some of these individuals are not physically living in the village in question. The selling of land is not always a decision taken by villagers themselves. Most of the time, it is instigated by urban dwellers with loose membership/residency in the village – for instance, city-based second-generation migrants from the village. These individuals have preserved their affiliation to the village even if they do not physically live there. Enjoying the status of “village members,” these city dwellers, with the support of other opportunist residents in the same village, are in a position to influence villagers to sell customary land that is abundantly available and within the territory of the village to urban dwellers in need of land parcel. To proceed with the land selling, a joint committee is set up to deal with

matters regarding the entitlement to customary tenure, the delimitations, and the property documentation.

In general, all of these matters are dealt with hastily. Once the zoning of the communal land into plots has been completed with the assistance of the topographic technician – generally a self-styled surveyor, to borrow the term from Yeboah and Shaw (2013), the plots are divided among the members of the group. They consider themselves to be landowners entitled to sell land because they are traditionally recognised as *sijfu'umu si'to'to* (chiefs of the land or landlords). The committee has a very short life span. It lasts for only the duration needed to sell land. Once all the plots have been sold, the membership automatically stops. The short time of existence makes it difficult to call upon its members to assist when conflicts arise. The committee generally comprises the city-based village elite, the villagers (represented by various clans), and other relevant urban residents affiliated to the village.

The committee also oversees the zoning of the area to be sold in plots. A topographer is informally contracted to proceed with the zoning. The expertise of a topographer is called upon to work out a subdivision of land covered by the area into plots of the same size (500 square meters) and assign the arterial streets. Although informally contracted, the topographer is a formal employee of the cadastral services in the municipality. The arrangements under the contract are very informal, as they take place without the municipality being consulted. In exchange for the services rendered, the topographer receives a certain number of parcels (up to six) in the area zoned. The cadastral works are very basic. Plots of the same size are allotted without any consideration of recreational spaces or facility development. The landowners make no provision for space where schools or health centres could be built in the future for the needs of the local residents. In most zoning practices, very little attention is paid to a well-designed road network. Even riverbeds and cultural sites are converted into plots for housing. The zoning merely subdivides the area into plots for housing units, but makes no provision for public space. The standard size of a plot in zoned areas, stable for years, is 500 square metres, but plots of 400 square metres are also on the market. In some sought-after areas, landowners prefer 500 square metres. Selling plots of that size offers some advantages to landowners: the price is higher, so wealthier customers are attracted. Usually, a large plot is highly valued among urban dwellers as it offers the possibility of extending the housing unit.

The weak governmental control over the operation of land conversion has given way to a burgeoning business driven by the “sale of vil-

lages” (to put it one way). Several groupings of customary landowners have emerged and set up some kind of formal representation in order to protect their land-selling practices. In the 1990s, these groupings even set up a very powerful association in order to oppose any attempt from the municipal authorities or any other higher public authority to restrict their land practices (Tati 2001). The Association des Propriétaires Terriens, also locally known as “Les Terriens” (Association of Landowners) gained formal recognition through collective action. As decentralisation is advocated in support of good governance, most groupings have so far operated under the umbrella offered by this association to convert vast tracts of peri-urban land into residential plots, depriving villagers of their most productive and valued asset. It goes without saying that such a burgeoning land business has created uncertainty around pricing, planning, and tenure of land. Most of the sales transacted in the city periphery are not recorded, and the plots do not have legal documentation proving ownership by whoever has built on them. This is not to say they are informally occupied, even if some residents possess no tenure title. This aspect will be revisited later.

The establishment of Les Terriens within the urban community of Pointe-Noire was, as Pasrial et al. (cited in McCarney, Halfani, and Rodriguez 1995: 101) put it, an indication of a heightened social awareness, a recognition of a common identity of interests, and a transcendence of primordial associations that characterised urban dwellers in the 1960s. Due to the cumulative outcome of their land-selling activities, which determine the direction of urban development, landowners have had a considerable impact on urban development.

Despite membership in a common association, the landowners are not unified around common interests and rules. A great deal of competition, in-fighting, and conflicts take place among them. Land claims are not documented and claimants do not possess title deeds. The observations made during my fieldwork tend to indicate that different groups or families may pretend to have legitimate user rights to the same plotted area which is to be sold. Claims are constantly made over ownership of sites and often the most powerful actors are the owners, as they are likely to have access to legal resources and influential authorities in the city. These outcomes are also reported in Rakodi (1996). Rules and practices over land developments are set up by non-governmental structures and individual actions rather than by state structures. Wagemakers (2011) sees these as “non-official processes and mechanisms that ‘emerge’ out of the daily interactions between local actors around urban goods and services.”

The rivalry driving the activities of different landowners has given way to what one could see as practices embedded in “fuzzy” or “clouded” land deals. On the urban periphery, land transactions involve a large proportion of plots being sold to different buyers introduced to landowners through personal relations. The importance of social relations in land transactions has been fostered by the poor informational system in place with regard to the formal monitoring of zoning. A landowner may simultaneously or subsequently enter into a direct agreement with more than one buyer to negotiate the sale of a plot or plots. The selling and buying of a parcel of land remains in practical terms a complex procedure for anyone. Added to this complexity are the subsequent transactions between potential buyers, which are major sources of endless conflicts. Conflicts occur when the individual landowner sells the same plot to different buyers, each of whom has been told that the plot is vacant and unsold. On the buyer side, there is no easy way to verify the status of the plot. This situation is exacerbated when pressure is exerted upon the landowner, which can originate from different sources (for example, ethnic, social, or family ties, an urgent need for income on the part of the landowner, or the landowner being offered a bribe).

The socio-economic relations the landowner establishes with the different buyers bear an interpersonal significance, as landowner and buyer bargain over and negotiate a reasonable price. Here, the negotiation of the social relationship takes precedence over the negotiation of the economic relationship. Recent years have seen the emergence of informal (unregistered) brokers in the land market. The non-existence of a formal channel for advertising plots for sale motivates the landowner to give preference to a buyer introduced to him by somebody with whom s/he has good relations. The level of acquaintance between the landowner and the person introducing the potential buyer can determine in part the outcome of the negotiation with the potential buyer. In fact, the person in the role of intermediary acts as a surety for the buyer (and the landowner) in case of payment default. The mediation from a person of reference therefore provides the landowner with an interpersonal base for mutual trust between him and the potential buyer(s). Trust is required, as it guides the decision of whether to sell to the potential buyer. More importantly, it minimises the transaction costs and risks of conflicts that could arise in a situation where mediation is absent.

Based on the interviews carried out during my fieldwork, most informants indicated that there was an absence of any public authority in the transaction. A plot is sold to one client and then often sold to a subsequent client. The selling price at this first stage of the transaction is

variable, and it is determined by certain considerations, of which the location and the time at which the plot is for sale are very important. Up to 2005, the price for a plot varied between XAF 400,000 and 600,000 (approximately EUR 610 to 915 at the fixed conversion rate of EUR 1 to XAF 655). Most landowners adopted a selling price of XAF 450,000 (EUR 686) as a benchmark. Rarely is a plot bought in a one-off payment, as this amount is quite high for most urban dwellers looking for land for housing. Payment in instalments is the common practice, sometimes spread over several months.

The pricing of vacant land (before the issuing of a land property title by the municipality to a buyer) is set by the clan selling land. The government has little control over the price. Naturally, the price of the plot has increased sharply over time. For example, a plot of land valued at a price of XAF 500,000 (EUR 762) in the 1990s saw its value shoot up to XAF 2 million (EUR 3,050) by 2010. The price is applied according to the zoning location. The city's proximity to the sea, for example, provides a strong motivation to fix the plot price at a high amount. Another matter of relevance is the presence of nearby major infrastructure for public use.

Following this first deal, the landowner, when faced with financial problems, may be tempted to sell the same plot to a second potential buyer. In general, the price for the plot the second time around is higher than it was for the first transaction. Sometimes it is twice or even four times as high. In practice, the extra money derived from this second sale is not used to refund the first buyer. Instead, it is usually used to bribe the chief of the district or neighbourhood (*chef de quartier*) in order to secure his consent when the buyer requests a sale agreement or any certificate testifying to the transaction (*attestation de vente*). Following the decentralisation initiated in the 1990s, the authority to produce such a document for any land transaction was delegated to these district chiefs. A refusal of the chief to issue this document may signal the buyer that there could be something wrong with the plot. In some situations, the chief may not be aware that the plot has been previously sold. This frequently happens when a chief is relatively new. The fee for producing the document is regarded as the most motivating factor for the chief to issue the certificate of sale. There is no accountability on the part of the chief to report the amount received or keep records of the transaction to prevent disputes in future.

Perhaps what is most alarming is the exclusionary practice among the land sellers of subdividing land for needs only related to housing, as mentioned earlier. No allowance is made for open spaces in the peri-

pheral suburbs. Many of their roads are narrow and there is no effective hierarchical road system. According to Thangavel and Sachithanandan (1998), having a good road system is essential for efficient circulation patterns in the area. These problems have arisen from land sellers operating their zoning or subdivision independently, with the result that streets are not connected properly with the adjoining subdivision. There are large numbers of plots without proper access roads, and the owner of a given plot must negotiate with a plot owner who has access to the road. This negotiation is not always successful, even with the mediation of the local authority. Reconstituting plots could be a viable solution in this case. The situation of plots with no access roads has worsened due to the haphazard nature of the selling and subdividing, over which the administrative units in charge of cadastral services have no direct control.

As Rakodi (1996) observed elsewhere, the incomes generated from land sales are not taxed, nor are the sellers obliged to service the land in advance of sales. While infrastructure standards are lower in peripheral suburbs than in the more central areas, land prices are equally high. In fact, the major problem faced by city residents in the periphery remains inadequate provision of infrastructure rather than inadequate access to land. The differentiation in land prices based on the type of land sold (location taken as a proxy) signals the operation of a quite efficient market in practice, an observation also made by Durand-Lasserve in his study of Conakry (Durand-Lasserve 1993, cited in Rakodi 1996: 379). Land in well-serviced suburbs has become increasingly concentrated in the hands of the privileged. Most of the residents of the suburbs are not in possession of the two important documents required for claiming ownership of the property – notably, the occupation permit (*permis d'occuper*) and the construction permit (*permis de construire*). The undocumented nature of land rights and transactions has increased with the commercialisation of indigenous tenure at the outskirts as urban pressure has intensified (Amis 1990, cited in Rakodi 1996: 382). Although it operates informally, sale of land by landowners is not illegal, but the construction of houses without these two documents often is.

In sum, the main spatial characteristic of the city of Pointe-Noire is indisputably its unabated extension. The informalisation of land subdivision and development in the face of rapid urban growth and limited state capacity, and the commercialisation of formerly non-commercial processes are both widespread. These are indications of poor urban governance.

## Housing Production on the Peri-Urban Land of Pointe-Noire

Development of housing is the outcome of multiple land transactions. As Rakodi put it, “In sub-Saharan Africa, deals in property are not merely economic transactions, but are shaped by political and social relations between the parties involved” (Rakodi 1996: 372). Therefore, besides paying attention to the process of land supply, the way rural land is converted into residential structures and the transactions around property acquisition are equally important. The process of house production is linked to the supply of undeveloped land in the peri-urban area of the city of Pointe-Noire. All the houses on peri-urban land are built without the assistance of official developers (state or private sectors), in that individual owners use or mobilise their own resources to implement, often incrementally, their housing projects. This aspect is discussed in detail in this section using essentially the empirical material collected during my fieldwork.

### Diversity in the Standards of Housing and the Persistence of Informality in Tenure

From a suburbanisation point of view, the land conversion has had the effect of promoting different stylistic and architectural forms of housing, though the new suburbs are unequally endowed with services and amenities. Only very few suburbs such as those along the coastline have easy access to services. A large number of suburbs are deprived of basic services because of their less prestigious locations. In either case, however, mobility of residents is constrained by the lack of public transport. The presence of middle and upper classes, of which most members are more or less affiliated with the state agencies and multinational oil companies, has triggered a rapid sprawl of high-standard housing in the more prestigious surrounding areas. This has given way to the provision of urban services by the private sector, affordable to only the affluent. These rich suburbs appear more affluent than the old ones, but they sometimes also lack basic services such as potable water, electricity, and good-quality roads. Their residents have to rely on private water suppliers. The private sector has come in on request to deliver water to households in the city. Trucks are used to carry water in tanks of variable capacity, from 500 to 5,000 litres, at set prices. Two companies, Eau Alimentaire and Eau Potable, each owned by middle-class businesspeople, are involved in this booming business. These affluent suburbs accentuate both diversity (qual-

ity of housing in architectural style and services) and exclusion (some individuals cannot afford to reside in wealthy suburbs for middle and upper classes) within the city. Through their actions in the inner and peripheral parts of the city, the middle and upper classes are contributing considerably to the creation of new forms of exclusionary built territories, as places of both the production and the consumption of goods and services. These actions have also affected the establishment of private–public partnerships in such areas as drinking-water supply and health facilities, where the state’s inability to satisfy demands has been laid bare.

The relations that the middle and upper classes have with municipal authorities take varied forms, ranging from power-driven conflicts to claims over greater participation in economic and social spaces within the city. These relations magnify strategies, options, and alliances that help elucidate the political game in which certain factions of these classes are involved: access to economic power leads to control over residential positions, not the other way around.

Large tracts of land are now owned by some individuals in the middle class with no consideration for customary entitlements. The commercialisation of rural land in the periphery of the city has generated a profound transformation of former agricultural villages around Pointe-Noire into upper-class residential estate for the new middle classes. In most cases, the wealthy suburbs are named after the villages they have destroyed. This is the case of a few suburbs such as Songolo, La Base, MBota, and Siafoumou, to name but a few. Within the suburbs with a mix of income groups, distinct pockets appear to be reserved for the well-to-do residents, away from poor residents, which was rarely the case in the former suburbs of the city. Peripheral areas tend to promote segmentation of the city population.

After filling the inner parts of the city which were kept vacant, the land conversion has shifted outside the city limits, far from the transportation corridors, resulting in a fragmented pattern of housing production caused by an unplanned subdivision of land. Sites with favourable features have been taken up by individuals in the middle and upper classes, who often keep the plots vacant for long periods, suggesting that some buyers purchased their plots for reasons other than immediate use. The reasons may include investment security or speculative intent. It is very common to come across vast areas with no houses but only with several empty plots, each displaying a notification “*terrain occupé par...*” (plot owned by...) with the name of the owner written on it, signalling that the plot is owned by somebody else. The underdevelopment of plots within many existing peripheral suburbs not only increases costs

but also leads to further sprawl and increased commuting to the city centre (Thangavel and Satchithanandan 1998).

Despite displaying comfortable housing, the peripheries of the city of Pointe-Noire lack formal planning as land developments mostly operate under the actions of non-state institutions and actors who often use their position to manipulate the informal land-selling practices to their advantage. The few schools operating in peri-urban areas are privately owned and most of them are not endorsed by the Ministry of Education. In a case study of Kimbaseke, a peripheral suburb of Kinshasa, Wagemakers (2011: 10, citing Wagemakers and Makangu 2011) argues that under such conditions local actors are managing goods and services by themselves through creative forms of local governance, which is the driving engine of interactions around access to and control over land for housing in the urban periphery. These interactions mostly entail creating rules on land transactions, on property development, and on ownership practices. Schenk (2005) reported similar findings for India, where most houses are built without authorisation.

It is interesting to note that in the case of Pointe-Noire – and the same can be said for the other areas of the country – most homeowners do not possess legal tenure of their property (no title deed, no building permit, etc.). Plot owners claim ownership on the basis of agreement of sale (the *attestation de vente* previously mentioned), which is not often written and officially registered), making themselves vulnerable to unforeseen conflict. One common practice among plot owners to protect themselves against third-party injunction is to quickly erect a physical structure on the plot. There are limited interactions between local actors and formal structures in the transactions around land supply for housing. People create their own (informal) rules of entitlement to ownership as they have little trust in the capability of the state structures to provide services such as cadastral assistance, maps, and planning tools. In fact, trust has been eroded because people have lived several years without such services. As a consequence, the peri-urban is a space of poor governance over land development. De Boeck argues that the absence of pro-active government for urban planning provides ways for people to create new forms of urbanisation resulting in (according to his terminology) “randomly driven occupation of the space” (De Boeck 2014).

## Increased Exclusion from Activities in the City Core and Spatial Fragmentation among Suburbs

Schenk (2005) has argued that the peri-urban is not static and that it continuously experiences spatial shifts. Expanding city boundaries create the conditions for new areas to form on the outer boundaries. The available evidence for the city of Pointe-Noire suggests the existence of a dynamic peri-urban space as well. Land conversion has not only come with increased speculation and land prices, but it has also increasingly pushed lower-income groups further away, to the outer fringes or locations that are underserved and prone to natural hazards. The encroachment onto rural land has also resulted in the disappearance of traditional villages, whose farming activities and practices were vital to the food supply to the city, not to mention to the livelihoods of thousands of villagers.

Because of the land conversion, the rural zones adjacent to the city have been subjected to a rapid transformation of their space. This continued process is taking place in two distinctive and opposite directions, which are pushing them further away from the central business district upon which they remain dependent. The outer edges of these zones are moving further into the rural milieu but they have simultaneously been absorbed into the growth of the city itself. Spatially speaking, it is no longer easy to clearly establish the real limits of suburbs within the city. Nor is it easy to demarcate one suburb from another. Boundaries are blurred, resulting in some confusion in their spatial delineation. This has had serious implications in terms of local administration. For example, there have been instances where councillors could not be appointed because of the difficulty in identifying to which wards they belong.

With no sign of slowing down, the predominant pattern of urban expansion in Pointe-Noire follows the major transportation roads into the hinterland through the street networks of the suburbs developed along those larger roads. These may stretch over several kilometres, even colliding with other outgrowth suburbs. The fragmentation of property holdings is very pronounced in the new suburbs and is associated with both changes in land use and shifts in the trajectory of their inhabitants. As a result, there is a substantial increase in land holdings owned by wealthy middle- and upper-class individuals along the transportation roads endowed with good infrastructure (water and electricity). Suburbs with low housing standards receive very little attention from the municipality. The limited financial resources of their inhabitants have constrained the incentives for private operators to move in. Worth noting, as well, are the varied architectural tastes among residents. The extension of

suburbs along the major transportation roads have resulted in the rapid growth of heterogeneous peripheral zones with mixed forms of housing, where housing of a high standard is erected alongside rather poor-quality housing. This is the case for new suburbs along the road known as the “route de Diosso” that links the city to the bridge over the Kouilou River. It is believed that in the future this heterogeneity will increase in magnitude with the full implementation of the national road linking Pointe-Noire to Brazzaville.

## Bringing the Necessary Planning back into City Management

The foregoing examination of the spatial dynamics associated with the conversion of peri-urban land around the city of Pointe-Noire clearly shows the extent to which social institutions lead to the use of rural land to house urban populations. What emerges is that new suburbs are the product of neither state planning nor public–private efforts to create a functionally integrated city. They are, rather, the creations of non-state actors; the landowners who sell communal land on the urban fringes and the individuals who develop properties in these areas on their own initiative. One can even say that suburbs are the products of “unplanned” urban development driven by local governance. In spite of this unplanned transformation, they do not display the characteristics of slums and informal settlements in some other African cities. The unplanned element manifests in the absence of communal infrastructure such as schools, recreational spaces, playgrounds, health centres, and planned roads, to name but a few. Pressure for housing has rendered obsolete some of the principles underlying established, customary land ownership conventions, and has led to diverse socio-economic conditions, some of which are challenging people’s livelihoods. The spatial changes in the city periphery are taking place at a very fast pace due to local conceptions of land-tenure practices and housing construction. In this respect, the newly established suburbs are both context-driven and context-generative environments. Their inhabitants do not expect much from the state. Services such as schools, transport, and health clinics are provided by the private sector. They build houses without complying with the legal requirements instituted by the state – namely, construction permits. This specificity suggests that the geographical setting is not the only source from which the suburb in the periphery can draw its spatial and transformative expansion. An important source of dynamism also lies in the imaginaries and social engineering that those localities spark in the minds of those

involved in their development. New opportunities have benefitted more entrepreneurial individuals who have, at the same time, developed accumulation strategies through investments in such sectors as rental housing, entertainment, private educational infrastructure, mass transportation, cement retailing, and water supply, among others. Not everyone has succeeded in profiting from these location-specific opportunities. These suburbs also have masses of people that have not coped well with the constraints, and because of their increasing vulnerability, they have to rely on survival strategies.

It is therefore imperative to reconcile the agenda of urban economic growth with that of good urban governance in order to accommodate the changing functions of the built-up space of the city. Pointe-Noire's built-up space is increasingly under the pressure of spatial extension associated with various management issues. Suburbanisation not only comes with undesired spatial management problems, but it also provides solutions through new opportunities open to individuals looking for a place to live. Increasing density, the changing needs and interests of different communities of inhabitants, new forms of commerce and leisure activities, the influence of the informal economy, and an exponential development of mobility are transforming the significance and function of that city within the urban system of Congo-Brazzaville. Sprawl also sets in motion new spatial and power relations between the rural and urban communities, as the city "swallows" rural settlements through its expansion. As a result of sprawl, the city is being restructured and fragmented in suburbs of unequal organisation, and this has consequences for urban quality of life.

The interface between the formal and the informal city seems to be getting out of control from a normative managerial standpoint. There is a need to regulate the land developments within the city region (the core and the ever-expanding converted rural land that surrounds it), otherwise it will be difficult to build a cohesive city and instead engender one whose sprawling habitat inhibits a strategic vision and communication between different constituencies. This necessitates the pursuit of a land-use strategy that seeks to integrate urban sprawl into a planning vision with a much longer view. The question now is how sprawl can be "urbanised," particularly along administrative borders between cities and the surrounding rural agglomerations. Urban sprawl necessitates creating new synergies that prevent communities in new suburbs from being spatially excluded.

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### **Informeller Landverkauf und Wohnbau in der Peripherie von Pointe-Noire**

**Zusammenfassung:** Dieser Beitrag untersucht den Zusammenhang von informellen Grundstücksgeschäften im Rahmen traditioneller Besitzrechte und räumlicher Differenzierung in Vororten von Pointe-Noire in der Republik Kongo. Zersiedelung ist ein durchgängiges Merkmal der Urbanisierung in der Republik Kongo, wo sich nicht nur Slums für Bewohner mit geringem Einkommen ausbreiten, sondern die städtebauliche Entwicklung angesichts fehlender öffentlicher Stadtplanung lokal bestimmt ist und sich neue Vororte in ganz unterschiedlichen Wohnstilen entfalten. Der Autor zeigt am Fallbeispiel Pointe-Noire, wie beträchtliche Teile gewohnheitsrechtlich genutzten Landes ohne jede öffentliche Kontrolle verkauft werden. Zwar trägt die Suburbanisierung das Potenzial in sich, die Wohnqualität insgesamt zu verbessern, indem sie wohlhabende Bewohner anzieht. Andererseits verschärft sie zugleich die räumliche Fragmentierung und die Exklusion bestimmter Bevölkerungsgruppen sowohl vom Zugang zu Land in gehobeneren Wohnge-

bieten als auch von öffentlichen Dienstleistungen. Von diesen unregulierten Entwicklungen profitieren vor allem Akteure, die über große Macht verfügen.

**Schlagwörter:** Kongo (Brazzaville), Pointe-Noire, Stadtentwicklung, Urbanisierung, Grundstücksmarkt, Wohnungswesen, Sozialer Wandel