The Bottom Two Billion as Second-Class Citizens

The United Nations Population Fund estimates that approximately 863 million people currently live in urban slums across the world. By 2030, that number should grow to approximately 2 billion, mostly in low and middle-income countries. The increase in inequality and poverty combined with a lack of planning for urban growth will exacerbate slum growth and expansion. This global expansion of urban slums presents both a current and future challenge for contracting human rights, as slums are spaces characterized by a lack of formal governance. Urban slums are hot spots for human insecurity through crime and other vulnerabilities pertaining to social and economic rights and wellbeing. This paper begins by mapping the global problem and theoretical puzzle for contracting and fulfilling human rights in lawless urban spaces. It then discusses the successes and failure of slum development policies, analyzing the variation in slum prevention and development policies and their effectiveness.

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Introduction

In an international order characterized by nation-states, the protection and fulfillment of human rights relies on state-based institutional safeguards. However, it is no longer appropriate to assume that states are the only violators, or that states and responsible regimes alone can deliver on the promise of human rights. Economic globalization presents challenges for labor rights, social protections, and economic migrants. Even in states that comply with international human rights law, doing their best to implement state institutions, individuals at the margin of political and economic processes are unable to fully exercise their rights as citizens and humans. They lack that access to state-based institutions that provide the key mechanism for access to human rights. Two of the central gaps in human rights practice and theory concern the fulfillment of rights for non and second-class citizens, and the protection and fulfillment of human rights in spaces where the rule of law cannot be taken for granted. As such, human rights practice and theory need to come up with solutions to the problem of individuals living at the

margins. Some the world's most vulnerable people living at the margins of the state reside in urban slums, which are hot spots for human insecurities and the deprivation of human rights.

The living standards of those living in urban slums concern both human rights theory and the politics economic development. The growth of urban slums and the human insecurity of those living in slums highlight the immediate challenges for human rights found in the dynamics of urbanization, economic growth, and present of human rights fulfillment and poverty alleviation. Much in the same that way Paul Collier's "bottom billion" (2007) refers to those populations in the world's poorest countries, which experience a host of state-centric poverty traps, urban slums create poverty traps for individuals (Marx et al 2013). Considering global urban poverty from a human rights perspective, this paper somewhat shifts the focus from state-based perspectives in economic development and human rights, urging human rights theory and practice to consider a new geography of human rights. Thinking about the global urban poor as second-class citizens illustrates current gaps in human rights theory and practice in the face of rapid, global demographic shifts.

This paper maps the global problem of slums, subjecting it to human rights theories, and examines a theoretical puzzle for contracting and fulfilling human rights in lawless urban spaces. In this paper I advance three main arguments. First, is that a human rights approach to the problem of urban slums provides more leverage than an economic development approach, because it assigns responsibility more broadly and embraces a wider package of human security. The second argument is that even though human rights provide a more holistic understanding of the problems facing the urban poor, the growth of urban slums demonstrates a gap in human rights theory and practice, in large part because human rights theory and practice are centered on the nation state. Human rights theory needs to better accommodate sub-national geographical

limits to address pressing urban challenges that may occur in states that do comply with international human rights. Lastly, because contracting human rights requires a certain degree of rule of law, access to justice for second-class citizens is a critical way forward to addressing the human rights needs of the global urban poor. As such, access to justice needs to have more of a presence in both human rights discourse as well as in economic development discourse. Access to justice moves the discussion beyond a "human right to development" which may only exacerbate the problems of urban slums.

Global Slum Formation

The United Nations Population Fund estimates that as of 2012 approximately 863 million people live in urban slums around the world. This amounts to approximately one quarter of the world's urban population. For urban populations in developing countries, roughly one-third of urbanites live in slums. In sub-Saharan Africa, the proportion of urbanites living in slums is closer to three-fifths at 62% (UN Habitat 2010). By 2030, the number of people living in slums is expected to grow to approximately 2 billion, mostly low and middle-income counties. Some estimates say that number should grow to 3 billion by 2050 (UN Habitat 2010). Individuals living in urban slums reside at the margins of the state, live in static conditions of poverty, may be political, economic or environmental refugees. Globally, these populations represent a large chunk of the world's most disenfranchised populations.

The projected increase of slum dwellers is a function of the increase in the rate of urbanization and the increase in global inequality and poverty. The rapid rate of urbanization, particularly in developing economies is transforming the global demographic landscape. For the first time in history, the majority of the world population (51%) is living in cities (UNFPA

"Urbanization"). This proportion of urban dwellers worldwide is only expected to grow. UN Habitat estimates that by 2050, 66% of the world's population will be living in cities with approximately 90% of urban growth predicted to occur in the developing world. The urban population in the world's poorest regions, South Asia and sub-Saharan Africa, is expected to double, placing considerable urban pressures and demands on cities in those regions. These regions already experience economic constraints.

Although there is a slight decrease in terms of percentage of urban populations living in the slums, the absolute number of slum dwellers has grown and is expected to continue, outpacing the state abilities to accommodate the arrival of new urbanites. As rapid economic development and subsequent urbanization continues, the rise in the number of slum dwellers suggests that urban areas, particularly in parts of Asia and sub-Saharan Africa suggests that many countries are unable to keep up with the pressures of urban population growth. In Asian countries such as China, India, Pakistan, Bangladesh, the Philippines, and Vietnam, the rapid rate of urbanization poses greater challenges because the faster the rate of urbanization, the more difficult it becomes to accommodate demands for social services and create urban plans (Ooi and Phua 2007). However, one study finds that the connection between economic growth and slum formation varies worldwide. Between 1990 and 2007, they find that some countries such as Mexico, Egypt and Indonesia experienced a decline in percentage of slum dwellers, whereas in others—Pakistan and Nigeria-- the growth of urban slum dwellers accounts for most of the urban growth (Marx et al 2013).

Collecting updated global data on living conditions urban slums presents difficulties due to conflicting definitions, the informal nature of the infrastructure, and often a lack of political will to do so. There are World Bank data regarding the percentage of urban population living in

slum at the national level for approximately seventy states- all middle and low-income states. As of 2014, these percentages present a range from 92-97% in Sudan and South Sudan, 50-70% for much of sub-Saharan Africa, and 35-45% in countries in Central Asia and South America, and 15-25% in Northern African states. However, there are some ways to approximate given global data. Figure 1 maps 2014 World Health Organization data of infant mortality rates among the lowest quintile of the urban population. It is reasonable to assume that the great majority of the lowest quintile of urban populations are those living in urban slums. Infant mortality is a standard measure for quality of healthcare, which is useful to illustrate problems in health care service delivery. The map provides helpful region and national level illustration of global urban poverty

[Figures 1 and 2 go here]

Figure 2 speaks more directly to the level of urban slum development. This map uses 2015 World Bank data on improved access to sanitation globally. Not surprisingly, poor access to sanitation overlaps with higher levels of infant mortality for the lowest quintile of urban dwellers. It is critical to note that higher levels of infant mortality and poor access to sanitation are concentrated in sub-Saharan Africa and South Asia, precisely the regions expected to experience the most extensive urban slum growth in the next few decades.

Slums represent a series of governance failures at global, national, and local levels (UN Habitat 2010). Economic globalization at the global level is one critical driver of increased urbanization. Information technology in places such as India, for example, has lead to creation of urban information centers where knowledge is easily concentrated and exchanged (Glaeser 2009). As cities grow larger and economically stronger, they attract poor people and families

from rural areas with the allure of greater economic opportunities. Globalization also creates pressures for developing countries to liberalize their economies, and in many cases weakens the ability of national governments to implement social policies. At the national level, urban slum formation can reflect policy failure where states do not consider the effect that economic development will have on cities. National governments may be persuaded by the neo-classical wisdom of "modernization" theories that prescribe economic growth as the central solution to all economic problems, including widespread poverty and economic inequality. Governance failures at the local level largely include the lack of urban planning and the inability or lack of political will to meet the housing, security, and inability to secure property rights, perpetuating illegality poor environmental conditions (UN Habitat 2010).

In the majority of cases, urban slums exist outside municipal boundaries outside the scope of law and municipal jurisdiction. As such, public services—such as waste collection, lighting, local police authority, transportation, and sanitation facilities--are rarely provided, taxes are not collected, and most of the infrastructure is of an informal nature ranging from huts with tarps and more permanent brick structures. Urban slum dwellers face additional challenges accessing the municipal and social services including education and health care on the basis that they do not have legal residence. The lack of formal property rights excludes these individuals from accessing finance and local market economies.

The Pressing Challenge for Human Rights: Contracting Human Rights in Lawless Spaces

Because urban slums are primarily characterized by a lack of formal governance, or even the result of failed governance, the protection and fulfillment of human rights is both critical and faces daunting challenges. Urban slums are hot spots for intersecting human right violations,

even in states that comply with international law. As such, urban slums present global human rights challenges, but slum improvement primarily relies on local level policy and management.

There are various definitions for urban slums; each definition a slightly different set of implications for the fulfillment of human rights and service delivery. The term 'slums' refers to a wide range of urban settlements broadly characterized by poor living conditions. This broad definition reflects the understanding of slums found in the Millennium Development Goals U.N. Habitat's, the UN agency for human settlements and sustainable urban development. More refined definition takes into account six characteristics: lack of basic services, substandard housing, unhealthy living conditions, poverty and social exclusion, and high levels of violence. Each one of these characteristics of urban slums raises concerns for a variety of human rights.

The human right to healthcare and water are threatened by the lack of basic services. Urban slums typically develop informally on the outskirts of cities, which may be overcrowded or may not provide affordable housing opportunities for migrants from rural areas. As such, municipal services do not reach the cities' outer limits. Globally, these services include sanitation, waste collection, running water, electricity, and public transportation. As a result, slum dwellers may spend several hours a day walking to collect water, to attend school, or receive medical attention. Poor sanitation, leads to chronic health concerns including malnutrition, water-borne diseases, skin ailments, typhoid and tuberculosis (Mitlin and Satterthwaite 2013). The location of unincorporated urban slums relative to health centers presents barriers for the human right to healthcare, in that families may need to travel long distances on foot or spend a large chunk of their income on transportation. Additionally, legal addresses, which slum dwellers most likely do not have, may be required in order to access state-based medical assistance.

Substandard housing violates the human right to an adequate standard of living, including the right to adequate housing. Although the international community and many national governments recognize a human right to housing, the fulfillment of the right is typically delegated to the market, except in the cases of subsidized housing. One of the central drivers of slum formation is the lack of affordable housing options that is in large part dictated by the market. Although subsidized government housing provides an alternative to informal settlements, national and municipal governments may not be able to deliver in cases of housing crises in overcrowded cities. Municipal governments also may have social or political incentives to discriminate against undesirable slum dwellers, and deliberately ignore their housing needs (Khan et al 2009).

Unhealthy living conditions encompass wide-ranging problems that contribute to distorted living conditions that affect public safety in addition to individual healthy. The accumulation of waste presents just one area for health concerns. Unhealthy living conditions are the result of the lack of basic services and substandard housing conditions. For example, polluted and toxic environments result from the lack of waste collection. One way that slum dwellers dispose of trash is to burn it in large piles. These bonfires most likely include the burning of plastic and other materials that affect the air quality, endangering health conditions. In other cases, slums may form on land that is unsuitable, such as flood planes, or near railroad tracks. These types of locations create hazardous environments (Mitlin and Satterwhaite 2013).

Social exclusion, discussed in greater detail below, is both a cause and an effect of living in slums. Marginalized and vulnerable populations, such as immigrants and refugees, and ethnic minorities are associated with slums. Economically disenfranchised members of these groups will be forced to settle on the outskirts of cities due to a lack of funds. Slum dwellers may even

be victims of exclusionary municipal laws designed to exclude what may be "undersirable" populations. In Cochabamba, Bolivia for example, the municipality places a series of stringent requirements, such as improved infrastructure and common "green" areas, on urban slums before they can apply for formal inclusion. The social exclusion found in the world's urban slums raises a series of human rights concerns of discrimination and unequal treatment.

Lastly, urban slums are characterized by high levels of violence, which threatens human security, violating the human right to life, and personal integrity rights. Slums fall outside the scope of municipal law enforcement, leaving the community members to protect themselves, taking the form of vigilante justice (Goldstein 2004). Slums can easily become breeding grounds for gang-related activities. Urban violence and youth gangs throughout Central American originate in urban slums. Various studies have also shown the increased prevalence of violence against women in urban slums including intimate partner violence and sexual assault (Salam et al 2005, Das et al 2013). The informal nature of urban slums facilitates a set of circumstances that perpetuate human insecurity around education, health, public safety, and economic circumstance.

Urban slums dwellers and the citizenship gap

The lawless and informal nature of urban slums relegates residents to second-class citizenship through a lack of inclusion in state-based institutions and economic (opportunities). Anthropologists Holston and Appadurai (1996) point to the ways in which city life shapes national citizenship. In their understanding, "cities remain the strategic arena for the development of citizenship" (188) because cities provide the basis for social and political action. In this way, national citizenship is renegotiated at the city level, transforming the nature of substantive citizenship and the ways in which people access the state. Appadurai (2001)

continues this line of argumentation in calling urban slum dwellers "citizens without cities." Similarly, other scholars have noted the neoliberal economic reforms are in large part responsible for the decentralization of citizenship (Postero 2006; Hale 2002). Goldstein (2012) also discusses the limits of national citizenship for those living in Bolivian urban slums. In his work, the term "phantom state" describes the perceptions of indigenous urban slums dwellers, because while they recognize their position as citizens, the state is absent in terms of services and infrastructure. In the case of Bolivia, Goldstein (2004) also recognizes the racialized component of urban exclusion that reinforces the borders between the city, where mestizo elites are in the positions of local power, and urban slums where the poor, indigenous are forced to settle.

If we come to accept that cities are critical for the way that individuals access the state, and in turn human rights through state institutions, then urban slum dwellers fall through a "citizenship gap" (Brysk and Shafir 2004). A citizenship gap describes the gap between an individual's legal standing and his or her degree of access to human rights protection and fulfillment. Because urban slum dwellers fall through this citizenship gap, in that they are unable to access the courts and legal structures of the state, places them at much greater risk of not having their rights as humans protected—even if they do have formal citizenship in states that comply with international human rights laws and norms. This understanding of urban slums dwellers as second-class citizens invokes an international human rights response to domestic exlusion, and stresses the importance of considering the geography of human rights gaps.

Legalistic approaches to rights

The most restrictive understanding of human rights takes a legalistic approach. A Hohfeldian analysis argues that in a juridical sense, rights must be accompanied by correlative

duties (Hohfeld 1913). Without clear correlative duties, rights become "no-rights" as a would-be duty-bearer has the privilege, or lack of obligation. Without the obligation to fulfill or protect a "right", the logic follows that the right cannot exist. In this sense, a "right" is simply a desire without a legally binding another actor to fulfill or protect that right. Hohfeld's narrow understanding of rights requires a clear set of rights with an equally clear list of which actors have obligations. There is little room for the construction or expansion of new rights without clearly delineated duties. More importantly, the narrow framework ignores the ability of a variety of actors to violate and fulfill. Even so, this approach highlights two important gaps in international human rights, particularly as it pertains to violations that occur in urban slums. The first is well-known in that in international human rights law, obligations are placed on the state without legal enforcement mechanisms. This is particularly challenging for the fulfillment of social and economic rights, where states obligations are conditioned by the progressive realization clause.[1] Furthermore, identifying relevant actors with obligations for social and economic rights, becomes a more difficult matter. The second gap is that spaces without access to justice or the rule of law, the fulfillment of human rights relies of informal networks or private actors, diluting the strength and benefits of a human rights regime.

Thinking about the protection of human rights as a form of political strategy provides one solution to these gaps, complementing human rights laws by adapting them to domestic and local contexts. Hafner Burton (2013) who notes that universalist notions of human rights may lack legitimacy in many part of the world, states "rather than investing in the ever-expanding lists of members, obligations, and procedures of the international human rights legal system, what's

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[1] The progressive realization clause in the Covenant on Economic, Social and Cultural Rights states that state parties are obligated to "progressively" fulfill economic, social and cultural rights in accordance with their available resources, as a way to recognize the limitations that economically weak states face. However, many state parties have used this clause as a way to avoid responsibilities.

needed is a more strategic effort to make the most important, existing aspirations a lot more effective" (Hafner Burton 2013, xv-xvi). Her argument begins with the understanding that international human rights laws are only followed when it is convenient for the state to do so. Based on the extent of the global problem, it would not appear to be convenient to incorporate urban slums into the rule of law with the intention of providing slum dwellers channels of access to international human rights. The argument presented in this paper builds from this understanding that conventional legal procedures alone are sufficient to address the human right needs of the world's urban poor. Legalistic approaches to human rights fall short in lawless spaces, because the laws are absent or unclear. These shortcomings illustrate that there is a local gap in human rights theory and practice, because legal enforcement is often impossible or there is no political will or incentive to incorporate these populations.

The Capabilities Approach

Capabilities-based approaches to human rights provide use theoretical tools to conceptualize the relationship between poverty and human rights. Even so, these approaches are in many ways aspirational and therefore are unable to fully grapple with the realities of economic development challenges. Even though they provide useful conceptual tools to understand analyze the human rights needs of those living in slums, they are unable to provide much in the way of useful tools for thinking about contracting human rights in lawless spaces. In many ways, these approaches attempt to circumvent the restrictive nature of legalistic approaches to human rights, because rights are presented holistically as what is necessary to ensure a basic living standard. The construction of rights in a capabilities approach does solely not rely on lists entitlements and correlative duties, and instead presents compelling arguments and visions for legislation and

policy, that can complement juridical processes. According to Nussbaum (1997) a capabilities-based approach tries to address some of the unresolved theoretical questions of human rights. One such question is whether individuals are the only bearer of rights, or whether rights to extend to groups or families. For thinking about the fulfillment of human rights in informal slums, Nussbaum's most pressing concern about the theoretical question of rights has to do with whether rights, or justified entitlements, are correlated with duties (274). A similar question arises whether all duties are then correlated with rights. For Nussbaum, the language of "capabilities" adopted from Aristotle's understanding of human flourishing, maintains the integrity of rights to as upholding a standard of well-being. A capabilities approach emphasizes the material well-being of individuals and on resources that are of central importance to human life.

Amartya Sen is also closely associated with the capabilities approach to human rights. In many ways, Sen best approximates the challenges of economic development because r understanding places rights at the center of public policy. Sen's work emphasizes human development as the essential goal for economic development. For Sen the goals of economic development should be to provide the opportunities to enhance the substantive freedom of individuals: political freedom, economic protection from poverty, and access to economic opportunity. Thomas Pogge's "right to not be harmed" (2000) also considers freedom from structural poverty and calls for a restructuring of international institutions that perpetuate conditions of poverty. In thinking about the challenges that urban slums pose for global human rights, capabilities approaches draw attention to the wide range of human security concerns. This theoretical contribution has aided in the creation of the human development index (HDI), which ranks states based on their level of success in providing for their populations.

Despite the strengths of these theories for policy development, they continue to fall short for two main reasons. First, they fall short in that still operate within the confines of the nation-state. In other words, this approach mostly considers state authorities, and to some extent international institutional arrangements. Urban slum dwellers face exclusion from cities, where municipal actors and authorities are the most immediate influential actors for policy. Naturally, there the extent to which national governments can and want to hold municipal authorities accountable varies across regime types, and domestic institutional arrangements. The second is that they do not speak to legal gaps present in the case of urban slums. While the capabilities expansion of human rights advances important normative goals, it is unable to provide useful tools for contracting human rights in spaces that are not integrated into the rule of law.

Historical Policy Trends

Policies to address the social and economic problems posed by slums, have largely been ineffective. Historically, slum eradication has been regarded as one of the central goals for economic development. Eviction policies are the main staple for the developmental approach to slum eradication. (Marx et al 2013). Not surprisingly, eviction policies are not successful as they do resolve the factors that contribute to urban slum formation and growth. Eviction policies often lead to slums formation in other areas, because these policies are not typically combined alternative public housing arrangements. Additionally, from a human rights perspective, eviction policies most notably violate the human right to housing. Forced eviction has economic and social consequences; they often lead to a significant loss of income, because it may uproot families from a place of informal employment and forces them to find alternative arrangements. Evictions and relocations break up social networks and ties that families may rely on for things

like babysitting, or other forms of interpersonal assistance. Perhaps the most notable failure of eviction policies for shantytowns was Zimbabwe's "Operation Clean Up" in 2005, which involved uprooting 1.5 million members of Zimbabwe's urban poor. Government officials resorted to torching local infrastructure and bulldozing homes (Wines 2005). Human rights groups estimate that these actions left at least 200,000 people homeless, but that the actual figures could be several times that (Wines 2005). The UN Special Rapporteur on adequate housing at the time, Miloon Kothari, raised concerns about the effect of these policies on deaths from exposure and suicide. Although this approach is ineffective, forced eviction policies remain the norm in much of the developing world. For example, in Brazil, favela residents were evicted within days of the 2016 summer Olympics in Rio de Janiero. It is estimated that "beautification" projects for Olympic games in the past 20 years have displaced approximately 2 million people (Cohre and Ruig/Gian Joint Media Statement in Khan et al 2009)

The 1960s and 1970s initiated a different standard policy trend of ignoring or neglecting slums (Marx et al 2013). These policies are emblematic of modernization logic: that as countries experience economic growth, the problem of urban slums would disappear as income and wages increase. The two assumptions underlying this approach were that slums are unavoidable, and that they are temporary (UN Habitat 2003). This approach is often combined with that is called "self-help housing," which attempts to circumvent some of the issues surrounding the lack of political will, and limited financial resources (Tunas and Peresthu 2010). Self-help approaches provide states and municipalities with an alternative to public housing. The logic behind self-help strategies is that the urban poor are capable of using a variety of assets and resources available to them to improve their living conditions, as long as residents feel secure and do not fear the risk of eviction (Nakamura 2014). One of the central risks to this approach, aside from

the lack of political will or effort to devise affordable housing options, is that these informal settles were more often than not, placed on land-use maps (UN Habitat 2003). The long term implications of not including these developments on urban maps is that they perpetuate the informal nature of the settlements, and create administrative boundaries between these settlements and city governance.

Enablement is the term used for the set of policies primarily used from the mid 1980s through the early 1990s (Andavarapu and Feldman 2013). Enablement policies aimed to create possibilities for private partnerships to incorporate a wide range of actors including government agencies, NGOs, and private individuals. These policies were based on the assumption that local level investment, and community/grassroots efforts were the most efficient forms of decision-making. In this way, these policies had a decentralizing effect, which in many cases placed the central burden on NGOs and civil society organization instead of national governments (UN Habitat 2003).

Among international institutions and organization, the most popular policy position to date involves slum "upgrading". This approach recognizes the limitations of evictions, and conventional economic wisdom, and appreciates human security concerns. Slum upgrading focuses on three main areas of concern: the provision of basic urban services, secure tenure for slum dwellers, and attempt to prove access to credit (UN Habitat 2003). The improvement of local infrastructure includes things like water drainage systems, paved roads, and street lighting. More ambitious slum upgrading projects involve extending land rights and tenure to urban slum dwellers, alongside attempts to improve access to education. There are several important challenges to slum upgrading. The extension of land titles has been the most successful policy thus far in bringing urban slums into the rule of law. With property rights, individuals have a

legal fixed address that can help them better enroll in local schools, and access financial and legal services to secure loans. However, the expansion and growth of urban slums often outpaces the rate at which infrastructure and land titling projects take shape.

Perhaps most importantly, slum-upgrading projects require both national and local level political will in addition to material and economic resources. For slum development, national political will is not enough, especially in politically decentralized states where local level governments have a greater degree of legislative and juridical autonomy. Local level political will is essential to direct municipal resources towards slum upgrading projects. There are a variety of explanations for a lack of political will. Most notably, the populations living in urban slums are more likely to belong to marginalized sectors of the population based on citizenship status, such a international migrants and refugees, race or ethnicity, mental health conditions, sexuality, gang members and perceived criminals, etc. They are perceived as non-citizens or second-class citizens, perhaps unworthy of being integrated into the city. In these scenarios there is little incentive on behalf of municipal elites to formally incorporate these areas and develop them. Slums perpetuate second-class citizenship by solidifying social, political, and economic exclusion, which in any given context may be a desirable outcome for a majority population.

What Seems to Work?

Much scholarly work regarding slum policies has focused on the urban slums of India, many hailing select Indian cities as success stories. One study based on 157 slums in Bangalore finds that the legal recognition of slums—or the process by which city officials acknowledge the existence of a slum and make a decision to incorporate the claims of slum residents—households are more likely to behave as though they have private title (Wibbels, Krishna and Sriram 2016),

meaning that they are more likely to invest locally and build social networks for collective action purposes. Additionally, they find that land titling on its own has limited benefits, because possession of a title does not directly translate into improved access to financial markets (Wibbels, Krishna and Sriram 2016).

Their study suggests that the act of formally recognizing the existence of slums provides residents with a certain degree of security, somewhat independently of whether or not it is accompanied by land titling efforts. This should perhaps be regarded as the first step towards improving the ability of urban slum dwellers to be their own agents. From a human rights perspective, this is a natural first step as well. Establishing that city governments have an obligation to formally recognize the existence of slums, assigns a concrete duty to a particular member.

Other India studies argue that enabling policies have not been successful at empowering slum residents, despite the presence of NGOs (Andavarapu and Edelman 2013). India's largest slum outside of Mumbai was specifically selected for reconstruction in 1988, with the help of the World Bank. Even the largest NGOs involved in the project struggled to finance the various projects, and was ultimately unable to provide the necessary collateral for loans to continue. When faced with economic hardships, the NGO abandoned the project (Andavarapu and Edelman 2013).

Today, India is at the forefront of attempts to address increasing urbanization. The government has launched a series of initiative called the Rajiv Awas Yojana Program (RAY) designed to improve infrastructure though the 1) formal recognition of slums to facilitate basic service delivery and 2) address urban land shortages to discourage slum settlements (Andavarapu and Edelman 2013). Even so, professionals are skeptical that the initiative will have long term

successes. Sheela Patel of the organization Shack/Slum Dwellers International notes that the infrastructure of the newly created units are poorly built, and the RAY initiative does not provide a space for municipal level dialogue between the slum communities and the municipality (Patel 2013 in Andavarapu and Edelman 2013).

What Seems to be Missing?: Access to Justice

The shortcoming and failures of early slum policies, and the limited successes of contemporary policies illustrates an important gap in thinking about slum improvement solely from the perspective of economic development. A human rights approach to the problems facing urban slums residents brings to the table an international legal framework and holistic aspirations and goals for individual well being without regard to the city. A human rights approach speaks to the needs of second-class citizens by providing the legal groundwork for considering individuals regardless of their domestic socio-economic standing.

However, a human rights approach would need to more seriously consider global geographic shifts, because international human rights law and local level policy are not necessarily natural allies, particularly in low-income countries with weak legal infrastructure and little ability to control city officials. For now, the human rights language of access to justice provides a way forward to compensate for the shortcomings of policy, by emphasizing the individual right of equality before the law.

Access to Justice is almost completely missing in urban slums. Access to justice is defined "as the right of individuals and groups to obtain a quick, effective and fair response to protect their rights, prevent or solve disputes and control the abuse of power, through a transparent and efficient process, in which mechanisms are available, affordable and

accountable" (UNDP Justice System Programme). At the local level, urban marginality is sustained through exclusion from local institutions and services. For these purposes, it is important to think about justice in two realms. The first realm refers to access to legal institutions. Access to justice in this way is understood as individual rights to obtain fair and equal access to the law in order to protect their rights and bring forth grievances. In this way, access to the courts provides individuals an avenue for greater representation and voice, allowing them to bridge their formal citizenship rights with substantive social and economic human rights. Without access to the law, democratic governance and the fulfillment of basic rights are endangered. Those living in slums lack the material resources, not to mention legal consciousness of rights to file grievances and claims. The second realm considers justice as a social good, or the basis of creating a fair society, On this account, access to justice not only refers to the institutions, but also to the societal fairness and the absences of structural racism and discrimination that often accompany slum dwellers. Access to justice in both these realms is the critical link in creating opportunities for second-class citizens living in urban poverty to exercise their civil/ political rights in ways that can place pressure on states and municipal governments to fulfill social and economic rights obligations.

Conclusions

The growth of urban slums worldwide presents an urgent challenge that human rights theory and practice will need to confront in order to fulfill its potential. This paper has suggested a few ways forward that complement the priorities of sustainable economic development. First, human rights theory might need to come up with ways to address global demographic changes that place cities at the center of human rights protections and fulfillment for vulnerable populations. In some

cases of rights violations, such as those in urban slums, human rights theory needs to expand beyond whether or not states comply and examine subnational levels of governance. Secondly, human rights flourishes in creating a holistic vision- such as a capabilities-based approach, but may need to more fully construct local level political will to embrace that vision through local level policy and management. Third, access to justice as a priority for both economic development strategies and as a way to bridge the gap between citizenship status and social economic rights, provides an initial strategy for creating more accountable cities.

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