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THE NEW DIVIDED CITY?
Planning and ‘gray space’ between global north-west and south-east

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Introduction

This chapter traces and theorizes the making of new urban divisions, namely those caused by the emergence of widespread urban informality. It claims that the study and conceptualization of ‘the divided city’ must pay serious attention to this structural and long-term type of division, which constitutes the new urban divide. Urban informalities denote developments, populations and transactions which do not comply with planning or legal regulations, and are denied planning approval or full membership in the urban community. Yet, by and large, these developments and populations continue to exist and grow, and become a major component of the new urban order. Hence, the process of ‘gray spacing’ has blurred the neat dichotomies between legal and illegal, citizen and alien, permanent and temporary. This phenomenon includes a combination of slums, squatters, invaders, illegal and temporary immigrants and their economies, and is conceptualized here as ‘gray space’.

The ‘gray spacing’ of most cities has also blurred the neat dichotomy between the global north-west and south-east in two major ways. First, the phenomenon of spreading informalities, which originates in the south-east, has long ‘infiltrated’ to cities of the north-west, mainly in the form of undocumented migration, temporary populations and growth in unplanned development. Second, the post-colonial flow of urban and planning knowledge, traditionally from the north-west to south-east direction, has now been partially reversed. Knowledge and concepts gained from the rich experience of the global peripheries is now used to understand and manage cities of the global core.

In the pages below, we offer a conceptual discussion, followed by analysis of the process of ‘gray spacing’ and subsequent urban divisions in the cities of Colombo, Sri Lanka and Tel-Aviv-Jaffa (TAJ), Israel. It demonstrates how informality has become a permanent urban component that divides space and population in the two cities. The chapter is part of a wider comparative research currently taking place in five cities, which touches the fields of urban citizenship, urban planning and ethno-class identities, through the ‘lenses’ of informal urban development.¹

Notably, the role of city and state authorities in the production of ‘gray spaces’ and the impact of planning policy have generally been absent from theoretical and professional discourses. Given the key role of these authorities, we focus in this paper on the details of their involvement in producing, maintaining, and at times combating, urban informality. We demonstrate below that the combination of policies and intentional inaction have had a major impact on shaping informal spaces in both cities.
These have typically included the initial turning of a blind eye, followed by long-term neglect, and later partial ‘whitening’ of urban development through privatization and gentrification.

**Conceptual framework**

The ‘divided city’ has for long been a key concept in human geography and urban planning scholarship. A wide range of studies, originating with the pioneering works of Fredrick Engels in the nineteenth century, has documented the fragmentation of cities into group-based areas, and the nature of economic, political, ethnic and racial boundaries that typify such cities. To date, studies of this nature continue to dominate the field.

Let us provide a few notable examples. Studies of the Fordist and post-Fordist (mainly western) city emphasized the dividing impact of wealth disparities, amplified by the increasing concentration of the population into urban agglomeration (Marcuse 1993; Harvey 2008). Other studies have drawn empirical and conceptual attention to the splitting of cities on the basis of identity (race, ethnicity, religion), with notable examples being a series of studies on Belfast (Boal 1978), the American black ghetto (Massey and Denton 1993; Bollens 2011), and the Arab-Jewish city (Yacobi 2009; Misselwitz and Rieniet 2007). Other scholars have drawn further attention to the mechanisms of essentialization and spatialization of difference, which often overlap with socio-economic divisions in the making of the colonial and post-colonial city (Mabin 2005; Watson 2012). The new angles have brought renewed interest to the conceptualization of urban divisions as ‘spaces of risk’ (Jabareen 2006), with the effect of not only dividing space and communities, but producing whole populations classified as ‘urban outcasts’ (Wacquant 1997; Marcuse 2010).

Yet, it is striking that these rich discussions on urban divisions have consistently lacked serious analysis of urban informality as a major and growing source of urban divisions, deeply intertwined in the production of the contemporary city. While urban informality is often closely associated with class and identity, it cannot be reduced to either of these criteria. Recent work on informality has indeed shown that new boundaries and limitations derive from the construction of the informal space itself, which adds new dimensions to ‘old’ urban divisions. Urban informality appears to form a foundation for a new ‘mode of urbanism’ (AlSayyad 2004) marked by deep geo-social divisions engraved in the urban landscape and society (Roy 2005, 2008; Davis 2006). These divisions become structural and enduring through a process we call here ‘gray spacing’.

**Gray spacing**

The long-term nature and impact of urban informality and its rapid expansion in most global regions, warrants, we argue, its conceptualization as ‘gray space’ (Yiftachel 2009, 2011). ‘Space’ is used here in a Lefebvrian sense, denoting the combination of geographical and socio-political processes that merge to ‘produce’ the urban assemblages of places, rights and capabilities. These in turn shape urban regimes and group relations. ‘Gray spacing’ denotes the process in which the urban structure is transformed. It is the spatial and political foundation of the ‘surface expression’ of informal urban development.

A key point about ‘gray space’ is its unstable and putatively temporary nature. This instability defines the assemblages, developments, places, populations and transactions that are positioned between the ‘lightness’ of legality/approval/safety, and the ‘darkness’ of eviction/destruction/death. ‘Gray spaces’ are neither fully integrated nor totally eliminated, forming pseudo-permanent margins of today’s urban regions, which exist partially outside ‘the gaze’ of state authorities and city plans (see Roy 2009). Hence, the new urban division is often elusive, malleable and unstable. Nevertheless, it has concrete consequences for the unrecognized parts of the city, which are continuously denied full access to their urban citizenship rights.
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The rapid expansion of ‘gray spaces’ has transformed urban space, regime and society in unforeseen ways. It has prompted calls for new critical urban theories to account for the new, previously unforeseen, urban structure, in which the city is remade by unplanned and illegal neighbourhoods, immigrants and economies (Brenner et al. 2012; Yiftachel 2010).

The conceptualization of informalities as ‘gray spaces’ highlights the need to move beyond rather problematic dichotomies of legal/illegal, planned/unplanned, foreign/citizen, and immigrant/local. Instead of projecting these rigid classifications on increasingly diverse urban societies, it draws attention to the process of ‘gray spacing’ during which whole urban areas and populations may be located in neither of these categories. The status of these spaces may be subject to long-term struggles and mobilizations, which typically result in long-term deprivation, but also in the possible upgrading of the status of unplanned communities and areas, in what Bayat (2007) aptly termed ‘the slow encroachment of the ordinary’. Hence, ‘gray spaces’ mark the new character of urban divisions — no longer strictly bound to walls, lines or legal status, but rather more dynamic, mobile and unstable.

Contemporary urbanism has become dominated by such informal assemblages, mainly, but far from solely, in the global ‘south-east’. The first wave of scholarship on urban informality emerged from Latin America, with strong emphasis on economic processes, often referring to ‘the informal sector’ (see: Annis and Franks 1989; Perlman 1976; AlSayyad 1993; Rakowski 1983; De Soto 1989). Recent work has moved further to re-conceptualize informalities as a spatial-societal process, forming a vital component in the new mode of urbanism developing in contemporary cities, which is structurally based on the permanent existence of informal housing, economy and development processes. In many parts of the world, therefore, the formal–informal gap has at the same time become increasingly blurred and pervasive. ‘Gray spacing’ is therefore observed by some to constitute the most significant division to characterize the contemporary city (Davis 2006; Roy 2009).

Recent work on urban informality has broadened the scope to analyse the surfacing of this phenomenon in urban Africa, the Middle East and Asia (see Roy and AlSayyad 2004; Dierwechter 2004; Bayat 2007; Davis 2006; Fernandes and Varley 1998; Miraftab 2009). As these authors show, the ‘gray spacing’ of contemporary cities marks a profound shift in their regimes, that is, in the ways in which power is spatialized and institutionalized ‘through’ space, and in the new social relations that are produced and maintained by this emerging socio-spatial order.

While the concepts of urban informalities and ‘gray spacing’ also cover the creation of informal and illegal spaces ‘from above’, that is, by powerful groups linked to the centres of power (see Yiftachel 2009), in this paper we shall focus on the most common peripheral, weakened and marginalized ‘gray spaces’.

Yet, communities subjected to ‘gray spacing’ are far from mere powerless recipients of urban policies, as they generate new mobilizations and insurgent identities, employ innovative tactics of survival, and use ‘gray spaces’ as bases for self-organization and empowerment. To be sure, power relations are heavily skewed in favour of the state or majority/wealthy groups, yet the ‘invisible’ population of informal settlement is indeed an important actor in shaping cities and regions.

Housing, on which we focus on this paper, is the most common and central component of ‘gray space’ worldwide. This derives from housing being an immediate human need, commonly self-provided without plans or approvals. Housing also constitutes a major financial burden to most people commonly amplified by regulations, institutions and taxes (for an overview, see Friedman 2010; Napier 2011). Hence, the financing of housing by the urban poor and immigrant groups, is often conducted under the ‘gray economy’ (which forms a vital element in enabling the ‘gray spacing’ of the city) in a series of informal arrangements.

Indeed, the ‘gray spacing’ of vast metropolitan areas in most world regions is marked by self-construction of marginal neighbourhoods, which commonly create large swaths of new urban developments, hanging between approval and inclusion, and the danger of criminalization and eviction.
The close proximity of these informal developments to established higher-income neighbourhoods has spawned a new urban order, causing Davis (2006: 27) to conclude his global survey of slums by observing that:

The global growth of vast informality ... is a wholly original structural development unforeseen by either classical Marxism or modernization pundits. Slums indeed challenge social theory to grasp the novelty of a true global residuum ... concentrated in a shanty-town world encircling the fortified enclaves of the urban rich.

**Urban policy**

Urban policy is typically ambivalent about ‘gray spaces’ and their communities: they are usually reluctantly tolerated, while subject to derogatory discourses about their putative ‘contamination’, ‘criminality’ and ‘danger’ to the desired ‘order of things’. We identify in this paper several typical stages of urban policy responses to the emergence of informality, which accompany the process of ‘gray spacing’:

(a) Ignore – prolonged turning a blind eye;
(b) Neglect – intentional denial and under-development;
(c) Limit – institutional and at times violent control and containment;
(d) ‘Whiten’ (selectively) – gradual recognition of (selected) sections, accompanied by aesthetization, privatization and gentrification.

The above can be described as the ‘toolkit’ of managing the ‘unwanted/irremovable’ in today’s dynamic urban regions and economies. These groups are typically made of minorities, immigrants and the poor. The disjuncture between actual tolerated reality and its ‘intolerable’ legal, planning and discursive framing, constantly shifts the boundaries between ‘accepted’ and ‘rejected’. This process ‘entraps’ whole populations in a range of unplanned urban zones, lacking certainty, stability and hence development. The consequences are clear in many cities – whole neighbourhoods and quarters lack basic services, thereby creating concrete disparities and divisions between the city’s various sections.

As part of the management of ‘gray space’, however, and as well documented by Holston (2008) and Datta (2012) the power of the ‘stubborn realities’ makes the authorities recognize and ‘whiten’ (in other words, approve) certain, usually small, informal areas. This gradual and partial process enables residents of such areas to gain access to modern services and be better integrated into the urban fabric, thereby ‘lightening’ the ‘grayness’ of their developments and communities. However, this ‘whitening’ process is most commonly partial, gradual and incomplete, often becoming the backbone of a long-term struggle in itself. This process is often so slow that it does not keep pace with the creation of new informal developments, so the overall scope of urban informality continues to increase.

Another option is the advancement of ‘whitening’ by either public ‘urban renewal’ projects, which have a clear impact of controlling and even dispersing local communities, or by forces of gentrification with their associated ‘take over’ of the area by the gentrifiers, such as professionals, investors and members of the ‘creative class’. In both these scenarios, the state and private capital upgrade the building stock and often radically increase housing prices. This tends to drive the original inhabitants away, and typically pave the way for the creation of new ‘gray spaces’ in close proximity (for recent example see Datta 2012 on New Delhi, and Holston 2008 on São Paolo).

Clearly, gray spacing is a power-laden process. Therefore, the concrete emergence of ‘stubborn’ informalities is typically handled by a combination of corrective or equalizing policy, as well as a range of delegitimitizing and criminalizing regulations and discourses. This creates a multitude of shifting
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Boundaries that divide urban groups according to their ‘planning status’ which is often determined by a range of political motives. This politicization puts in train a process of ‘divisive incorporation’ and with it ‘creeping urban apartheid’ whereby the meaning of urban citizenship depends on features such as ethnicity, place of birth or class. The double-edged move of ‘divisive incorporation’ preserves ‘gray spaces’ in a state of ‘indefinite temporariness’; concurrently tolerated and condemned, perpetually waiting ‘to be corrected’ (see AlSayyad 2004; Davis 2006; Neuwrith 2006; Roy 2005, 2009). We may therefore think of the ‘gray spacing’ process as hinging on the temporal management of space. Hence, the pace of the recognition process is a key axis around which the nature of urban citizenship is constructed.

Below we analyse the reaction of planning and housing authorities to the emergence and persistence of ‘gray spaces’ in two major cities − Colombo, Sri Lanka, and Tel-Aviv-Jaffa, Israel. The analysis will show that urban and housing policies have indeed been central to the creation and management of ‘gray spaces’, and to their impact on the urban and social structure. The ‘gray spacing’ of the two cities has been a regime response to the uneven incorporation of the ‘unwanted/irremovable’, in a variety of methods detailed below.

Colombo and Tel-Aviv-Jaffa (TAJ) were selected as comparative cases, because they are both major globalizing cities of similar sizes, located within ethnocratic states (see Yiftachel and Ghanem 2005). The two states, Sri Lanka and Israel, are committed to policies of expanding territorial and political control by majority populations (Sinhalese and Jews, respectively), while controlling and containing minority groups. At the same time, however, the two cities have established strong economic centres, in which liberal attitudes and the logic of the market are more prominent than in the rest of the state. The ethnocratic-capitalist tension has resulted in the emergence of vast ‘gray spaces’ in both cities, thereby providing suitable comparative settings of structural similarities and local differences.

Informality in Colombo and Jaffa

Colombo, the financial and cultural hub of Sri Lanka, is in many ways a ‘gray’ city. Informal economy and housing is the most distinguished feature of this expanding, globalizing metropolis. About half the city’s population lives in areas described by the government as Under Served Settlements (USS). This broad definition covers 1,600 housing sites, built on private or municipal land, in which the tenants lack title deed (Gunetilleke et al. 2004). Colombo’s USS suffer from a multitude of deprivations such as low income, high density, absence of basic services and insecurity of housing and employment. Developed independently throughout the years, most of the houses and infrastructure do not follow urban planning regulations, and consequently, their development is largely unsupervised (Gunetilleke et al. 2004; Chularathna 2000).

Traditionally, USSs in Colombo are divided into two broad categories: slums and shanties, categories that are often used interchangeably.2 The legal status of gray housing in Colombo is complex. A significant percentage of the 77,000 families living in Colombo’s USS (in both slums and shanties) do not enjoy full tenure over their land and property. Instead, most of them hold, at best, a variety of documents and validation cards handed to them by government officials over the years, which entitle them to different levels of security (Figure 41.1). For many residents in informal housing, these documents provide a legal basis for their presence in their Colombo locations, yet they are neither title deeds, nor guarantees of long-term secure tenure.

All tenure categories described in Figure 41.2 exist in Colombo. For instance, large groups of residents exist within the USS with no documentation; in contrast, some have full title. As long as informal tenants lack official tenure, their status is precarious and real insecurities continue to exist. Hence, informality in Colombo is not a fixed status but a complex mode that ranges from no recognition to certain recognition by the authorities (Wakely 2007).
Figure 41.1  Example of enumeration cards given to families in a shanty settlement in Colombo

Photo: Nufar Avni
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Figure 41.2 Typology of urban housing categories according to their legal status
Source: based on Payne 2001

The growth of Colombo’s informal spaces was in accordance with substantial economic changes experienced by Sri Lanka in the 1940s. The growing export industry required labour power and Colombo’s prime location near the port soon made it a popular target for internal migration (Van Horen 2002). Before long the old urban core became overcrowded, and urban sprawl began: old houses were gradually occupied by lower-income residents and large buildings were split into several units and rented out to incoming work migrants. Over time these buildings deteriorated into slums. Shanties emerged in similar circumstances, built poorly and located in unfavourable areas in terms of land use and zoning (Sevanatha 2002; Steinberg 1982). Since the initial rise of informality in Colombo, slums and shanties have increased in size and number and continue to mushroom to this day (Velez-Guerra 2006; see Figure 41.3).

In contrast, Jaffa − the southern section of the city of Tel-Aviv Jaffa − does not follow the classic pattern of ‘southern’ informality characterized by harsh slums, poverty and an open informal economy (see Figure 41.4). In Jaffa informality is more concealed, as is often the case with sections of homeland minorities ‘caught’ in ethnocratic cities. Here we refer to minorities who had resided on their land for generations prior to the expansion of control by a dominant majority. This typically ghettoizes the minority in specific parts of the city. Yet informality is an important feature of the city.

‘Gray space’ in Tel-Aviv-Jaffa is composed of a combination of squatting, illegal construction, unplanned zones and some informal economy. Squatting and illegal construction in Jaffa can be traced back to the unique legal circumstances created by the Law of Absentees’ Property, applied in Jaffa following the 1948 war. This Law was used in Jaffa and elsewhere in Israel to expropriate land previously owned by Palestinians to the Trustee of Absentees’ Property, managed by the Israel Land Authority (ILA) (Kedar and Yiftachel 2006). According to the estimates, two thirds of Jaffa’s population lost
Figure 41.3  Area designated USS in Colombo

Photo: Nufar Avni
ownership over housing assets following the law, mainly because they were not present in their homes on a particular date determined by the law (Wallerstein et al. 2009). The extensive expropriation of property transformed the housing status in Jaffa irrevocably, changing the status of tenants from property owners to leaseholders almost overnight.

The law produced a unique status of lease where the property owner is the State of Israel. Whereas this status provided some benefits and protection, it also placed heavy limitations on the renters’ ability to make changes to the asset or transfer it to others, including family members. The smallest change would require approval from ILA and the local municipality. Without such approval, the renter could be considered an illegal squatter in an ‘unauthorized’ development. These limitations became highly relevant in subsequent years. Lack of planning in Jaffa between the 1960s and 1980s (which will be analysed later) determined that thousands of residents became squatters due to the absence of legal alternatives for developing their impoverished properties. They were unable to obtain permits for construction or renovations for over two decades, and hence resorted to unauthorized solutions. In addition, as mentioned, the state imposed inheritance restrictions; the right to bequeath the house was only permitted once. Consequently, thousands of third-generation tenants are today considered squatters in their own houses.

Hence, informality in Jaffa is similar to the situation of homeland and indigenous urban minorities in places such as Belfast, Nicosia, Sarajevo or Jerusalem, to mention but a few, and is different to Colombo, and to most cities in the global south–east, since it was not a consequence of immigration to the city. In Jaffa, as opposed to Colombo, there are no slums and shanties that evolved on vacant urban land, or neighbourhoods that developed independently. The informal residents of Jaffa live in established houses
and neighbourhoods. The main urban dynamic which made them informal was the implementation of legal frameworks and planning policies, typical to ethnocratic societies. These commonly aim at shrinking and controlling minority spatial rights, while empowering the ethno-national majority (Yiftachel and Yacobi 2003; Yiftachel 2012). Although informality is produced and expresses itself differently, many of its governance and containment mechanisms across Colombo and Jaffa are similar.

A policy of neglect and ignore

Once informality becomes part of the picture, new challenges in the management of cities arise. Often, the preferred response to informality is lack of policy. A policy of ‘ignore and neglect’, as we name it, is common in many slum areas around the world where tenants are considered illegal, in spite of their prolonged presence in the city and their considerable size (UN-Habitat 2003). To a large extent, choosing this policy implies concurrently ‘planning for’ and ‘against’ ‘gray space’: by turning a blind eye to informality the authorities allowed it to expand and materialize; although by neglecting it, they condemn it to deprivation and marginalization. In both cities the period of neglect is most significant in the establishment and growth of the ‘gray spaces’.

In Colombo, USS became an integral part of the urban landscape in the late 1940s. Until the late 1970s, however, no major government programmes were implemented to improve their conditions. They were considered either private property, which does not require intervention, or illegal and therefore not worthy of attention and support (Wakely 2007; Russell and Vidler 2000).

In Jaffa from the 1960s to 1980s the prevalent urban planning policy was neglect, eviction and destruction of residential and public buildings. This ‘urban renewal’ policy included eviction and demolition of slums in order to encourage economic development and private investments. Fabian (1999) argues that the widespread destruction policy was not a result of a political agenda but a professional planning approach dominant at that time. Yet in reality the Palestinian population of Jaffa was the most affected, since the greatest damage was carried out in traditional Arab neighbourhoods. Moreover, the Palestinians were reluctant to accept housing solutions elsewhere in Jaffa due to their religious and cultural ties to the old parts of the city and its community (Abu-Shehadeh and Shbaytah 2010). This brutal approach lasted until the mid-1970s (Goldhaber 2004).

This systematic neglect had extreme consequences on informality in Jaffa. The housing stock was reduced dramatically and there was very little new building to compensate for the loss. For decades the ‘suspension of planning’ (Monterescu and Fabian 2003) prevented tenants from receiving renovation permits and as a result entire neighbourhoods were denied urban planning. According to the regulations applied on the Absentees’ Property, the smallest renovation could transform the tenants into squatters. With no legal solution at hand, many of them modified the apartments, renovated, or squatted in empty apartments. These discriminatory planning policies and brutal measures forced residents in Jaffa to ‘step outside the law’ (Fernandes 2001) causing severe implications to their future entitlement to housing, as demonstrated below. During the period of ‘ignore and neglect’, however, there was only little institutional or punitive response to the pervasive violation of law.

‘Ignore and neglect’ policy, therefore, does not resolve informality; on the contrary, it contributes to the state of ‘permanent temporariness’ typical to ‘gray spaces’, and deepens the gaps between the planned and the unplanned. By allowing informality to thrive, urban authorities only postpone the problem. Sooner or later, they will have to confront it.

Planning for the ‘gray space’ – aestheticization of poverty

In Colombo and Jaffa alike, ‘planning against’ ‘gray space’ later turned into ‘planning for’ ‘gray space’, although the process and scope of such planning has changed structurally.
In Colombo, 1978 marked a shift in the approach of the urban municipalities to ‘gray space’. Constitutional changes in 1973, which transformed most of the USS to the jurisdiction of the National Housing Development Authority (NHDA), resulted in revolutionary plans for informal spaces. From the late 1970s to the mid-1990s, the range of programmes implemented in Colombo’s USS focused predominantly on the following:

(a) Upgrading the physical and social conditions in the USS, mostly through improvements to infrastructure and service delivery (i.e. installation of water taps and toilet facilities, road pavements, sewerage construction), and attempts to involve the public through the establishment of Community Based Organizations (CBO).

(b) Partial attempts to regularize gray housing and land ownership.

Between 1984–1994, 60–70 per cent of Colombo’s USS were included in one of the upgrading projects (Sevanatha and WEDC 2001). This impressive figure indicates the scope and significance of the programmes implemented. Through these projects, thousands of people received access to facilities and services they were previously denied.

Yet in spite of these efforts, the programmes suffered some key deficiencies, mainly because they were temporary, specific, and did not follow a coherent policy. Not only were the USS not reduced in number during these years, they actually increased. In this context, Roy (2005) critically referred to the limitations of the ‘aestheticization of poverty’ by arguing that improving the built environment is insufficient to accomplish a genuine improvement in the lives of the poor. Vélez-Guerra (2006) argued similarly that in Colombo informality persisted due to the authorities’ failure to interfere with the informal processes through which it evolves. Whereas the established slums gained some attention, new slums continued to mushroom since the problems which created informality in the first place have not been addressed.

These development efforts benefited gray housing in Colombo as more households received documents such as enumeration cards and entitlement certificates which strengthened their rights to the property. Yet, they won full ownership in very few cases. The letters and cards proved their presence in Colombo and gave the residents some degree of confidence, however they were never legally equivalent to title deeds. Therefore the dependency on the government by informal tenants continued, and their status could be conceptualized as a ‘lighter’ shade of gray.

In comparison, in Jaffa in the mid-1980s the widespread ‘creative destruction’ (Harvey 2008) ceased. The municipality decided on a new approach after realizing that neglect caused severe damage to the physical and social urban fabric. This new neoliberal agenda aimed at encouraging the private sector to invest in Jaffa. According to this logic, the money invested in Jaffa would benefit the deteriorated environment and improve the depleted housing stock (Monterescu and Fabian 2003). The planning stagnation was replaced with vigorous attempts to revive the city and attract new populations. While the engineering department launched comprehensive planning projects for the area, the municipality successfully included Jaffa in a National Urban Renewal Project. A new municipal body was established responsible for the rehabilitation and development projects in Jaffa that received municipal and government funds for large-scale projects and infrastructure (Tel-Aviv city profile 2002). Development has included typical luxurious housing projects built in old Jaffa by private entrepreneurs since the 1990s.

‘Planning for the gray space’ adopted different approaches in both cities. Findings from Colombo indicate an exceptional dedication of funds and resources allocated for the benefit of the informal residents, whereas in Jaffa, the goals were directed at development and beautification of the city in general. The neoliberal logic that was already evident in Jaffa in the mid-1980s was absent in Colombo’s ambitious rehabilitation projects. In addition, tenure security has improved in Colombo, although this
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programme is not yet finalized. By contrast, in Jaffā the legal status of Arab absentee property has remained untouched. In both cities, however, ‘planning for’ has not resolved the root causes of informality nor has it offered long-lasting solutions. Instead, the policy has recently focused on privatization, to which we now turn.

A turn to privatization

In an era of neoliberalism where space is a commodity, informality too is influenced by the logic of capital. In fact, examples from both cities show that informality often reveals the constant tensions between capital, space and power and their manifestation in the on-going construction of ‘gray spaces’ – so often linked to the withdrawal of the state from housing and urban development, under the leading neoliberal euphemism of ‘relying on market forces’.

In Colombo in 1998 the NHDA launched a new housing programme, which signalled transformation in the perception of gray housing. The Real Estate Exchange Ltd (REEL) initiative was established in order to free the USS land for profitable enterprises by evicting the informal tenants and transferring them to high-rise buildings in alternative sites. Profits from the land were used to sponsor the expensive relocation costs, and the evicted tenants were promised ownership of their new apartments (Wakely 2007). The REEL programme was eventually unsuccessful and very little relocation took place. Yet it signified a changing perception of informality. Whereas in previous decades urban authorities played key roles in overcoming informality by devising policies that aimed to improve living standards, now people were no longer the first priority. The REEL signalled the rise of a new era where development, money and progress received higher priority than the needs of the local people.

As it turned out, REEL was just the beginning. The concept of informality as a hindrance to development strengthened in 2003 with the rise of the current government to power. The comprehensive in-situ upgrade projects common in the 1970s were gradually replaced by relocation. Regularization processes have not ceased completely, but they have slowed considerably. A policy investigator in Sevanatha, a Colombo-based NGO, argued in an interview:

Everyone thought that the land issue was resolved in Sri Lanka. But after 1994 all the policies changed, the government wants to relocate people and take lands for other purposes, like urban development purposes. Now the land tenure is a huge issue…. We cannot see any large progress in the last 6–7 years. A few communities got lands but it is a very slow process.

(Interview conducted by N. Avni, October 2010)

Privatization in Jaffā came hand in hand with the rehabilitation projects such as Andromeda and Jaffā Boulevard – both boasting luxurious residential, tourism and commercial seaside developments. The massive investments yielded rapid results and real estate values rose significantly (Monterescu 2005). Jaffā became ‘one of the places where very poor community lives on very expensive land’ (Peled 2009). In the mid-1990s residential luxury complexes and fancy apartment houses became an ordinary sight in the once neglected city.

As part of the reliance on gentrification, in 1996 the ILA sold land and housing assets expropriated in 1950, which had since been leased to informal tenants. Allegedly, this act would allow the informal tenants to formalize their housing status by purchasing the property from the ILA. In reality, very few tenants benefited from the decision. The rising housing prices in Jaffā were out of reach for the majority of tenants who were offered the property at almost free-market rates.

Paradoxically, the development of Jaffā that was supposed to benefit the informal tenants in fact worsened their condition. Although considerable funds were invested in Jaffā, few were utilized to
solve the acute housing shortage. The once neglected ‘gray space’ became a desired and costly location at the heart of the centre of the city. In the neoliberal reality of Jaffa, there was no need for government schemes to combat informality since the market forces served that purpose.

The Privatization of the Absentees’ Property (confiscated from 1948 refugees) by the ILA could be considered the ‘blackening’ of the ‘gray space’ in Jaffa. Although privatization theoretically enables regularization, countless limitations prevent the transfer of assets to the tenants. As expressed succinctly by a Bioko activist (an NGO advocating planning rights):

In the sense of the absentees’ property (belonging to 1948 refugees who reside abroad) there is no gray, on the contrary. It actually goes from the hands of the state to completely private hands. The intention is clearly to privatize precisely Absentee Property, to undermine the whole concept of an absentee property... once it passes into private hands, it no longer exists. (Interview conducted by N. Avni, March 2011)

In both cities, ‘gray spaces’ become a problem once the logic of capital seems more appealing than the logic of inclusion. Whereas in Colombo the intentions are stated clearly, in Jaffa the neoliberal discourse is concealed and no official body admits to it. Nevertheless, the outcomes are similar: in times of increasing privatization, informal spaces in Colombo and Jaffa are more likely to be considered obstacles to the development of the city. ‘Planning against’ is therefore expected.

**Current trends**

The forces noted above, which have shaped and reshaped ‘gray spaces’ in Colombo and Jaffa, are still present in current trends in both cities, to which the following discussion is devoted. In Colombo in 2009 the government entrusted slum clearance under the authority of a new body established specifically for this purpose: the Urban Settlements Development Authority (USDA). The USDA was responsible for all the procedures related to slums and shanties in Colombo, such as data collection and surveys, policy making and relocation. As of October 2010, the authority was still in the preliminary stages of gathering data and setting targets. However, in an interview with the CEO of the USDA, he declared that the ultimate goal for the next decade was to evict some 65,000 housing units defined as slums and shanties in order to liberate the land for commercial use. The evicted tenants will be offered alternative housing at no cost until they receive their new homes in high-rise buildings to be constructed at the city’s margins. The USDA policy encourages eviction of residents through negotiation and mutual agreements. Accordingly, forced evictions are perceived as a last resort. Nonetheless, the CEO emphasized: ‘We do not encourage forced evictions. But one day, we know, we cannot win 100% of the people. Some people will have to be evacuated forcefully…. But we try to do everything we can to minimize the forced evictions’ (Interview conducted by N. Avni with the CEO, October 2010). Nonetheless, the CEO emphasized that the USDA is working closely with the community through persuasive dialogue, in order to convince people to relocate.

Government intervention in urban processes in Colombo did not end with the establishment of the USDA however. In May 2010 it was decided to transfer the Urban Development Authority (UDA), the body responsible for planning in the urban sector, to the authority of the Ministry of Defence, which is in charge of the police and armed forces. NGOs believe that the purpose of this significant and unusual step is an aggressive implementation of the slums eviction plan through violent repression of the opposition to evictions. In their opinion opening up areas of slum to redevelopment will benefit entrepreneurs and foreign investors at the expense of the local population. In response a local organization initiated a coalition of organizations to fight the eviction programme, calling for the recognition and regularization of existing neighbourhoods instead of eviction.
The processes taking place in Colombo today are intriguing and inconsistent. Upgrade projects and regularization of informal neighbourhoods continue but at a much slower scope and pace. Informality is still a major issue, hotly debated in the political and civil spheres. Planning authorities state that concern for the right to housing of the poor is their first priority, while at the same time promoting grandiose eviction plans. The president has declared his intention to support the public sector and limit the private sector, while advancing slum clearance programmes for the benefit of high-profit private enterprises. Colombo’s ‘gray space’ is ‘blackened’ and ‘whitened’ simultaneously when certain neighbourhoods are recognized and others demolished. The ambivalence is also evident in statements made by public figures such as those that embrace ‘gray space’ as an integral part of Colombo, and others that hint that the tenants are responsible for the physical and social deterioration of their neighbourhoods.

In parallel, in Jaffa in 2007 hundreds of eviction orders were delivered to informal tenants affecting thousands of individuals. The warrants were issued by Amidar, the public housing agency in charge of the absentees’ property in Jaffa. Most of the warrants referred to legal violations reported in Jaffa between the 1960s and 1980s during the period of ‘ignore and neglect’. For many years the authorities overlooked the unauthorized construction, renovations and squatting. The belated enforcement, according to a lawyer member in Rabita – the coalition for Jaffa’s Arab citizens – is not random:

There are eviction notices that were issued a long time ago … and they were put in the drawer of Amidar or the ILA, owners of these assets … few years ago they came back to life. And why is that? Because the ILA knows that in Jaffa there is expensive land with people who don’t pay for it … all the ILA cares about is money … So they launched a massive campaign of warning letters, eviction lawsuits and activation of orders that were already in the drawer.

(Interview with lawyer and activist Amir Badran, conducted by N. Avni, 2011)

The ILA and Amidar, the National Public Housing Agency, firmly reject these accusations: Amidar’s CEO argued in an interview in 2007:

Managing housing assets in Jaffa requires daily confrontation with crime, squatting and illegal building … Amidar acts continuously and systematically to remove safety hazards and to evacuate squatters. This policy is not new and hasn’t changed lately … Israel, a country governed by civil laws, must protect its assets and its planning laws. In case of law infringements, Amidar acts to defend state rights, regardless of the assessed value or the religion or nationality of the residents.

(Cohen 2007)

Despite the vigorous denial, the extensive eviction notices do raise questions on the role of the authorities in maintaining exacerbating conditions that lead to urban informality. The 500 eviction warrants intensified the already fragile housing situation in Jaffa. Many more warrants are expected to be issued in the following years due to expiration of inherence rights, and rising real estate values in the area. As noted above, the right to inherit property is only valid for one generation, and at present most tenants are third generation and can therefore be declared as squatters in the houses in which they and their parents were born and raised.

A place for hope?

Despite the powerful forces that work ceaselessly to deny ordinary people residential and economic safety, and beyond the steady expansion of ‘gray space’ in most cities of the global south-east, the
situation is not all bleak. The worsening urban conditions, in Colombo and Jaffa, as well as hundreds of other cities, have also given rise to new forms of resistance, creative self-planning and democratization ‘from below’.

During the last decade, for instance, an active civil society developed in Jaffa with housing one of its top priorities. The civic protest triggered by the crisis finally gained the attention of the City of Tel-Aviv-Jaffa in 2009. The municipality initiated a round table forum that included representatives from the Jaffa branch of the Tel-Aviv municipality, Amidar, Israel Land Authority, Ministry of Housing and political leaders. Its role was ‘to facilitate a discussion between professional bodies and civilians in order to improve the awareness and understanding of the participants regarding the problem, and in order to examine possible solutions’. A significant portion of the meetings revolved around the Absentee Property and the barriers to gaining ownership of the type of housing, occupied primarily by Jaffa’s Palestinians population. The forum provoked mixed reactions. On the one hand, it was a positive process that raised a significant problem in the public and policy arenas. On the other hand, those who hoped for quick solutions were disappointed: no direct outcomes followed the initiative. An architect active in Bimkom, an NGO advocating planning rights, claimed:

They speak now about affirmative action, but I can’t see that something is really happening … there was a process of round table; they gathered data, interviewed, researched. I doubt the conclusions they reached so far. They didn’t touch many aspects. They talked about affordable housing, and it’s not clear what they meant. What about public housing? There used to be housing solutions… I can’t see it now.

(Personal communication, April 2011)

Similar notions were expressed by other interviewees (see Avni 2012).

Activists involved in the housing struggles report, however tentatively, a possible change in the attitude of the municipality of TAJ, the ILA and Amidar towards the tenants. They mention more sincere efforts to cooperate, an achievement attributed to the public attention gained by the civil struggle. However these activists also worry that the change is mainly semantic and will not produce significant action.

In both cities, therefore, ‘gray space’ is trapped between declared policies and ineffectual action. It is hard to predict what the future will bring. There are reasons to doubt that the ambitious plans advanced in Colombo will be implemented smoothly. Similarly, informal residents of Jaffa will not give up their right to the city easily. After decades of government and municipal plans, projects and ventures, the tensions leading to the gray spacing of these cities have not been resolved. On the contrary, the number of people occupying ‘gray space’, and therefore the process of ‘gray spacing’ has exacerbated in both cities. Consequently, no immediate planning or legal solution seems likely at hand. This highlights the futility of treating complex urban situations through the typical professional dichotomies of legal/criminal and planned/spontaneous. A system built on such binaries will forever be trapped in a way that will deny many residents their fair allocation of rights and resources.

Notably, the gray spacing of Colombo and TAJ has proceeded differently. In Colombo, it was created mainly by rural–urban migration and the influx of refugees from war zones, as well as by the deteriorating economic conditions of the lower middle classes, who were forced to relocate into shanty towns. It appears as if in Colombo members of all main ethnic groups occupy the city’s ‘gray spaces’, giving the phenomenon a distinct class characteristic.

In TAJ on the other hand, gray spacing has had a clear ethnic slant. The majority of residents with no permanent status, and with the impending danger of eviction, are Palestinian Arabs. During the last decade hundreds of thousands of foreign labourers began to also create ‘gray space’ and communities in other parts of the TAJ metropolis, making the phenomenon ever more conspicuous. In recent years the
decline of the Israeli welfare state and downgrading of Jewish lower middle class has squeezed more Jews into the uncertainty of informality. Yet, the city’s ‘gray spaces’ are dominated by Arabs and non-Jewish immigrants, emphasizing the ethnic nature of this phenomenon.

In both cases, gray spacing has created profound and widening urban divisions between residents of the same city. While the process of gray spacing has blurred the neat separation between legal and illegal, planned and unauthorized, foreign and local, it has also widened the gaps in the city between included, approved and safe areas, and the combination of areas that do not enjoy full urban citizenship. Access to the most basic conditions and services, first and foremost housing, has been systematically denied to large sections of the population. Even the welcome attempts to ‘whiten’ certain informal developments have largely involved privatization and gentrification, and hence could not change the structural process of marginalization and denial. It is this enduring and troubling presence of indefinitely marginalized ‘gray spaces’ that led us to conceptualize it as the new urban divide.

Overview and conclusion: ‘gray planning’ and new urban divisions

As we have shown above, the ‘gray spacing’ of the two cities has been a prolonged, convoluted and structural process, transforming over time socio-spatial relations under an emerging new urban regime. Gray spacing has involved policies of ‘turning a blind eye’, followed by decades of neglect and recently, privatization, aestheticization and gentrification. These are reshaped by local mobilization, resistance and partial co-optation. In both cities the ‘whitening’ — the legalization and regularization — of certain informal sections has been a notable recent policy success, although this move has not kept abreast with the creation of new ‘gray spaces’ and communities. Hence, the phenomenon appears to be structural and enduring, thereby altering the formation of the city, its regime and social relations. This requires, as argued above, rethinking and expanding the concept of ‘divided city’ to include the many manifestations of gray spacing, and the associated urban divisions they create.

Clearly, such urban divisions possess enormous diversity, differing from city to city in causes, types and policy responses. They are socially, economically or ethnically unstable or inconsistent. Yet, there appears to be a common thread of rapidly growing urban spaces/communities that are neither fully approved and included, nor fully criminalized or evicted. The understanding of ‘gray spacing’ as long-term and structural, in most regions of the world, is thus one of the most urgent tasks facing urban analysts and theorists.

References

Divided cities, planning and ‘gray space’


Notes

1 The project compares and contrasts international cities in terms of identity, economy and governance. It includes cities such as Colombo, Tallinn, Cape Town, Sarajevo, Nicosia, Jerusalem and Beersheba. It has been supported by several bodies, such as the Israeli science foundation, US Institute of Peace, Israel Foundations Trustees and the Universities of Cape Town and Venezia.

2 *Slums* — old and/or overcrowded tenement gardens of decaying permanent construction with minimal common water supply and sanitation, or subdivided old large houses. *Shanties* — shelters, generally of impermanent materials, with inadequate access to communal services and usually with no legal right to land (squatters) (Wakely 2007).

3 Absentees’ Property is a legal term for the land and housing of Palestinians who left, or were driven away from their homes during the 1948 war and were never allowed to return. In practice, the property of these Palestinians was expropriated by the state and put under the custody of the ILA. The ILA is in charge of the ‘abandoned’ lands and houses, in which the Palestinians in Jaffa reside temporarily through lease agreements.

4 Meeting Summary No. 1, 14/09/09, Tel-Aviv-Yafo.