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The informal city and rights in South East Asian Cities: the cases of Kampung Improvement Programme and Baan Mankong

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Abstract. Asia is home to the largest population of people living in informal settlements and slums. Its southern and eastern sub regions house over 80% of slum dwellers in the entire region. The most notable success stories in Asia, in terms of decreasing slum growth significantly, have occurred in South-East Asia, where policies implemented between the 1970's to early 2000's have strongly impacted the growth of slums in major cities. This paper explores rights, citizenship and spaces of negotiation in relation to innovative approaches to slum upgrading and low-income housing improvement programs, in two South East Asian cities: Bangkok, Thailand and Jakarta, Indonesia.

Using intersecting ideas between *informality* developed by Ananya Roy; *the state of exception* by Giorgio Agamben; theories on *rights to the city* by David Harvey and Henri Lefebvre; and *insurgent citizenship* by James Holston, the paper offers a critical analysis of pro-poor and self-help housing policy and programs in Bangkok and Jakarta. The paper aims to examine housing policy in each case study through a socio-political and historical lens; and understand the extent and ambiguities of opening spaces for negotiation in the process of slum upgrading.

The paper concludes by offering potential trajectories for insurgent citizenship and spaces for negotiation in expanding notions of rights for the urban poor in Bangkok and Jakarta.

Content

List of acronyms

CODI Community Organizations Development Institute
DPU Development Planning Unit
KIP Kampung Improvement Programme
NGO Non-Government Organizations
NHA National Housing Authority
UCL University College London
UDP Urban Development Planning
UNHABITAT United Nations Human Settlements Program

1. Introduction

1.1 Locating citizenship in housing policy

"Sometime in the next year, a young man will flee his village in west Java for the bright lights of Jakarta" (Davis, 2006:1).

"No cost occupation of land is a temporary phenomenon… options for informal solutions [to the housing crisis] have been already reduced and will rapidly become more so as powerful and integrated organisations take control of urbanisation at the periphery" (Baross and Jan van der Linden, 1990, as cited in Davis, 2006:90).

Whilst Davis's global snapshot, Planet of Slums, strikes a fearful chord for the populous and dense metropolitan areas of the global south, his apocalyptic vision offers more factual discourse against global capitalism and less insight into possible solutions for the urban poor (Sansom, 2006). The questions raised by Davis, however, are undoubtedly central to the plight of many urban poor and marginalised: how to provide housing, services and infrastructure for the urban poor, at the same time as progressively impacting economic growth and urbanization. This paper explores these issues in the context of informal spaces, housing and citizenship analysing the cities of Bangkok and Jakarta in Southeast Asia; and later argues that housing policy and programs attempting to address issues of low-income housing and informal settlements requires politically inclusive policy to define spaces of negotiation and embed influence over regulatory and institutional arrangements.

In contrast to Davis, Mitlin (1995) directs policymakers to understand urban poverty as more than economic deprivation, arguing it contains broader ramifications connected to inequality across housing, transport, education, and health services. Additionally, despite many policymakers observing urban poverty as 'spatially confined to informal settlements and slums', Marx (2006:22) contends urban poverty is highly sensitive to the city geography and cannot be addressed independent of the formal economy. The need for comprehensive and integrated approaches bridging synergies across social, political, spatial and economic processes is clear. Thus, in order to meet the growing needs of the urban low-income and poor, urban researchers and practitioners argue for the development of policies and programmes that expand spaces for negotiation and develop synergies that redress power relations at city scale (Boonyabancha 2005; Fiori and Ramirez, 1992, Levy, 1996, 2007; Safier 2002). Soomsook Boonyabancha, former Community Organizations Development Institute (CODI) director and architect of the Baan Mankong programme argues,

> '[slum] Upgrading is a great opportunity to make changes – changes involving all the communities in the city, changes in the people, changes within the relationships, changes in the way of thinking, changes in people's own attitudes towards themselves and their position in their societies or cities. Upgrading, if it's done properly, can really liberate people.' (Boonyabancha, ibid:45)

Echoing a liberating call, Boonyabancha understands the obvious benefits of material improvement through progressive housing policy, but more importantly, envisions transformation as a dynamic interaction progressively reconfiguring institutional frameworks to reverse the logics of injustice, disempowerment and exclusivity created by policies and institutions in the first place.

In reality, however, the transformative potential of policy can be ambiguous, or often displaying mono-sectoral ambitions and over-dependency on the formal market. Traditionally housing policy has been developed through top-down, market-driven approaches, but there has always been a limitation in policy coverage giving rise to the adoption of unconventional self-help practices contributing to housing stock (Pugh, 2001). In spite of pro-poor housing policy, informal markets can still be observed in housing provision, even in the 'poorest of slums in Jakarta, where minimal customary rights to shelter are bought and sold on faith without the protection of the law' (Angel, 2000:4). Some critics believe the limitations to self-help housing policy, made popular by the work of John F. C. Turner, are tied to capitalist interests and reducing costs of production; causing fragmentation amongst collective action and reproduction of problems created by markets the intervention was intended to resolve (Burgess, 1977, 1985; Pradilla, 1976; Harms, 1982; Marcuse, 1992). Indeed, self-help housing policy may co-opt individuals and collective political action, thus suggesting a moral argument against potential economic certainty, but this critique distracts

discourse away from furthering non-conventional policy research and development (Ward and Macoloo, 1992). The confluence of housing policy with neo-liberal growth patterns suggests a need to understand non-conventional self-help policies that are more progressive than the political circumstances that allow for such policies to emerge (Fiori and Ramirez, op cit: 24). Housing is never entirely linked to ideology or state intervention per se, rather the question is about the kinds of intervention, whether they simultaneously promote efficiencies and target the poorest segments. For Turner (1976), self-help housing policy is never a matter of houses in the modern commercialised or institutionalised sense; instead it becomes a matter of decision and control, of who and how housing relates to economic and social mobility. By understanding enabling conditions, it is possible for self-help housing policies to open spaces for negotiation and broaden multi-sectoral and –scalar change responsive to areas of low productivity (Fiori and Ramirez, op cit).

This paper explores pro-poor and self-help housing policy in the context of informal spaces, housing and citizenship analysing the cities of Bangkok and Jakarta in Southeast Asia. In these cities, there exists different assemblages of 'styles and performances associated with modern urban citizenship' – symbolic of entrepreneurialism, informal productivity and self-improvement (Simone, 2010:55). Within informal spaces, hopes for positive transformation are pinned to low-income housing policies and programmes such as *Baan Mankong* in Bangkok and the *Kampung Improvement Programme* (KIP) in Jakarta. In both cases, policy was created in context of political and economic crisis, which grew from continuing tension created by the capitalist model on one hand and need to reach the urban poor on the other– a schizophrenic environment for policymakers – where 'one type of crisis can be resolved only by measures that eventually bring about the other type of crisis' (Silver, 2003:20). These alternating responses created contradictions between impulses to maximize gains and the need for political legitimacy. Discussion about expanding notions of rights and claims in housing policy must consider the multi-scalarity of power relations embedded in institutions, social structures and matters of citizenship (Guarnizo, 2012). These relations call for deeper analysis of the politicization of housing policy to provide 'synergies across a variety of social,

political, institutional and spatial processes, all of which are interconnected and operating at different scales simultaneously' that do not define or impose on spaces of negotiation (Fiori and Brandão, 2010:183).

Conceptions of insurgent practices often sit at the interface between poverty and informality. This paper analyses the informal processes, receptive to spaces of negotiation and insurgent practices, yet associated with low productivity and survival strategies. For Holston (1995, 1998, 2008, 2009), this interface places the conception of citizenship into divided and overlapping unit regions, cities and neighbourhoods. Thus, different forms of citizenship can manifest where formal, substantive and more contemporary forms coexist. Furthermore, citizenship has resonance with the way space is organized - physical, social or political- often the dominant form of citizenship (formal) indicates how society makes decisions, democratically or otherwise. The production of the built environment reifies logics of citizenship through social organisation, segregation and exclusivity. This raises the question of rights and the role of heterogeneous identities in the production of the city. Theories on rights to the city (Harvey, 2008, 2012; Lefebvre, 1969, 1976, 1991, 1996) are well grounded with those of insurgent citizenship (Holston, ibid; Sandercock, 1998, 2003; Freidman 2002). However, the notion of insurgent citizenship provides the analytical framework for this paper as it connects policy to historical and gradual response, while also recognising that not all conditions or informal spaces lend themselves to insurgent practices that subvert regulatory experiences. The potential for insurgent practices to shape spaces for negotiation or 'room for manoeuvre' (Levy, op cit; Safier op cit) is beyond the means of any conventional housing policy, therefore, this paper argues that housing policy attempting to address issues of low-income housing not only requires politicization of policy development, but also requires regulatory and regularity exceptions. In doing so, housing policy has potential to be responsive to insurgent practices and can give meaning to countervailing strategies that reverse logics of capitalist accumulation and co-optation. Through the cases of Baan Mankong and KIP, this paper analyses the specificities of the politicization of the housing process and the possibilities for non-conventional housing policy in Thailand and Indonesia.

2. At crossroads: rights, citizenship and globalisation

2.1 A battle cry for collective rights

Park (1967:3) writes of the nature of city production as a self-made, mirror image of people - a critical reflection on how societies envisage themselves individually and collectively through city production. For the likes of Harvey, this reflection evokes less imagery of people in the built environment, and more admittance of the social and political processes behind production.

> '[We] cannot be divorced from the question of what kind of people we want to be, what kinds of social relations we seek, what relations to nature we cherish, what style of daily life we desire, what kinds of technologies we deem appropriate, what aesthetic values we hold'. (Harvey, 2008:1)

Harvey suggests that this presents a provocative double-edged sword: a central question of 'whose city is it?' and a battle cry for collective rights premised on the Lefebvre's conception of the 'rights to the city' (ibid). Society is confronting an urban dilemma, one best described by Lefebvre, who exposes the role of institutional power, market logic and commodification of urban space. In the remaking of city and self, the counterpoint of rights to the city holds pivotal significance in a broader conception of citizenship and rights. According to Holston (1999), the normalised role of citizenship in city production appears to subordinate all kinds of identities to a homogenous framework, in other words a narrow conception of citizenship. The creation of the national identity is a powerful concept, and when normalised as de *rigueur* for citizenship, it creates precedent for privilege, social exclusion and an ungrounded logic of 'national belonging' (Holston 2009:255). An expansion of this notion casts eyes forward to citizenship's substantive potential: the city as a strategic space to redefine citizenship, as a *socio-political spatial* notion, in defining rights to the city. Of equal importance is the process of attaining rights *through* the city using the urban arena for broader rights struggles at national, regional and global scale (Sandercock op cit; Nicholls, 2008; Nicholls and Vermeulen 2012).

Many conceive the purpose of the Lefebvre's concept, as a radical counterweight to capitalism and liberal democratic citizenship, situating it in the everyday struggle through social movements of alternative and transforma-tive ideologies (Castells, 1977; Fainstein and Hirst 1995; Harvey, op cit; Lefebvre, op cit; Purcell 2002). Citizenship viewed under this banner, must not ignore the complexity of globalising interactions in addition to local dynamics (Sassen, 1999). Significance is drawn from configurations of 'space and identity' (Elmoudden, 2009:66), insofar as it can be ascertained, globalisation not only shapes logics of 'territories, authorities and rights' it also pervades and expands notions of citizenship (Sassen, 2006: 143). Pertinent to Sassen's (ibid) argument, is the 'articulation of territory' characterised by 'denationalisation'. This experience is relevant to cities and city regions of economic power like Bangkok and Jakarta, where there appears to be 'unmooring of identities' through extension of economic globalisation, corporatisation and formation of post-national identities (Sassen, op cit:191). The historical and spatial trend of globalisation has placed global arrangements and global economy across and within localities of institutional power, connecting through expansive and intensifying networks. This contested phenomenon simultaneously dis-empowers and empowers regions, nations, and cities. However, state sovereignty still holds some sway despite the risks of globalisation policy resulting in denationalisation. For Hirst and Thompson (2002:249), maintaining healthy scepticism of globalising reconfigurations occurring at the 'expense of nation states' is essential when one considers that globalizing economies are constitutive of nation states and national public policy.

2.2 Excavating citizenship

The globalisation discourse provides a primer for theoretical investigation into citizenship. Since the eighteenth century, traditional views of citizenship, as a state centred notion, were culturally accepted, insofar citizens identified with territorial boundaries and sovereign states (Smith and Smythe, 1999). T.H. Marshall's (1977 - first published in 1950) prominent, much cited formulation of citizenship articulated citizenship as the relationship between individuals and nation state embedded in the post-war welfare system of the Keynesian era – a definition driven by class and status in exchange of social duties for social (welfare), political and civil rights (Marshall and Bottomore, 1992; Sassen, op cit; Urry, 1999). However, in a globalising and neo-liberal world, Marshallian citizenship finds less relevance with emergence of post-national citizenship, universal human rights, and the global political economy

(Purcell, 2003, Urry, ibid). Additionally, a diverse array of urban pressures and urban social movements have pooled resources to challenge this notion, the more radical being the localised Paris Commune, 1965 (McFarlane, 2011) to more recent developments with the World Charter on the Right to the City (Fernandes, 2007), and global or regional space re-territorializing social transformation (Turner, 2001; Held, 2004). Supra- or trans-national legal instruments and agreements, such as the European Union (EU), find legitimacy because of the notion of re-territorializing through 'a global framework for promoting rights, to the diverse agreements of the arms control system and environmental regimes' (Held, ibid:388). Purcell (op cit:571) claims re-territorializing is a necessary subversion of state functions to reimagine new scales and territories regarding citizenship.

Through these intensification processes, Marshall's conception is exposed to 'nonequivalence' and 'unequal significance' in and between each social, political and civil arena (Turner, 1993:7). Societies may deviate from Marshall's concept of citizenship where liberal economic rationality is strong, for example, social rights that may be protected in a welfare state through redistribution of property and wealth, are de-prioritised against liberal protection of individual rights and property.

It could be argued that the search for greater market efficiency whilst considering economic, social and political rights should be met with state resources and subsidies (Saunders, 1993), however this calls for reinterpretation of Marshall's concept (Isin and Turner, 2007, op cit). Turner (ibid) suggests reconceptualising citizenship as a nexus, shaped by contrasting social and economic courses together in political space (public or private). In doing so, it is possible to question 'the historical and social conditions that promote effective and active patterns of social participation rather than merely passive membership' whilst also considering the 'principle weakness' in Marshall's conception; the absence of 'ethnic and racial divisions in relation to national citizenship' (Turner, 2001: 191; Crowley, 1998). This enables new global claims and rights to emerge; 'namely environmental, aboriginal and cultural rights' (ibid:203) which ground post-national and insurgent citizenship setting precedence for their extension, for example the emergence of consumer rights (Urry 1995), mobility rights (Urry, 1990), cosmopolitan (Held, 1995), ecological (Steenbergen, 1994) and minority rights (Yuval-Davis, 1997).

> *'Undeniably, this historical development [citizenship] has been both revolutionary and democratic, even as it has also been conservative and exclusionary..* (Holston and Appadurai, 1999:187)

As citizenship continues to develop, we come to understand the possibilities for new logics of 'collective production' and assemblages rearticulating but also

'reposition[ing] those capabilities' (Sassen, op cit:13). Simultaneously, as policies supportive of the market continue to erode and reconfigure logics of national power, the notions of 'de-nationalisation' (ibid) and 'de-territorialisation' have more relevance (Urry, op cit:314). As globalisation persists, the challenge for citizenship development is to look beyond national sovereignty, and Marshall's original conception, towards universal rights and actors to engage with 'multiple sovereignties' that transcend the local and reach multiple scales (Roy, 2005:154; Soyal, 1994).

To understand this challenge, it is important to briefly explore formal and substantive citizenship. Formal citizenship is considered a membership in the nation-state, a legal status where citizens grant the state governing rights in exchange for rights, privileges and protections (Rousseau, 1987; Locke, 1988; Kant, 1991; Rawls, 1971, Purcell, 2003), formal citizenship may also include defining language, ethnicity and cultural requirements (Bauböck, 2008; Tambini, 2001). However, formal rights do not always equate to substantive inclusion or access to substantive rights (Miraftab, 2009). Purcell (op cit:564) contends, substantive citizenship is resistance to the 'dominance of capital' recognising this dominance can co-opt different identities, cultures and beliefs. The narrower and more homogenous the conception of citizenship, the greater control and legitimacy nation states have to co-opt citizens to mono-citizenry. Thus, broadly defined, substantive citizenship can act as a counterbalance to extend the politics of identity.

Holston and Appadurai (op cit:188) argue that subverting nation state politics is a function of the interaction of cities, places, neighbourhoods and streets with respect to 'race, religion, class, culture and gender to produce the ingredients of both progressive and reactionary political movements'. Through a broader conception of substantive citizenship, Bauböck (1991:24) suggests that government and citizens should aim for greater social justice, not simply depend on legal equivalence pertaining to public rights or 'protection against discrimination in employment, housing, education and health'. This notion is a departure from formal citizenship towards oppositional politics, reinventing modernist spaces, and creating new social imagery. This notion resonates with Holston's (1998:157) argument for legitimation of 'spaces of insurgent citizenship' and defining exceptions to the dominant rule.

2.3 Analytical framework

Finding space for insurgent practice

> *'informality must be understood not as the object of state regulation but rather as produced by the state itself'* (Roy, 2005:149)

If Roy's position is accepted, the question it poses is what conditions allow insurgent practice within informal arenas to thrive. This chapter introduces the notion of the state of exception, and its usefulness as strategic tool for the development of insurgent practice and spaces of negotiation

Drawing inspiration from the work of Agamben (1998, 2005), Roy (op cit) suggests that the development of insurgent practice in informal settings can occur strategically through the state of exception. It is essential however to understand its limits, as it is conceived as a paradoxical phenomenon characterised by suspending order that produces exceptions to normative rule. The 'state of exception' has philosophical roots in the Latin axiom, Neccessitas legem non habet, or necessity has no law. The word necessity is rendered oppositional in meaning set against normative values and laws. The definition is explained under two key points - 'necessity does not recognise law' and 'necessity creates its own law' (ibid:24).

Exceptions shape citizenship and informality, and determine when and how they 'thrive and disappear' (Roy, op cit). In modern terms, the state of exception may be seen in 'zone[s] of in-distinction' including national or city martial law, detention centres and concentration camps (Lentin, 2009:4). As a negative conception, the state of exception implies the state is free to wield its power in defining new rules, legal control or planning codes to categorise those accepted by law and those who are not. It also can be subversive withdrawing 'legal rights and protection from specific populations', granting citizenship to some and not to others (Lentin, op cit)

Mapping the political development of the state of exception, Salter (2008:366) reveals patterns of necessity that manipulate the 'quantities and qualities of the population' in relation to normative citizenship. In the context of urban development, manipulation creates spaces of exception, as featured in the historical development of land registration, the creation of dualisms, and the spread of informal and unregistered (Leaf, 1993). It is within these spaces of exception an absence of the law is found in that service provision and legal rights are most often enjoyed by the formalised city (Roy, op cit). Agamben argues this phenomenon is 'neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other' (ibid, p. 23).

In part, suspending order, or denying rights and claims can explain the growth of informality. Roy (2009b:8) contends that,

> *'informality is a state of exception and ambiguity such that the ownership, use, and purpose of land cannot be fixed and mapped according to any prescribed set of regulations or the law'*.

If informality is seen as a mode of production defined by 'territorial logic of deregulation', it then describes a shift in understanding the relationship between dualisms and the portrayal of legal outsiders, the extra-legal and irregular (ibid). This suggests an active reconstruction of the legal system is needed to redefine those on the outside, and to ensure control over 'doorkeepers and administrators' as well as being able to redefine the rules and exceptions (ibid:114, Minkkinen, 1994). Litowitz's (2002) interpretation of Kafka suggests that those outside the law are constitutive of a single block, no matter the diversity of the individual. Litowitz suggests this 'shuffling between doorkeepers and administrators, always desperately hoping justice will be found' (ibid:106) resonates with Kafka's shifting narrative of 'insider' and 'outsider', which critically illuminates contrasting struggle, one where policy makers create very few exceptions and fail to open up institutions to change, and second, where the political agency found in characters like Josef K., in *The Trial*, is confronted by a bitter struggle against an endless 'limbo of rightlessness' (op cit; Luban 2002:10), treated as an outsider regardless of individuality.

The state of exception as a strategic tool for insurgent practices and spaces of negotiation

However, a hopeless limbo need not be the only resolution. Drawing on the concept of state power in defining the state of exception, Agamben (op cit:10) suggests an alternative 'rights of resistance', conceived as an unsettling reversal. Kisner (op cit) contends that resistance takes on a search to transcend the state of exception towards a 'right and/or duty to resist the state'. This is a strategic departure from previous notions of the state of exception, opening space for negotiation, resistance and subversive response in the informal. Agamben (op cit, 1998:36) goes further to suggest the politicisation of the situation is crucial in transcending the state of exception, as this can catalyse transformative moments in time characterised by 'the place where the opposition between the norm and its realization reaches its greatest intensity'.

Roy (2005:153) suggests this is possible when both the state and citizen use this space strategically to 'frame policy' and regulation. This is similar to Safier's (2002) four-dimensional intersectional model for action space or 'room for manoeuvre'; which are:

1. Improving technical-professional innovations, ethics and behaviours
2. Extending institutional and inter-organisational reforms
3. Expanding social interaction, mobilisation, bargaining and negotiation
4. Enlarging the scope of strategic analysis and tactical responses to the dynamics of urban development in time and place

This is further supported by Fiori and Ramirez (op cit), who argue for similar concepts of strategic space, or space of negotiation. These authors propose strategic space can be created through active or insurgent citizenship to support progressive urban policy, planning and management, and this can renegotiate power relationships, resulting in increased equity and the redistribution of resources between institutions and the poor (McFarlane, 2004; Jones and Gaventa, 2002; Sanvig Knudsen, 2007).

Insurgent practice and citizenship is explored by multiple theorists Holston (op cit), Sandercock (op cit), Freidman (op cit) and Miraftab (op cit) whose work is grounded in the everyday observation of 'practices of people' and 'projects of governments'. Fundamentally, insurgent practices are strategies of survival in response to policy and planning, but, when used as strategic tool for organising and also unsettling, insurgent practices can transform city spaces into 'salient sites for citizenship' (Holston, 1999:189). The most fertile sites appear at the peripheries, or informal spaces, where the logics of citizenship is the daily struggle for rights (Fernandes, 2007) to 'housing, property, plumbing, day-care, security, and other aspects of residential life' (Holston, 2008:313). This politicization of process, it is not a 'matter of alliance between interests, but 'modifying the very identity of these forces' (Mouffe, 2005:19) and if nurtured, has the potential to reclassify socio-political space (de Souza, 2001). This extroverted alternative to the authoritarian state of exception allows political reclassification and deepening of democracy (ibid; Knudsen, op cit).

For Holston, insurgent citizenship results in a necessary tension between equality and liberty; and signifies an alternative conception of citizenship in which new patterns and agency emerge from 'invented space' into more substantive forms (Miraftab and Wills, 2005:202). Where agency for invented space is limited, so is the potential for transformation, risking co-option and exclusion, or turning invented space into 'invited space' (ibid). Often, this signifies invisible and hidden power relations, for instance, in-between inclusionary and exclusionary membership. Insurgent citizenship, viewed as production of citizenship in both its perpetuation and transformative experience, enables response to these inequalities. Insurgent practices grow weary of representative democracy and oppressive governments and their everyday practice (Friedmann 1992), which gives a platform for the realisation of Sandercock's (1998, 2003) argument for greater diversity steeped in 'a thousand tiny empowerments'. The discursive notion of citizenship is what Holston (1998, 2008) describes as the city struggle for spaces of 'insurgent citizenship' - a place where utopian ideas of modernity battle with the 'heterogeneous' and 'ethnographic present'.

"Insurgent citizenships refer to the political transformation that occurs when the conviction of having a right to the city turns residents into active citizens who mobilize their demands through residentially-based organizations that confront entrenched national regimes of citizen inequality"
(Holston 2010 p2).

Reinforcing active or insurgent citizenship is about explicit political contest rather than questions of participation or user involvement. At times, the notion of insurgent practice takes place separate from state interference, in an attempt to rearticulate 'political conceptions of justice' and prevent tyrannical domination (Mouffe, op cit). Equally, the notion stretches across Levy's (op cit) strategic action planning to realise social justice in distributional and institutional form (Young, 1990). Fiori and Rameriz (op cit:29) argue that spaces of negotiation can emerge during moments of crisis, or crisis of legitimacy, often under adverse circumstances that co-opt political agency and seek social stability. This demonstrates Roy's argument (op cit), that the state of exception can be a strategic tool to change the system. Roy (ibid) looks at two forms of exception: 'regulatory exceptions' and 'regularity exceptions'. The first exception recognises incremental development and moratorium periods, in the context of slum upgrading, this exception can have positive results, suspending codes or by granting 'mid-level' de facto land tenure encouraging household and community investment. The second exception is regularity, typically associated with mortgage finance and repayment, this exception can provide adoptive and flexible measures to those of irregular employment and income earning power.

Based on this theoretical premise, the remainder of this paper analyses housing policies for the low-income and urban poor in the Kampung Improvement Programme in Indonesia and Baan Mankong Programme in Thailand. Analysis seeks to understand political shifts, policy development and material reality that shape informality, spaces of negotiation and citizenship. The first part of the investigation *situates exclusion in the Southeast Asia context as a historical and ethnographic issue in much government policy, and with connection to housing and land, exclusion influences values, rights, claims and citizenship.* The second part distils the Kampung Improvement Programme and Baan Mankong case studies to draw out *connections, possibilities, and ambiguities of a state of exception as a strategic tool for insurgent practice and spaces of negotiation in housing development. In doing so it identifies the variations within housing policy and programmes in both contexts, adding to the discourse of non-conventional housing development and its role in citizenship in discursive and substantive forms.*

3. Policy and planning in Bangkok and Jakarta

3.1 Situating Southeast Asian citizenship, rights and values

The significance of citizenship, rights and values in Southeast Asia can be pinpointed to the pre-modern conception, where loyalty was not necessarily found in the territorial state, rather it was found in polity and sovereignty of people. Researchers like Tambiah (1976) describe this as 'galactic polities' containing 'a strong sense of centre, but with porous and indistinct borders' (ibid). Semi-autonomy over the vast amounts of land belonged to the people; princes 'extended' power and jurisdiction to the people to control their land. This created a fluid relationship between those living at the borders, and multiple loyalties to various 'overlords' in kingdoms such as Siam (Thailand) (Thongchai 1994: 97). Some suggest the relative social, economic and political interdependence was overshadowed by the notion of a social hierarchy in Buddhist polity, created as a barrier between the 'civilized' and 'non-civilized', thus extending the socio-political spatial exclusion between the centre and periphery (Renard, 2000; Kymlicka and He, 2005). Colonial and post-colonial Indonesia showed similar features; elements of social exclusion based on multiple and intersecting differences (race, gender, class, age, disability, religion) (Gaventa, 2002; Jones and Gaventa, op cit; Kabeer 2000; Fraser, 1997). In both nations, there are similar views in relation to power between rulers and those claiming rights and citizenship, social movements and insurgent practices were less about western notions of liberal rights and economic equality, and more focused on issues material conditions (Gaventa, ibid). As Gaventa (ibid:9) reminds us, 'colonised populations often achieved national independence organised as religious, ethnic and tribal communities, with very different material histories'. Fear of denationalisation and exclusion from their own national construction was common in states emerging from post-colonial rule where historical social construction often lost legitimacy as independence took shape. This meant imagined communities of socially, economically and culturally dominate citizens developed 'anticipatory strategies', often using suppressive political tactics, propaganda or militarism to protect their political position (Anderson, 2006:101). Modern displays of nationalism continue today in Thailand, which was never colonised, where anticipatory strategies were used to homogenise citizenship into a singularity of migrant and ethnic minority groups (Rhum 1996; Reynolds, 1996, Aguilar Jr, 1999).

As the discourse surrounding citizenship, rights and values developed, staunch opposition to globalisation and westernisation was met at regional and national levels. Debate over universal human rights demonstrated the 'Asian values' argument when a large proportion of Asian states at the Bangkok Declaration in 1993 accepted that rights were 'universal in nature', but should not supersede context, values and specificities of sovereign nations states and regional areas (Mauzy, 1997; Bruun and Jacobsen, 2000). A regional debate over core 'communitarianism' values found favour amongst an eclectic selection of Southeast Asian nations including 'Islamic Indonesia' and 'Buddhist Thailand' (Fukuyama,1995). For some, governments in modern Southeast Asia have always skewed duties over liberal rights (Mauzy, 1997; Muzaffar, 1995). For others, the debate over western liberal democracy and communitarian values detracted from visualising a better democracy (Jiang, 1998).

However, discourse was affected when the Asian economic crisis occurred in 1997 (Thompson, 2001). The crisis triggered political repositioning across the region and called modernisation approaches into question. In Indonesia, the crisis aided exposition of government reliance on 'corruption, collusion and nepotism to sustain economic growth' (Silver, 2008:213). In Thailand, new policies emerged that actively targeted poverty alleviation. Debates shifted from retaining distinctive Asian values towards localised debates on 'culture, self and modernity' (Bruun and Jacobsen, op cit:17) and exclusion was no longer recognised as a national or even regional construction, but viewed through vast networks of transnational urban governance (Diokno, 2000; Samara, 2012).

Finding space for negotiation in Indonesian politics, postcolonial rule and economic growth.

The state of Indonesia is geopolitically dispersed, culturally diverse, and marked by a political history of exclusion, violence and protest.

> '*The massacres of half a million suspected leftist in the mid-1960s, organized by the military and Muslim groups, and the death of hundreds of thousands of East-Timorese in the mid-1970s in the wake of Indonesia's invasion stand out as examples of extreme violence*' (Bruun and Jacobsen, op cit:113)

Indonesia is still involved in indiscriminate violence in West Papua oppressing ethnic insurgency and the diversity of the nation enables opportunistic political use of values, ideologies, ethnicity, religion and social order to divide citizens. In the past, this has been used to weaken democracy and legitimise authoritarianism, such as seen with the Sukarno and Suharto dictatorships and their attempts to create mono-scalar citizeny. In the context of rights and citizenship, the notion of mono-scalar citizenry can be traced to the discourse of regional values and Halldorsson (2000) argues this rhetoric found traction in Southeast Asia, particularly in Indonesia. Mono-scalar citizenry is an attempt at defence against western values under the banner of preserving local culture, traditional family values, hierarchical order and communitarianism. Former Indonesian President Suharto successfully reinvigorated the 'Asian values' debate in a time of crisis and intensifying international scrutiny over human rights records and the discourse of human rights in Indonesia was given a cultural reinterpretation through the Pancasila constitution - the political new order of citizenship promulgated by former President Sukarno (1945) during independence and later repackaged as 'indigenised' reform by President Suharto. Pancasila was seen by some to be a philosophical concoction rooted in monotheism and nationalism (ibid; Weatherbee, 1985; Hoey, 2003). Critics of the original constitution argued monotheism denied the rights of non-believers and atheists, as well as believers in polytheistic religions (Hinduism and Buddhism) practiced by a significant proportion of Indonesians (Syafi'i Anwar, 2012). Social and political organisations were treated with equivalent repression as legislation in the mid-1980s prohibited all 'social, political and religious organisations in the country that were not explicitly based on Pancasila' (Halldorsson, ibid:112).

The Asian financial crisis in 1997-1998 was a time of tremendous economic and political pressure leading to the collapse of Suharto's rule. The state moved away from Suharto ideology and ushered in reform, despite the Indonesian government maintaining a precarious position with respect to religious freedom and military powers (Bunnell and Miller, 2011). Reforms reflected the aspirations of the elite and growing middle class, rather than the urban poor, and acted to maintain Jakarta's optimism in pursuing the image of a global city (ibid). Goldblum and Wong (2000) warn that such pursuit is a harbinger for social exclusion, as it is dependant on processes of economic globalisation, which have significant consequences on financial and spatial processes in urban development. Some argue these consequences have the tendency to stimulate 'a speculative playing field' (ibid:36) furnishing informal spaces in terms of dualisms - legal or extra-legal (de Soto, 2000). Others have exapanded this argument (Fernandes, 2001; Gilbert 2001; Varley, 2002) suggesting consequences of legalisation obscure the possibilities of de facto land tenure. Many researchers posit that the complexity of occupation and tenure in Indonesia provides some perceived social protection through elements of de facto land tenure,

nevertheless, this potential is unfulfilled due to the varying degrees of law enforcement, local traditions and land patterns, influenced by contrasting and overlapping areas within western and indigenous land systems (Leaf, 1993; Hardoy and Satterthwaite, 1989).

As economic, political and social uncertainty increased from 1997-1998, it made way for decentralisation of many government roles to the municipality level. In Jakarta, this power remained centralised with Governor Sutiyoso who was in control until 2007 (Simone, op cit). Legal and illegal settlements made way for urban beautification, large-scale infrastructure and private sector development (Silver, op cit). The appropriation of public space by local government and private sector interests continues to spur an outflow of Kampung residents to the peri-urban fringe. As the process of capitalist accumulation ensues, displays of insurgent practice have diminished in the central zone, as only a few central urban villages remain to accommodate those who are evicted (ibid).

3.2 The extent, coverage and limits of Kampung Improvement Programme

In order to recognise the specificities of policy, reality and challenges they pose, this paper looks at the urban poor interventions of the Kampung Improvement Programme to help understand the complexities of the process of accumulation and the impacts on rights and citizenship.

Kampung is the Indonesian vernacular for informal and unplanned settlements. Though not considered slums; Kampungs generally lack basic services, infrastructure and adequate housing (ibid, Dhakal, 2002). The indigenous land system is the formative concept behind the growth of all Kampungs. Kampungs are largely unregistered, they tend to consist of a heterogeneous mix of gurupan (squatter) and girik (indigenous ownership) rights, meaning the historical occupation determines the extent to how much rights can be claimed. This explains postcolonial government attitudes towards kampungs, for some are granted 'quasi-legal status' - a form of regulatory state of exception - if not fully legal status, depending on the historical occupation or land development needs. The risk, for both gurupan and girik land occupation, is the unsystematic application of 'quasi-legal title'; for those who do not gain this title – a form of regulatory state of exception –they are further marginalised and thrown into the urban milieu of disputed land including '…state land such as city waste disposal sites, railway tracks, riverbanks; and private unoccupied land' (Winayanti and Lang 2004:42). Mirroring this history, much of the informal settlement development in Jakarta's Kampungs, and other smaller cities in Indonesia, is spontaneous, often placing residents in a legal grey area disconnected from the planning system.

Prior to independence the city was largely unplanned; an attempt at master planning in Jakarta followed in 1957, and was spurred by increasing informality. In 1969 the Jakarta Administration introduced the Kampung improvement Programme in an effort to improve living standards for 1.2 million people. The KIP gained a reputation as the first of its kind to address slums through infrastructure improvement, providing a means for 'social upliftment' (Juliman, 2006) and in 1974, The World Bank officially recognized KIP by providing 'soft loans to accelerate the pace' leading to the Indonesian government legitimatizing KIP in national policy (ibid). Silas (1984) argues the issue for KIP was a matter of conflicting national interests, systems and institutions during this period. Instead it primarily dealt with public infrastructure because of the multi-scalar and –sectoral response needed to address formal and traditional land tenure systems that existed in Jakarta. Given that it was common for a Kampung family 'to rent a piece of land and own the building on it… the building may be leased or rented by yet another family or persons creating complex tenure patterns' reminds the us of the difficulty and importance of disentangling the planning, infrastructure development and land reform (ibid:73).

By 1987 spatial planning was considered a strategic tool aimed at 'integrating regional and city strategies' addressing spatial and economic demands, and instigating environmental regulation for 'different income groups' to address urban sprawl in the implementation of KIP (Steinberg, 2007:355). KIP has often been credited for its ability to *regularize* through physical transformation. For some Kampungs, the provision of 'footpaths, drains, vehicular roads, water standpipes and public toilets' triggered political agency within the community - 'citizens were involved in drafting and discussing their improvement plan as well as in its implementation' (ibid:437). Buoyed by physical improvements, some Kampungs assumed responsibility for provision of green space, street lighting, mosques, schools, security guard house and meeting halls, and within four years they were granted legal tenure –a process resonate with insurgent practice (ibid; UNHABITAT, 2008). However, this process was not widespread, reflecting KIP's limited focus and inability to scale-up and -out strategic exceptions to capitalise on wider insurgent movements. This was evident as KIP remained unable to secure tenure for an estimated 60% of unregistered occupants in Jakarta's Kampungs (Leaf, 1993). According to Choguill (1996) there were two main problems with the housing policies adopted by the Indonesian government of the time: firstly, the lack of politicization in policy-making, and second, the unwillingness to adopt participatory processes in policy implementation. This paper suggests a third factor, intervening with strategic exceptions that challenge the capitalist forms of production that define informality.

Choguill contends that KIP symbolised a programme of 'partnership', but not empowerment, only involving community participation through formal and informal local

structures, often through representation of broader sets of interests. Steinberg (op cit) suggests that democratising urban development processes would assist in Indonesian low-income housing policy. He contends that strategic plans should have been formulated with public participation and consensus building, describing the move as a 'mockery of the spirit of decentralization laws which proposed the introduction of a democratized planning process' (ibid:356). Paradoxically, Steinberg interprets a way forward by suggesting that Jakarta be dealt like an 'economic corporation', building 'a consensus-based vision and a corporate plan' (ibid). However, this idea presupposes equal power relations amongst diverse groups. Instead of providing clarity of vision, this can potentially reinforce the view of urban productivity as analogous to financial growth and spatial rearrangement, placing the planner in a precarious position as 'dealmaker' open to attracting footloose capital (Albrechts, 1991). Often, this creates a nexus for competition and can result in 'serial production of certain patterns of development' leading 'to a situation in which most local governments forget about their strengths and weaknesses and aim for the same type of infrastructure and the same path of development' (ibid:130). Moreover, as Harvey (2008, 2012) posits, it promotes 'accumulation by dispossession' of wealth and land: first it disconnects efficiency from equity, and second, it reduces diversity to the individual.

In contrast to efforts in Jakarta, KIP's approach in Surabaya was seen to reflect more 'egalitarian' and 'visionary' outlook (ibid; Das, 2008, 2009; Milone 1993; Winayanti and Lang, op cit). In both cities, however, KIP demonstrated varying degrees of participation and empowerment amongst Kampung's to improve properties with government assistance to upgrade local infrastructure. Also, common to both cities were the competitive urge to be centres of economic growth, which undermined local government efforts to generate 'grown identity' and embed participatory practice (Steinberg, op cit:356). Jakarta's move to steepen economic urban development was partly to blame for reversing development in some Kampungs to equally poor conditions found three decades prior (ibid). The other fundamental issue was KIP's process of quasi-formalization without addressing the issues of land titles. KIP introduced an element of regulatory state of exception by providing infrastructure upgrades before tenure was agreed. However, KIP lacked space for negotiation over tenure options and crucially missed providing an affordable finance mechanism for the urban poor that housed a regularity state of exception found in other upgrading programmes and policies, which protects community loans and mortgage repayments.

Despite planning and zoning efforts, the wave of alternate housing developments and urban renewal programmes prohibited access to housing for the urban poor (Jellinek, 1991; Dharmawan, 1995; Winayanti and Lang, op cit). With growing demand for housing, KIP was unable to

maintain pace and consistency, and, spatial development further fragmented, again displacing low-income populations from the centre to the periphery of Jakarta. The slow disappearance of non-conventional self-help housing in the late 1990's was not accidental. As neo-liberal policies made way, public provision of housing development was released to the private market, resulting in a housing boom at the periphery of Jakarta in the 1990's (Tunas and Peresthu, 2010). Goldblum and Wong (op cit:29) have argued that 'the Kampung restructuring policy, once a symbol of social welfare, has virtually stopped to function under the impact of the globalization and international capital'. Globalization, privatization, marketization and financialization, all products of accumulation by dispossession, have shifted Kampung-restructuring policy to fall behind 'regional flows and international investments' (ibid:31). KIP has had limited effect on future socio-political spatial arrangement in Jakarta. While at end of the seventies, it was apparent that the programme constituted one of 'social control', in the wake of large scale urban redevelopment since the 1990s, KIP has had limited success protecting citizenry situated along the 'expansion path of… [the] centre of commerce and international business' (ibid:34) and in the path of land for public infrastructure. Where some Kampungs were revitalised, land value increased, leaving Kampungs subject to the open market, speculation and gentrification (Batubara et al, 2002).

Kampung Kebun Kacang, in Jakarta is representative of this predicament. Having participated in KIP, the community was threatened by population growth due to 'locational advantages', eventually this Kampung confronted and succumbed to displacement and demolition despite local resistance. Relocation was offered, yet only '160 households' or 'one-fifth' of the population accepted the relocation, as a result the majority were forced to the cities periphery (ibid). This case highlights Indonesia's urban problematic where economic growth hinges on co-optation and displacement of the low-income population. Foreclosing access to land at the urban centre and de-linking citizen participation between state and local urban movements, undermined the transformative potential of KIP. While local protest took place, the right to participate is only the first step to securing tenure, without creating regulatory exceptions in city planning, communities are exposed to the broader economic demands of the city. Displacement is also re-occurring at the periphery of the city, a place once open to almost free access to land, is becoming more contested due to development in the central zone now shifting out.

Jakarta's system is bureaucratic and is seen to create a 'legal quagmire' in relation to land tenure and planning codes leave the poor vulnerable to property speculation (Winayanti and Lang, op cit), further marginalising already economically and politically marginalized communities, lodging the urban poor in a national polity unresponsive to insurgent practices, and priced out of the property

market. The result is 'hundreds of thousands of dwellers' in Jakarta are forced into new urban settlements with minimal government planning or consideration for spatial isolation from one another and the surrounding city (Goldblum and Wong, op cit:35-36). Property speculation and major urban developments in the central zone expose weaknesses in the political system's ability to balance fiscal and social policy. Aspirations for economic modernisation have steered the marginalized towards dispossession of socio-political spatial rights whether it be an institutional right to recognition, participation or decision-making, or distributional rights to equal and equitable allocation of land and housing (ibid). Thus, programmes like KIP need to respond to these pressures and reconsider strategies, such as regulatory and regularity state of exceptions, which can open spaces for negotiation.

3.3 The question of spaces for negotiation and reimagining citizenship

Das and Takahashi (2009) attributes the short-lived success of KIP to central control and autocratic rule. The benefit was marginal according to Taylor (1987:56), despite policy benefiting '70%...of eligible Kampung population' by 1979, most benefit was physical infrastructure with conflicting approaches to integrating social benefits lagging behind with the lack of integration attributed to the resistance of other central government agencies (Atkinson, 2001). By 1998, the political landscape opened up and Suharto's subsequent retirement led to decentralisation of political power, control over resources, and legal autonomy. The issues of KIP turned into, essentially, political questions of debate. The greatest being over decentralisation in Jakarta and Surabaya which revealed unequal power relations between central and local government, and over design and management of KIP and other related policies.

A revised Comprehensive Kampung Improvement Programme (C-KIP) was conceived as a continuous process of self-help and enablement. As political space began to open, so did the KIP programme. Das (2008) states the programme shifted from infrastructure to economic and community empowerment. Das (ibid:253) suggests the period opened up potential for 'new institutional frameworks' and greater autonomy in cities like Surabaya, effectively bestowing control to local authorities to determine city 'governance, planning and development'. Atkinson (op cit) contends such change must be considered with the insurgent needs and practices of the poor, thus by reducing the constraints of provincial authority, Indonesian cities acted to streamline 'existing bureaucratic organisation' believing those needs could be met (ibid:256).

Scaling implementation, particularly across cities proved problematic. In Jakarta, city planning was at odds with a burgeoning megacity and a housing policy stipulating

participation and community planning, the former not granting the later space or time to grow (Das and Takahashi 2009). C-KIP failed to reach city scale at inception, as it did not address the political dimension at scale, not least the root causes of informality. In the cities across Indonesia, even in Surabaya with an 'empathetic local government', political contest favoured commercial economic growth under the pressure of competing projects and demands for city resources (Das, ibid:290). The strategies to enhance KIP through empowerment of local communities using programme components such as community mapping, action planning, economic development, micro-credit, land certificates and building permits were a dramatic departure from the old scheme. As Das suggests, however, the 'latent potential' for citizenship to be reimagined through structural change did not occur at the city scale. This occurred, in part, because of the lack of institutional capacity and leadership in government institutions to back such reform, combined with low levels of demand for substantive forms of participation and local ownership by NGO's and local community organisations meant (ibid).

Despite ongoing displacement and the pricing out of the urban poor from Jakarta's central zone, features of insurgent practice sustained in certain areas – spatially demonstrated by the informal occupation of peri-urban, exurban and suburban areas (Silver, op cit). Therefore, C-KIP's redesigned components ought to have included responses to the insurgent practices to deepen political engagement and introduced measures to unblock the housing market. Through each new policy cycle, however, C-KIP continued to fail to capture an upward trajectory of co-production and insurgent practice that could form a foundation for participatory and democratic structures. Besides, there were too many gaps between insurgent practices and housing supply support systems to provide grounds for long-term stability and greater potential to city scale.

3.4 Baan Mankong: success story or struggle for citizenship?

Post-modern Thai nation□building shows remarkable similarity to the Indonesian post-colonial experience, as both feature territorial exclusivity and nationalisation over extended periods. In Bangkok, increasing mobility has undone much of the exclusivity surrounding territorial distinction of upland and lowland and Thai versus non-Thai segregation; instead we find transference of contestation in the social spatial segregation over urban space (Stott, 1991; Thongchai 1993, 2000, Kymlicka and He, op cit). Adding to the spatial complexity is Bangkok's geographic dispersion with urbanization stretching beyond the Bangkok Metropolitan Area into five other provinces (Yap and Wandeler, 2009).

According Kymlicka and He (op cit) tensions over Thai citizenship have largely focussed on internal affairs and issues of human rights, socio-economic and spatial segregation. Initially debate focussed on migrant and indigenous affairs, later discourse and protest shifted to the class divide between claims from yellow (rich conservatives) and red shirt (urban/rural poor) movements. Problems intensified after the 1997 economic crisis when Thai authorities, in an act of self-preservation, tried to reserve the rights to jobs for Thais only. A genuine crisis of legitimacy ensued and protests erupted causing Thai authorities and local government to violently react on (May 16th, 1999)... to 'over 10,000 northerners and hill tribe people' protesting against 'government's betrayal' (ibid:2). In turn, this brought land rights and citizenship under a critical international lens, effectively rendering indigenous Thai subjects into a 'nation without citizenship' (Kymlicka and He, op cit:3). The early 2000's was marred by further internal violence in southern Thailand under the false guise of 'war on drugs'. The campaign was merely a cover for the murderous display of government repression against the Malay Muslim population (Ungpakorn, 2007). Under immense pressure to stabilise tensions, the Taksin-led Thai Rak Thai Party gained a reputation as a modernising reform party; offering glimpses of improving democracy, the government pushed populist economic growth policy and maintained a strong pro-poor platform.

In 2003, Thaksin's government developed housing policy under National Housing Authority (NHA) called Baan Ua Arthorn Progam to subsidise housing construction, in an effort to support low-income housing. Baan Ua Arthorn Progam was partnered with a slum improvement programme developed by CODI called Baan Mankong (Secure Housing) Programme (Archer, 2010; Yap and Wandeler, op cit). Both programmes, which continue today, envisioned transforming low-income housing between 2003-2007. In terms of scale and complexity, the Baan Mankong Programme was far more ambitious aiming to reach the urban poor across 200 Thai cities. Indeed, the programme has made significant inroads to scaling up access to secure tenure and improved housing and infrastructure (Das and Takahashi, 2009). KIP and Baan Mankong are frequently compared as both have improved dilapidated areas of the built environment (UNHABITAT, 2011). KIP's influence on Baan Mankong and Thailand's progressive housing development is widely acknowledged, however many agree Baan Mankong exceeds KIP in scale, participation and learning networks (Satterthwaite, 2010; Silas 1992; Some et al, 2009). Boonyabancha (op cit:43) admits the success found in KIP Surabaya was influential on housing policy in Thailand describing KIP as one of 'the best example[s]' of orthodox infrastructure upgrading.

Few disagree that housing policy under Thaksin was populist driven and co-opted into rhetoric for positive press (Archer, 2009), but this must be considered alongside other political motivations. Numerous policies emerged from

the 1997 economic crisis, but it was policy-driven housing and housing finance programmes that helped Thailand recover from a deepening economic crisis, where 'some 5,500 low-income communities, with 8.25 million inhabitants' were 'living in poor-quality and often insecure housing in 300 cities' (Boonyabancha, op cit:22). Yap and Wandeler (op cit:339) assert Baan Mankong expands its own room for manoeuvre through CODI creating strategic space for negotiation at the city level.

However, this praise is tempered by other criticisms, Yap and Wandeler assert Thailand's housing policy is still 'fundamentally conservative', as it accepts popular and dominant beliefs of private property and the perceived certainty it provides (ibid:339). Rather than challenge the conception and use of binaries (illegal and legal), the political system still regards informality as a spontaneous phenomenon rather than a feature of structures of power (Roy, op cit). As Yap and Wandeler (op cit) reiterate, the dominant view amongst policymakers is 'that urban land and decent housing are only available to those who want and can afford to buy or lease'. Baan Mankong avoids challenging these structures and appears to be most effective for those with existing agency, and requiring minimal financial or technical support to improve conditions (ibid). Boonyabancha (2009:324) recognises the conflicting issues that arise from the market, especially if land is individually owned, and instead of suggesting this situation is unavoidable, suggests it can be mitigated against by 'collective tenure is a way of ensuring the protection of the group during this transition period, while community members are stabilizing their unsettled social and economic situation and paying off this very heavy investment they have made'. The trade-off with collective tenure is the loss of certain individual liberties in favour of financial security and long-term tenure – recognising this process enables a degree of homogeneity as it consistently fails to include alternate sub-groups (e.g. renters, migrants) in all or parts of the programme, for example the savings group scheme. Collective savings and tenure relies on solidarity of communities to include the most vulnerable households. As will be discussed in the next section, this expectation can be too high for some communities given different needs and priorities in terms of tenure and housing typology (Yap and Wandeler, op cit). Archer (op cit) agrees the programme is 'very narrowly focused on housing issues' it is thus yet to fully explore realms of inclusiveness and seems to be minimally responsive to insurgent citizenship. Nevertheless, the programme actively seeks to explore collective tenure and other currents between extra-legal and legal claims to land and housing. Boonyabancha admits the dramatic shift from being a squatter to ownership is a monumental swing from 'illegality to full citizenship with legitimacy and formal status' (op cit) and this has potential to discount other economic, political, and social needs, but 'upgrading, if it's done properly, can really liberate people.' (Boonyabancha, 2005:45)

It is clear the issue is not one of political will alone, but replicating political will at all levels in effort to transform structures, systems and power relations. Boonyabancha's analysis finds a foothold in reality where dominant beliefs of property and rights exist and play out in everyday practice - implying a gradual process of change.

> '*They are "illegal", they don't have security, they don't have rights. And when you improve poor people's rights and security, you are changing their status in the city. The poor are usually not considered bona fide citizens – once you change their tenure status, their citizenship in the city also undergoes a change, through the upgrading process*' (ibid:43).

3.5 The extent and ambiguities of opening space for insurgent citizenship

For Satterthwaite (op cit), Bann Mankong holds particular revolutionary significance and potential in scale, participatory practice and institutionalisation. The programme is a web of vertical and horizontal relationships drawing in a diverse range of actors to link into the programme, holding together public learning and networking to enable the urban poor to address their own problems. Additionally, through a mixture of funding mechanisms (national, city and household), communities mobilise around savings groups to reinvent urban settlements as arenas for negotiation regarding design, planning and secure tenure. There is potential to open for further politicization and become part of the frontline for political struggle and rights to the city, however, the scope appears limited, as Yap and Wandeler (op cit:339) argue the programme is 'reactive rather than a proactive'. It supports those who have established 'rental slums and squatter settlements', but it does not create opportunities for less established informal settlements, short-term renters, or those new to the city, forcing these vulnerable groups to find their own housing solutions (ibid). Finally, there are limitations in the current framework of participatory design and decision-making: here we find participation unable to scale-up to redefine the same structures of decision-making. Tovivich (2010:141-151) argues that in response to the 'challenges of scaling up participation', institutions and practitioners alike face a dilemma of balancing quantitatively scaling up 'by building as many houses as possible to address slum problems' with reflecting on 'policy in practice' to enhance spaces of negotiation.

Yap and Wandeler's argument, in the previous section, regarding tenure options, can be countered with evidence the programme has effect on political space to introduce incremental formalization and regularization – a strategic form of the state of exception. This is evident in Baan Mankong's 'regulatory exceptions' and 'regular-

ity exceptions' (Roy, op cit:153). Regulatory exceptions are housed in Baan Mankong's requirement for collective ownership based on 15-year minimum terms held in trust with community savings groups. This resonates with authors who have always questioned how much emphasis should be placed on full legalisation (Angel, 1983; Varley 1987). Indeed, Baan Mankong's approach appears congruent with Varley's (2002:449) argument, in that housing improvements are likely to occur 'without legalisation' in environments encouraging 'high de facto security of tenure'. Baan Mankong effectively create a regulatory state of exception twofold: it helps to reduce the effects of individual private ownership (gentrification and speculation) and negotiates for secure tenure on government owned land, in turn legitimising a measure of insurgent citizenship and activating a sense of agency. One risk is the temporal nature of the state of exception regarding long-term tenure security in the context of government owned land. The other risk resides with the regularity of the state of exception, which may have long-term impact on local social relationships. According to Archer (2009), the regularity of the state of exception for some savings groups clouds social bonds between households because shared debt burden is seen to deter individual prosperity. In this case Yap and Wandeler's argument holds true, the regularity state of exception satisfies economic security of repayment, but also homogenizes social relationships, for example 'certain community residents who had multiple properties lose their assets, for others, the upgrading could be perceived as an opportunity to make money', alternatively some residents who harbour aspirations of moving to larger houses or away from Bangkok entirely might be limited by the programme's conditions (ibid:109).

It is clear Baan Mankong does not want early leavers or profiteers, meaning there is some trade-off of individual liberties for collective rights. Baan Mankong places strategic responsibility onto communities to resolve these issues, some go as far as creating savings group and collective ownership 'by-laws' to prevent individual households selling back to the saving group before the 15-year moratorium period, even extending the collective ownership beyond moratorium, or preventing renting out homes all together. For Archer (ibid:110), this problematic seems unavoidable for those planning to sell or rent property within the rules of collective ownership, in turn, the collective restrictions may inhibit future investment from residents as 'the added value…would not be accounted for in a sale back to the cooperative'.

Calling on new forms of partnership at national and city level, Bangkok slums dwellers, especially those living on government owned land, are now able to negotiate for collective agreement - turning 'invited space' into 'invented space' (Miraftab, op cit). Perceptions surrounding secure tenure are not validated by political negotiation and ownership alone; they are also controlled by the housing market and economic circumstance to sustain long-term secure tenure at city scale. However, the step to develop strategic space for negotiation, represents a change in wider discourse towards further negotiations over government land ownership, renewal of tenure and new collective agreements. Storey (2009:4) describes these new relationships between civil society, government, academia and the urban poor as a planning 'regeneration' revealing both incremental progress and further ambiguity.

4. Conclusion

The programmes in Jakarta and Bangkok have seen some successes, however, there have been mixed results in enhancing political agency or spaces of negotiation that are responsive to insurgent practices. The extent to which discourse and policy development move forward is arguably dependent on rearticulating notions of rights, claims, and citizenship within policy institutions and moving beyond mono-scalar strategies – this implies opening up institutions to spaces of negotiation responsive to strategies of survival. This paper shows that non-linear development of housing policy can be established despite the contradictory nature of the state. It is here, this paper suggests, rather than narrowly seeing the state as a leviathan and exploitative entity, there is progressive traction to be found under conditions that co-opt or neutralise political agency. In Thailand, and to a lesser extent Indonesia, the strategic use of states of exception is an effective example of legitimising certain insurgent practice in non-conventional housing policy.

On the matter of housing policy and politicisation, this paper finds spaces of negotiation can emerge under certain conditions and that space for negotiation is created at state level in both cases. There are features of scaling out and up, which are particular to historical, political and social context; this is attributed to political contest and decentralised decision-making at city level in Jakarta, and accessible finance and participatory slum upgrading at the community level in Bangkok. In the process of improving houses and formalizing tenure arrangements, Baan Mankong demonstrates an ability to 'reach scale' more so than KIP because of participatory strategies, but recognising inconsistencies remain requiring greater consideration for spaces of negotiation, dialogue and learning in policy. On the other hand, to the detriment of strengthening political contest, KIP was overt in placing infrastructure needs over housing tenure and the need to empower citizenry, a result of balancing a chase for global city status with continued existence of the illegal or informal city. In reconciling these issues, the Indonesian state intervention needs to address more than just physical infrastructure upgrading – it should first explore the potential that politicising the housing process has for bringing these issues into alignment; and second to explore regulatory and regularity states of exception through planning codes and housing finance mechanisms.

A recurring criticism of housing policy in both cases is its inability to address institutional power that produces informality. Arguably this is beyond housing policy alone, yet in the process of addressing informality, Baan Mankong expands the approach of non-conventional strategies by tackling the property ownership model – the programme recognises the legalization process must explore collective tenure and flexible finance to secure a measure of protection against the market. The challenge is to find space for regulatory and regularity exceptions in housing policy that provide indication of official tolerance of informal settlements. De-facto security provides greater opportunity to expand negotiation, but this needs to be accompanied by a revalorisation of participatory practice to minimise trade-offs over secure tenure and social homogenisation. The search for political contestation has significance in local savings groups as it does with policymakers; even well planned participatory processes can exclude or spontaneously reorganise social structures to suit the wider collective ambitions.

As Bangkok and Jakarta continue to show the same patterns of urban development and land speculation, contributing to contested physical and political space; this will have significance for future interventions in housing policy. Housing as a process of building and provision is merely one step in a continuous process of improvement. Bringing housing policy closer to macroeconomic policy is yet to meet the nature and scale of the needs of the urban poor. The role of policymakers and planners is not just to avoid urban crisis, but also to maximise the potential redistribution and transfer of knowledge and resources (Fiori and Ramirez, op cit). Without tackling the multi -scalar and -dimensional issues beyond housing, both programmes will continue to struggle to tackle the issues of citizenship, exclusion and residual displacement. In part, unconventional housing policy needs to assert a supportive planning system that enables active and politically astute citizens to defend their political and social claims.

As this paper has explored, to lessen a measure of co-optation and manipulation through housing policy requires devolving power and resources to the urban poor. Simultaneously, evolving housing policy further requires stronger legislative exceptions to provide social protection as well as a policy that is open and responsive to political pressure and rearticulation. A useful approach is to begin to rescale the definition of political membership to encompass insurgent practices. Without such movements, Bangkok and Jakarta city governments risk failing to include the informal in the development of the city.

Adopting insurgent practices can bring unconventional housing policy closer to discursive claims and the complexity of contextual urban challenges.

It is clear housing policies should not only be adopted in isolation of the wider social, economic, spatial and political conditions; that policy development should be politicized, making way for conditions for long term change by allowing room for more subversive action (Fiori and Ramirez, op cit). However, not every housing policy opens up opportunity for negotiation, as some appear ambiguous and lacklustre in ambition. The intensity and extension to which housing policy intervention occurs is not prescribed by political circumstance and implication alone, it also depends on substantial alterations of economic and social power relations and structures. Despite widespread acknowledgement that housing policy acts as a vehicle for change, and has potential to generate spaces of negotiation that reorganize institutional and regulatory arrangements, the challenge remains for policy development to understand and adapt to opacity in any given context.

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