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The Invisible War: Manufactured Illegality Versus the Right to Presence in the City

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Abstract

Urban planning globally has long operated on a binary that equates "formal" with legal and "informal" with problematic, giving rise to what scholars term "manufactured illegality." This paper examines how this systemic exclusion renders informal residents—including migrant workers, undocumented populations, and low-income communities—invisible, depriving them not only of material resources but also of civic belonging. Drawing on case studies from Mumbai's Dharavi, urban villages, Nairobi's Kibera, and Rio's favelas, it argues that forced displacement and the criminalization of informal livelihoods constitute an "invisible war" against vulnerable groups. The paper further explores the global ripple effects of this exclusion, from disrupted supply chains to heightened social instability, and proposes actionable strategies for building inclusive, resilient cities that prioritize the right to presence for all residents. The city needs to create a safe, inclusive, and sustainable environment that enables every resident to have a suitable living space and be protected. The so-called illegality is not a justification for exerting violent force against the development of residents.

Keywords

Manufactured Illegality; Right to the City; Informal Urban Settlements

1. Introduction

Modern urban visions are often defined by gleaming skyscrapers, polished facades, and technological advancement—images that dominate public discourse and policy agendas. Yet beneath this polished surface lies a hidden urban landscape: informal settlements under flyovers, street vendors beside construction sites, and temporary shelters on city edges. These communities are not absent; they are uncounted, rendered invisible through urban governance that labels them "illegal settlements."

"Illegal" in this context is not a reflection of criminal behavior but a consequence of exclusion from formal systems. As urban planning prioritizes the "ideal city" aesthetic, it manufactures illegality by sidelining informal residents and undocumented populations. This paper critically analyzes the mechanisms of this exclusion, its impact on civic belonging, and the global implications of treating vulnerable urban groups as disposable. It concludes with practical recommendations for reorienting urban planning toward inclusivity and resilience.

2. The Mechanics of Manufactured Illegality

Manufactured illegality is not an accidental outcome of urban development but a deliberate product of policy choices that prioritize form over function, and aesthetics over survival. This section breaks down the key mechanisms through which urban planning perpetuates this exclusion (Bandauko et al., 2025).

2.1 The Formal-Informal Binary

Urban planning frameworks, particularly those modeled after Global Northern contexts, often cast "formal" urban spaces as legal and desirable, while dismissing "informal" areas as problems to be solved. This approach ignores local socio-economic realities, where informal livelihoods—such as street vending—and temporary shelters are not acts of lawbreaking but necessary survival strategies (International Committee of the Red Cross, 2010)

For example, street vending and living in temporary shelters do not violate statutory laws in most cities. However, because they fail to align with the "ideal city" aesthetic promoted by planners and authorities, these practices are de facto criminalized through systemic omission. They are excluded from urban plans, denied access to basic services, and targeted for removal—all in the name of "urban beautification" or "development".

2.2 The Deprivation of Basic Rights and Protections

Manufactured illegality creates a cycle of vulnerability by denying informal residents access to formal registration, legal recognition, and basic services. Informal housing, for instance, is excluded from city plans, leaving residents without protection against eviction. Tents and temporary structures are denied access to water, electricity, and sanitation, forcing residents into unsanitary and unsafe conditions (Lefebvre, 1996).

This deprivation extends beyond material needs. When people are excluded from public services and urban planning processes, they lose their sense of security, stability, and identity—core components of civic belonging. Belonging to a city, as noted by Berkeley.edu (2018), means feeling safe, free from fear, and being seen by authorities. Manufactured illegality strips this away by denying even the government's acknowledgment of residents' presence.

3. Case Studies: Invisible War in Action

The impact of manufactured illegality is not abstract; it is visible in the forced displacement, environmental harm, and social isolation experienced by communities worldwide. This section examines four key case studies to illustrate these dynamics.

3.1 Mumbai's Dharavi: Displacement and Environmental Injustice

Dharavi, one of Asia's largest informal settlements, is a critical case of manufactured illegality. As part of its redevelopment plan, Mumbai authorities labeled residents without formal papers as "ineligible" for relocation support, forcing them to move to Deonar—a site known as Mumbai's most polluted and dangerous area.

Deonar is defined by towering garbage dumps that release toxic gases like methane, and the government's plan to build a Waste-to-Energy (WtE) plant there only exacerbates the harm. Public policy analyst Dharmrsh Shah notes that "even the best European incinerators struggle with emissions," meaning Deonar's residents—already vulnerable—will face heightened health risks. This relocation is not just physical displacement; it is civic exclusion. As one Dharavi resident told Mongabay India: "If Dharavi's people are shifted there, we will die of health issues. Does the government work to kill people?".

3.2 Urban Villages: Migrant Workers and Lost Community

City's urban villages have long served as lifelines for migrant workers, offering affordable housing, community support, and proximity to jobs. However, when these villages became targets for demolition under city planning initiatives, migrant workers were reclassified as "illegal" and subjected to clearance.

Stripped of legal housing status and excluded from public housing programs, migrant workers were pushed to the city's margins—far from their workplaces and essential services. The loss of urban villages also destroyed a vital support system: shared childcare, community ties, and access to low-cost education all disappeared. For working parents, this meant increased difficulty in finding affordable childcare, as they could no longer rely on community support.

3.3 Global Parallels: Nairobi's Kibera and Rio's Favelas

The experiences of Dharavi and East migrant workers are not unique. In Nairobi's Kibera, the largest informal settlement in Africa, residents face repeated forced evictions in the name of urban renewal. Similarly, Rio de Janeiro's favelas have been targeted for clearance ahead of international events like the Olympics, with little regard for the

communities that call them home.

In all these cases, the pattern is consistent: cities label informal residents as "illegal," displace them to marginal or hazardous areas, and destroy the social networks that sustain them. This cycle not only deepens inequality but also creates social instability, as displaced communities lose their economic and cultural anchors.

4. Global Implications of Manufactured Illegality

The harm caused by manufactured illegality extends beyond city boundaries, affecting global supply chains, environmental sustainability, and social cohesion. This section explores these far-reaching consequences. This impact is not limited to affecting a single area. As the city develops and people move around on a daily basis, the influence will expand, leading to unforeseeable consequences

4.1 Disrupted Global Supply Chains

Informal settlements like Dharavi play a critical role in global supply chains, particularly in industries such as leather and clothing production. When cities displace residents from these settlements, they disrupt local production networks, which in turn affects global trade. (Valladares, 2005). For example, Dharavi's leather workshops supply materials to fashion brands worldwide. This kind of leather can be competitive for several reasons: firstly, due to its excellent quality; secondly, it is closely related to its production cost, production efficiency, and other factors. This is based on a stable production relationship, the global competitiveness, and local brand characteristics that have been developed through long-term integration. However, with the changes in the system, there will be significant unstable factors. Forced evictions can lead to delays, increased costs, and even shortages in the global market. This shows that manufactured illegality is not just a local issue but a global economic concern.

4.2 Environmental Degradation and Climate Vulnerability

Manufactured illegality also exacerbates environmental harm on a global scale. Sites like Deonar, which are used as dumping grounds for urban waste, release greenhouse gases (such as methane) that contribute to climate change. Additionally, the displacement of informal residents to marginal areas—often prone to floods, heatwaves, or pollution—increases their vulnerability to climate disasters.

For instance, informal residents in Rio's favelas, many of which are located on steep hillsides, face higher risks of landslides during heavy rains. Because these communities are excluded from urban planning, they lack access to climate adaptation measures like reinforced housing or early warning systems, making them disproportionately affected by climate change (Tavarez, 2011).

4.3 Social Instability and Global Inequality

When cities treat poor and informal residents as disposable, they reinforce a global system of inequality. Displaced communities often face unemployment, poverty, and social isolation, which can lead to increased crime, unrest, and migration. (Smith, 2023) For example, migrant workers displaced from urban villages may be forced to move to other cities or return to rural areas, disrupting family structures and economic stability. This instability can spread across regions, as displaced populations seek new livelihoods elsewhere, creating pressures on other urban systems. In this city, for these groups of people, finding the space for their development is something that policymakers need to carefully consider. Organically integrating into the common prosperity of the city, making good use of the positive effects of such groups, and even creating some specific opportunities and positions for them, as a new driving force to enhance the vitality of the city, is a very important matter.

5. Toward Inclusive and Resilient Cities: Strategies for Change

To end the "invisible war" of manufactured illegality, urban planning must shift from exclusion to inclusion. This section proposes actionable strategies to build cities that recognize and protect the right to presence for all residents. Each resident, as an integral part of the city, is an indispensable element of the entire ecosystem. Their rights to survival and development must be respected. The development situations of different cities may vary, but the principles they follow should be similar.

5.1 Repair Harm in Marginalized Areas

High-risk zones like Deonar require more than relocation—they need targeted repair. This includes cleaning

contaminated soil, reducing air pollution, and restoring ecosystems damaged by waste dumping. Additionally, authorities must rebuild the communities broken by forced displacement by supporting local businesses, restoring social networks, and involving residents in planning processes. For example, in Deonar, the government could work with residents to design a waste management system that is both environmentally sustainable and provides local jobs, rather than imposing a WtE plant that harms health (Roy, 2012).

5.2 Redesign Urban Planning for Survival and Health

Urban planning must prioritize the health and long-term survival of informal residents by incorporating spaces and services tailored to their needs. Key measures include:

Improving living conditions: Ensuring adequate ventilation, reducing overcrowding, and increasing green spaces in informal settlements.

Expanding healthcare access: Establishing community health posts that offer basic medical checks, epidemic prevention, and support during heatwaves or other disasters.

Promoting climate adaptation: Implementing urban greening initiatives, such as green corridors, to reduce heat through natural cooling. Using passive cooling designs—like shadow areas, reflective materials, and improved ventilation—to lower indoor temperatures without relying on air conditioning. These low-cost, low-energy solutions are particularly beneficial for vulnerable communities, as they do not require expensive infrastructure.

5.3 Recognize Informal Livelihoods and Civic Belonging

Authorities must abandon the formal-informal binary and recognize informal livelihoods as legitimate parts of the urban economy. This includes legalizing street vending, providing permits for temporary shelters, and integrating informal settlements into city plans. Additionally, cities must acknowledge the civic belonging of informal residents by including them in decision-making processes—for example, through community assemblies or participatory planning workshops.

For instance, in Mumbai's Dharavi, authorities could work with residents to develop a redevelopment plan that preserves local businesses and social networks, rather than imposing a top-down design that displaces communities. This would not only protect residents' livelihoods but also ensure that the redevelopment is sustainable and responsive to local needs.

5.4 Strengthen Global Cooperation

Given the global implications of manufactured illegality, cities must collaborate across borders to share best practices. This includes exchanging knowledge on inclusive planning, supporting international initiatives to protect informal residents, and advocating for global policies that address the root causes of informality—such as poverty and inequality. For example, cities in the Global North could learn from Mumbai's experience with informal production networks, while cities in the Global South could adopt climate adaptation strategies from European cities. This global cooperation would help build a more equitable urban system worldwide. More international organizations can be established or participate in the global urban development community network. Different regions have their own focuses in ensuring the survival rights of residents. The more opportunities for mutual learning and exchange there are, the more comprehensive the considerations of urban managers and builders will be (Peralta, 2012).

6. Conclusion

The "invisible war" of manufactured illegality is a systemic failure of urban planning that denies millions of people their right to presence in the city. By labeling informal residents as "illegal," cities strip them of material resources, civic belonging, and dignity—with consequences that extend from local communities to the global economy. However, this is not an inevitable outcome. Through targeted repair of marginalized areas, inclusive planning, recognition of informal livelihoods, and global cooperation, cities can be transformed into spaces that serve all residents, not just the privileged.

Urban success is not measured by tall buildings or high technology, but by whether the most vulnerable have space to survive and thrive. When cities recognize that all residents—regardless of their legal status or housing type—belong, they take a critical step toward building a more just, resilient, and sustainable world. The time to end the invisible war is now.

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