

**New York University**

**Robert F. Wagner Graduate School of Public Service**

**Volume XXIII 2015-2016**

**THE  
WAGNER  
REVIEW**

**NYU | WAGNER**



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## MISSION

*The Wagner Review* is the student-run academic journal of the Robert F. Wagner Graduate School of Public Service at New York University. *The Wagner Review* promotes dialogue on a wide range of issues related to public service by publishing scholarly writing that includes original research, short papers, and policy memoranda from a diverse group of students and alumni that reflects the academic programs offered and scholarly research conducted at NYU Wagner. In support of this mission, *The Wagner Review* publishes online editions of the annual student journal.

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Established in 1938, the Robert F. Wagner Graduate School of Public Service offers advanced programs leading to the professional degrees of Master of Public Administration, Master of Urban Planning, Executive Master of Public Administration, and Doctor of Philosophy. Through these rigorous programs, NYU Wagner educates the future leaders of public, nonprofit, and health institutions, as well as of private organizations serving the public sector.

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*The Wagner Review* accepts submissions from current full- and part-time students of the school, as well as from alumni. Articles are vetted through a competitive process by the Executive Board and prepared for publication by the Editorial Board. Articles should be submitted in English, and should represent either current original research or relevant policy analysis. Submissions should represent the broad range of interests relevant to the wider Wagner community.

To send inquiries to *The Wagner Review*, please email

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## LETTER FROM THE EDITOR

Dear Reader,

We proudly present to you the 2015-2016 edition of *The Wagner Review*, the student-run academic journal of the Robert F. Wagner Graduate School of Public Service at New York University. This is a special edition in that it marks the evolution of *The Wagner Review* as it moves from publishing strictly research papers in the student journal to the addition of policy memoranda. This shift moves the organization closer towards its goal of adequately presenting quality scholarly work generated by the NYU Wagner student body.

The mission of *The Wagner Review* is to promote dialogue on a wide range of issues related to public service and to provide an outlet for the fine scholarship of our community. We do this by publishing original peer-reviewed research, analysis, and commentary from a diverse group of students that reflects the academic programs offered and research conducted at NYU Wagner.

We are grateful to the writers who submitted pieces and our staff who served as editors. We would also like to thank the Wagner Student Association and the NYU Wagner Administration, particularly our faculty sponsor, Brooke Capps. We appreciate your time, effort, and support.

We hope you enjoy reading.

Sincerely,

The Wagner Review Executive Board

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# HOLDING PEACEKEEPERS ACCOUNTABLE: A LOOK AT SEXUAL EXPLOITATION WITHIN THE UN PEACEKEEPING SYSTEM

Maureen Ahmed

**PURPOSE** *The purpose of this paper is to highlight the United Nations' failure to enforce a system of accountability to prevent sexual misconduct. The United Nations has an obligation to its global citizens to claim responsibility over its peacekeeping missions.*

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## INTRODUCTION

In June 2013, the United Nations Security Council adopted a resolution on women, peace and security urging “the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance on sexual exploitation and abuse by UN personnel...<sup>1</sup>” While the UN continues to provide oversight to ensure its peacekeepers are protecting civilian populations and upholding the highest level of respect, it has failed to enforce a system of accountability to prevent sexual misconduct. Further, peacekeepers almost entirely benefit from impunity due to a lack of implementable strategies and complacency. When it comes to preventing sexual abuse and exploitation, which should be held accountable? The United Nations system or the troop-contributing countries where the peacekeepers originate? In order to promote a policy of zero tolerance for sexual exploitation, the United Nations should be held accountable, and should work with troop-contributing countries to enforce a system of accountability and punishment. It must recognize these grave offenses as violations of the victims’ fundamental human rights and in some cases, a violation of international humanitarian and criminal law.

## CONTEXT

The UN has been undertaking significant efforts to create a system for reporting, investigating and punishing misconduct<sup>2</sup>. Reported cases of sexual abuse and exploitation by peacekeepers have gone down from 357 cases in 2006 to 83 cases in 2008<sup>3</sup>. While positive reforms have resulted from administrative improvements, namely the presence of UN conduct and discipline units in all UN operations, a lack of criminal accountability for peacekeepers still ensues. Non-military personnel of UN operations are often not covered by national military codes or held accountable by memoranda between UN and troop-contributing countries (particularly since they do not include pledges to punish criminal behavior)<sup>4</sup>. At times, the largest punishments a peacekeeping troop may receive are either to be sent home to their own countries and/or be denied a future UN job within a peacekeeping operation. It is no wonder why ending immunity continues to be a challenge.

## CASE STUDY: CENTRAL AFRICAN REPUBLIC

In just the past 14 months alone, 22 cases of sexual abuse and exploitation perpetrated by UN peacekeepers have been reported<sup>5</sup> in the Central African Republic, with overall 51-documented cases<sup>6</sup>. The exact number must be much higher due to the large amount of cases being unreported or properly documented. According to the UN Office of the High Commissioner of

Human Rights (OHCHR), French and Georgian soldiers were alleged to be involved in the rape of young girls and boys during their deployment<sup>7</sup>. Further, both foreign and national peacekeeping troops have been reported to exchange money for sex, sometimes at the exchange for \$1 US Dollar<sup>8</sup>. A report states, "In exchange [for sexual favors], the children received small amounts of food or cash from the soldiers"<sup>9</sup>.

A recent report detailing these cases of abuse within the Central African Republic has promulgated the topic of UN peacekeeping misconduct back into the international media spotlight. The report titled, "Taking Action on Sexual Exploitation and Abuse by Peacekeepers" highlights how allegations regarding peacekeeper misconduct "were passed from desk to desk, inbox to inbox, across multiple UN offices, with no one willing to take responsibility to address the serious human rights violations"<sup>10</sup>. The report details how protocols were given prioritization over actions, with UN staff being more concerned with formalities rather than the well-being of victims. Consistently, UN staff have been perceived as slow to act due to an inherent misconception by the UN staff of the UN's obligations in responding to sexual violence by peacekeepers<sup>11</sup>.

## BARRIERS TO ACCOUNTABILITY

- **State-Related:** The UN Model Status of Forces Agreement outlines that troop-contributing countries have the responsibility to discipline and sanction their military personnel<sup>12</sup>. This is why the UN has referred the majority of cases to the troop-contributing country. However, if states' criminal justice systems do not abide by international human rights law or are unable to prosecute their troops abroad, immunity will persist<sup>13</sup>. The power rests mainly with the troop-contributing countries and those member states where troops are deployed, leaving the UN with minimal enforceable power on how troops are handled during missions and/or upon return to their home countries.
- **Operational:** The UN is dependent upon troop-contributing countries to continuously staff peacekeeping missions<sup>14</sup>. Due to the high demand for security personnel and the consistent shortage of troops, the UN provides little oversight in regards to who gets hired and deployed. The judgment calls rely upon the troop-contributing countries. Further, it is difficult to ensure peacekeepers are adequately trained on sexual misconduct and gender sensitivity.
- **UN Policy and Practice:** There continues to be ambiguity on whether the UN human rights framework applies to allegations of sexual violence by peacekeepers. Some UN staff members believe that the UN has no obligation in

these circumstances, nor can it exercise authority to address the violation with punitive measures<sup>15</sup>. This institutional reluctance perpetuates the lack of responsibility on behalf of the UN.

## RECOMMENDATIONS

The UN must work closely with troop-contributing countries to create an enforceable mechanism to hold peacekeepers accountable during UN-operated missions. While the states have a responsibility to make sure peacekeepers sent to missions are operating under the highest standards of discipline, it is ultimately the responsibility of the UN to exert institutional oversight and accountability. The mentality needs to change within the UN: while it may not have the direct power to exert discipline and punishment over peacekeepers, the UN must take on an active role over criminal accountability<sup>16</sup>. The following recommendations are strong suggestions on how the United Nations can strengthen accountability at different levels:

### *UN Operations and Policies*

- Recognize sexual abuse and exploitation by peacekeepers as a form of conflict-related sexual violence under the UN's human rights framework<sup>17</sup>
- Delegate a Coordination team (composed of experts and specialists of international sexual

violence) within the OHCHR to oversee cases of sexual violence and regularly report on all documented cases to the global community

- Within each peacekeeping mission, enforce a reporting mechanism that monitors, reports and follows up on cases of sexual abuse and exploitation
- Provide legal counsel to the accused at the UN's expense to ensure a fair judicial process<sup>18</sup>

### *Relations with Troop-Contributing Countries*

- Follow up on cases of offenses with troop-contributing states to ensure a thorough investigation is occurring (and prosecution is being explored and/or enforced)
- Provide technical assistance to troop-contributing states to strengthen domestic criminal law
- Refrain from accepting troops from countries that continuously fail to investigate and prosecute offenders
- Use the UN Human Rights Council to publicly condemn states that fail to investigate and prosecute perpetrators of sexual misconduct<sup>19</sup>
- Delegate a collaborative criminal justice mechanism comprised of the United Nations and the host state to investigate cases (when cases are not prosecuted at the domestic level of the troop-contributing state)<sup>20</sup>

### *Relations with Victims of Sexual Abuse*

## and Exploitation

- Provide specialized services to victims of conflict-related sexual abuse and exploitation, including support for long-term counseling, medical and rehabilitative services
- Conduct sexual harassment and gender sensitivity trainings for all peacekeepers on a bi-annual basis
- Ensure that UN policies dealing with confidentiality integrate the victims' concern for privacy and safety

## CONCLUSION

The United Nations has an obligation to its global citizens to claim responsibility over its peacekeeping missions. Not only does this preserve the UN's organizational integrity and reputation, but also creates a system of accountability to its member states and, more importantly, to its civilians. By helping to combat the existing level of impunity for its peacekeepers, the United Nations sends a clear message to the world that it has zero tolerance for sexual violence and misconduct, and prioritizes its civilians' human rights above all.

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## AMERICAN v. ARABIAN GULF CARRIERS: RESTRICT FLIGHTS OR LIBERALIZE THE MARKET?

Mubarak Nasser Al-Thani

**ABSTRACT** *This paper will explore the differences between the Arabian Gulf (Gulf) and American aviation markets, such as the presence or absence of unions and subsidies. It will explain how these differences have caused gaps in pricing and quality of service between the two. It will also illustrate how such differences could have an effect on global competition due to mismatches present between operation costs and prices. To reach a conclusion, this paper will evaluate the effects of restricting flights coming into the United States (U.S.) by examining three major markets: aviation, aero-production and tourism markets. To capture a more accurate sense of what is at stake, this paper will also look into affected incomes, jobs, and other indicators.*

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## PROBLEM

For years, American and international airlines have aimed to cultivate the aviation market through Open Skies agreements. These agreements introduce guidelines for fair competition between two countries by lowering airfares and increasing the number of flights on certain routes. However, things started to change after the Open Skies agreements were signed bilaterally in the early 2000s with the Gulf carriers – namely Emirates, Etihad and Qatar Airways. The agreement oversees the type and the amount of governmental aid these airline companies are eligible to receive to keep competition fair. This is where the problem stems; the three Gulf carriers are government-owned and these airlines have received subsidies through various methods. U.S. airlines cannot tolerate this. For example, all three Gulf carriers have free aircraft parking at all national airports, which American carriers do not have except on the grounds of their 'hubs.' The Gulf carriers also get fuel at subsidized prices because these countries have a nationally fixed subsidized fuel pricing scheme. It is also important to note that the United Arab Emirates has very recently liberalized fuel prices internally. However, it is unclear whether jet fuel is still subsidized or if it has been liberated.

The problem has escalated and reached Washington D.C. Considering the following quote from Jad Mouawad:

*"But now, with the rise of Persian*

*Gulf airlines and other nimble foreign carriers, those pacts, called open-skies agreements, are under attack from an unlikely alliance of domestic airlines and unions. The chief executives of American Airlines, Delta Air Lines and United Airlines recently joined together to quietly lobby the Obama administration to restrict access by fast-growing rivals based in the Persian Gulf. They cited unfair competition from the Middle East carriers Emirates, Etihad Airlines and Qatar Airways, which they say receive large government subsidies that put domestic carriers at a disadvantage" (Mouawad, 2015).*

The Gulf carriers have responded by attributing their success to the advantage of having no unions and downplaying the effects of having subsidies. This, according to Akbar Al-Baker the CEO of Qatar Airways, puts them ahead in the competition. In an interview with Arabian Business, the outspoken CEO claimed that: "If you did not have unions you wouldn't have this jobless problem in the western world... It is caused by unions making companies and institutions uncompetitive and bringing them to a position of not being efficient" (McGinley, 2015). On another rather similar note, a recent Wikileaks report suggests that U.S. carriers have secretly received billions of dollars as subsidies. According to Wikileaks, "U.S. airlines received \$155 billion in federal subsidies between 1919 and 1998" (Schaal, 2015).

## RESULTS

The three Gulf carriers have had growing demand on U.S. routes over the past few years. Their unrestricted access through Open Skies agreements has benefited them enormously; they were able to capture virtually the entire market share of passengers on the routes between U.S. cities they serve and their hubs. The cities of Abu Dhabi and Doha are the hub of Etihad and Qatar Airways, respectively. Both markets are not served by any U.S. carriers. Emirates, on the other hand, shares a route with Delta between Dubai and Atlanta. However, Delta's daily service to Dubai will be discontinued soon. This is because Gulf carriers are able to provide higher quality at a lower cost and still be profitable, while U.S. carriers cannot. In addition to the gap in quality, the Gulf carriers can withstand longer periods of mismatches between operation costs and ticket prices. The capacity to withstand financial shortcomings and survive fluctuating seasonal routes has given the Gulf carriers an advantage in terms of profitability from their U.S. routes.

It is evident that the Gulf carriers have a clear advantage over the market share of the routes they serve between their hubs and U.S. cities. However, other contrasting statistics lessen the significance of these numbers. For instance, "U.S. carriers have carved up about 80 percent of the lucrative trans-Atlantic market through joint ventures and alliances with overseas airlines" (Lowy, 2015). Also, "the U.S. Three are making record profits, and there is very little overlap in the international routes they operate with those of the ME (Middle East) Three" (Salah, 2015). The U.S.'s three big carriers are concerned because their profits come at a higher cost than that of the Middle East's three biggest

carriers. This explains why the U.S. carriers are trying to block any future threats from airlines that are potentially able to provide cheaper and better service.

## ANALYSIS

This section is dedicated to evaluate the effects of restricting Gulf carriers' growth into the U.S. markets and the consequences that this would impose on the development of specific U.S. markets and the overall economy.

With evidently minimal harm done to the U.S. Big Three, not allowing the Gulf carriers to expand their growth by either serving more cities or increasing their flights frequency to certain cities will harm U.S. tourism and cut annual city incomes. These carriers operate Airbus' A38 and Boeing's 777, which help bring in a large number of passengers. The importance of allowing these flights in with no restrictions is clear in the speeches of Mayors and airport officials. In a letter sent to Qatar Airways, the City of Chicago's Mayor Rahm Emanuel said:

*"Chicago is pleased to welcome Qatar Airways' world-class service to our global gateway, O'Hare International Airport. This new international air service creates additional economic opportunities, increases tourism to our city and strengthens Chicago's cultural and business connection to the world. This service will generate more than \$200 million in annual economic impact and will connect passengers from Chicago to*

*destinations across India, Africa, the Middle East and Asia" (Qatar Airways First Passenger Flight To Chicago Touches Down, 2013).*

In addition, many U.S. cities are reaching out to the Middle East Big Three to initiate talks about expanding their service. For example, "as part of an aggressive bid to increase flights, Pittsburgh International Airport officials are courting Qatar Airways about starting nonstop service to Doha. Christina Cassotis, CEO of the Allegheny County Airport Authority, met with representatives from the airline in Doha on Wednesday" (Belko, 2015).

If restricted, this will have repercussions around the world. Various airline companies will realize they have negotiating powers not seen before. More dangerously, they will realize that agreements do not stand because "by challenging open skies, you are not just challenging the aeropolitical situation, you are challenging the very essence of economic liberalization that the U.S. has championed for decades," Mr. Clark, CEO of Emirates, said in an interview. He continued to state, "I hope the administration will not stand for this nonsense" (Mouawad, 2015). Restricting flights will weaken global competition because many travelers will then have fewer options to choose from. This will give U.S. carriers more room to increase their ticket prices without having to worry much about their quality of service. Other airlines that depend on the flow of passengers coming into the U.S. through the Gulf and other carriers will find themselves operating domestic flights with fewer

passengers and reduced profits. Even "JetBlue [airlines] and others oppose the big three's position on the Gulf carriers. JetBlue transports passengers arriving in the U.S. on those carriers to other cities." (Lowy, 2015).

Another market that will experience harm is the aero-production sector. The United States requires international carriers to fly a certain minimum number of Boeing planes on their routes. This helps create jobs in the Boeing plant in Seattle Washington. Al Baker argued that "Qatar has done more for the American aerospace sector than its own carriers." In a conference at an airshow, Al Baker also stated, "I hope that the gentleman at Delta knows that we are creating even more jobs in the United States by ordering more airplanes" (Polek, 2015). Qatar Airways has ordered seventy Boeing aircrafts in the past two years, while Delta ordered more European Airbus planes than American-made Boeings, ninety-five to eighty airplanes, respectively.

Additionally:

*Delta Air Lines, which carried more passengers last year than any airline in the world, has been campaigning to block the U.S. Export-Import Bank from helping foreign competitors such as Air India and the Gulf carriers finance the purchase of planes from Boeing. Delta says the planes are used to compete on routes Delta also flies. Boeing is the nation's largest exporter in dollar terms. (Lowy, 2015)*

## EVALUATION & CONCLUSION

To counter this problem and to assert themselves further, the three Gulf carriers took a bold move when they recently started buying shares in airlines that already have Open Skies agreements with the U.S., such as British Airways, Air Lingus, etc. In conclusion, the losses outweigh the gains if the Gulf carriers were to be restricted. The overall losses in the economy are large, especially considering that the Gulf and U.S. carriers have no overlaps; they are serving completely separate routes. Thus, restrictions will result in lower profits for U.S. industries and reduced investment opportunities coming from international carriers. Boeing will be hard-hit, including loss of jobs in the aero-production sector, loss of profits for many domestic airlines dependent on carrying passenger inflow into the U.S., and tourism across the nation will witness lower than projected growth. Furthermore, U.S. carriers will have more incentive to raise prices and less incentive to provide high quality service, while the average American traveler will have less purchasing power and more unpleasant service onboard. All these consequences hint that Washington, if it is concerned about the nation's economy, should take the liberalized flight home.

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RECOMMENDED PROGRAMMING FOR THE  
EMPLOYMENT OF PEOPLE WITH DISABILITIES IN NEW  
YORK CITY  
Elizabeth Angeles

**PURPOSE** *The purpose of this memorandum is to offer a solution to the high unemployment rate of people with disabilities in New York City.*

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To: Assistant Commissioner of Programming, The Mayor's Office of People with Disabilities  
From: Staten Island Center for Independent Living  
Subject: Recommended Programming for Employment of People with Disabilities

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As you know, there are 441,598 working-age (ages 18-64) individuals with disabilities in New York City and 140,448 of these individuals are employed. This is an employment rate of 31.8 percent, much less compared to the 73.1 percent employment rate of New Yorkers of the same age without disabilities (employment gap of 41.3 percentage points). Compare this to the employment gaps in the United States (39.6 percentage points) and New York State (40.9 percentage points) and the disparity becomes apparent. Among the boroughs, the employment gap is the widest in Staten Island (45.9 percentage points) and narrowest in Brooklyn (37.8 percentage points)<sup>1</sup>.

**NYC's Mayor's Office for People with Disabilities ("MOPD") should strongly consider launching a career services program and a public awareness campaign, in partnership with city agencies and private entities to focus on employment for people with disabilities.** This should include job training, leadership development, educational opportunities and apprenticeships for eligible participants. Consider this an expansion of the National Disability Mentoring Day, a program MOPD already coordinates locally. MOPD

promotes career development through hands-on programs, job shadowing, and ongoing mentoring for students and job seekers with disabilities one day a year<sup>2</sup>. The new program will offer guidance that includes best practices for requesting an accommodation during the job application process, for example. In turn, employers will have a pool of skilled applicants to train and fill open positions that will diversify the workplace in New York City. The public awareness campaign tied to this initiative will create a culture of awareness. This is an opportunity to dispel misconceptions surrounding the idea that hiring a person with a disability can be costly, which is often not the case. This will be a great way to also promote disability inclusive working environments. This notion is especially important for people with disabilities who have not disclosed their status, as this may encourage disclosure without the fear of exclusion. The proposed program will be a pivotal education and training opportunity for New Yorkers with disabilities seeking employment.

**This is an important issue to address now because an aging population means there will be more seniors in New York City than ever before and the number of people with disabilities in New York City and across the nation will continue to grow.** Because there is also a retirement planning crisis, there will be an increase in the number of seniors looking for employment opportunities in the future<sup>3</sup>. According to a 2012 National Disability Status Report, employment is key for "the social integration and

economic self-sufficiency of working-age people with disabilities”<sup>4</sup>. Individuals with disabilities who have employment opportunities are more likely to be involved in their community and further contribute to our society in meaningful ways through their independence. In a crisis setting for example, it will be easier to reach populations connected to employers who can share pertinent information and guidance with all of their employees, including those with disabilities. Ultimately, the City will gain in many ways, including cost savings due to this independence, if this issue is addressed in a timely fashion.

**Research suggests that job training and apprenticeship programming is an effective way to boost employment for underemployed groups.**

Studies have shown that the presence of education and training is more strongly associated with employment opportunities for people with disabilities than without<sup>5</sup>. This is why offering training of this kind at the local level will have a large impact for New Yorkers with disabilities. In 2001, the Mayor’s Office for People with Disabilities in the City of Chicago launched its first Disability Mentoring Day Program. The program began with 20 students in collaboration with the Office of Special Education and Supports in Chicago Public Schools. Now, the program has grown into a year-long employment program designed to connect academic learning to employment<sup>6</sup>. Also note that overall, the employment rate of people with disabilities in Illinois is slightly above the national average, according to

2013 US Census statistics<sup>7</sup>. Additionally, a report by the American Enterprise Institute suggests that job training and job placement programs are key solutions to persistent unemployment<sup>8</sup>. In 2014, President Barack Obama directed Vice President Joseph Biden to lead a review of Federal workforce training programs. The review outlined the aspects of the programming that led to successful results:

“Lower-skilled individuals and those with multiple barriers to employment benefit from coordinated strategies across systems, and flexible, innovative training strategies that integrate the education, training, and support services they need to prepare for and succeed in the workplace”<sup>9</sup>.

The most successful aspects of employment programming are included in our proposed program. Furthermore, the review discusses the importance of employer and industry engagement strategies that allow for the alignment of training to employer needs. As this program would function as a partnership between communities, local government and employers, it will undoubtedly change the landscape of our workforce.

**The program will make necessary strides to accomplishing equal access to employment opportunities for New Yorkers with disabilities.** Some may argue that there are already programs of this kind. Section 55-a of the New York State Civil Service Law is implemented by the City of New York through the

The program will dismantle the misperceptions that people with disabilities are unable to work or add value to our workforce and our economy. It will encourage employers to hire and make more reasonable accommodations, also boosting the confidence level of people with disabilities so that they apply and ultimately accept positions without fearing their accommodations will not be processed. New York City will be a leader in this initiative worldwide thereby enhancing the prestige of the agency, our mayor, and our city. The Staten Island Living Center would be more than happy to discuss the program details further upon your convenience and would also be happy to include leadership from other borough-independent living centers.



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# DEFINING SLUMS: THE EFFECTS OF TERMINOLOGY ON MARGINALIZED URBAN POPULATIONS

Katherine Downes-Angus

**PURPOSE** *The purpose of this paper is to explore the detrimental effects term definition or lack of term definition can have on marginalized urban communities. Our political and social approaches to addressing the undesirable aspects of "slums" have been guided by an undefined idea of what constitutes a slum. Policy-makers continue to broaden the scope of what constitutes a slum at the expense of not being inclusive of those who live in slums or implementing policies that address the local infrastructure in slums.*

Throughout history, designing, securing, and establishing housing has been a central function of urban planning. As cities around the world began to grow and industrialize in the late 19th and early 20th centuries, planners were required to respond to growing needs of urban dwellers, particularly those living in close, crowded spaces with little ventilation and inadequate infrastructure. These early slums were characterized as dirty, dangerous places, and their inhabitants as immoral, ignorant, and depraved (Hall, pg. 36), and this disdain for what the city was becoming created a strong imperative for change (Hall, pg. 39). The desire to fix and change the undesirable areas of cities around the world is one that has not changed in urban planning, and has manifested itself through a variety of policies and approaches over the last 150 years. Likewise, the early characterization and definition of a slum as an undesirable place to live has continued to frame how slums are approached, both politically and socially.

In the first chapter of his book, *Cities of Tomorrow*, Peter Hall suggests that 20th century urban planning arose in the 19th century when, "the concerns of the pioneers [of urban planning] arose, objectively enough, from the plight of the millions of poor trapped in the Victorian slums," which he suggests was replicated in "every great western city" (Hall, pg. 7). The second chapter explores more of the growth and development of slums, which Hall refers to interchangeably with the word tenements in the context of New York (Hall, pg. 36). Citing what Hall refers to as a "brilliant piece of journalism" (Hall, pg. 37), he

synthesizes some of the popular depictions of slums and slum dwellers outlined in *How the Other Half Lives* by Jacob Riis: "Its descriptions of tenement slum life skillfully combined two contemporary fears: the city as a kind of parasite on the body of the nation, and the immigrant as corrupter of American racial purity and social harmony. These new immigrants, 'beaten men from beaten races; representing the worst failures in the struggle for existence,' became a threat to order and to the very future of the Republic..." (Hall, pg. 37).

This brutal description of slums in New York City in the late 19th century sets a tone that is arguably hard for any future slum dweller to come back from, and began to set in motion a paradigm where slums were problems to be fixed, at times through any means. Through the journals quoted in his book and Hall's own analysis of slums in the 19th century, a clear identification of what defines a slum is never outlined. The intersection of industrialization and mass migration to cities is the starting point of the modern slum, but criteria for what does and does not constitute a slum are not offered. While this is not inherently problematic, especially considering the limiting effect definitions can have, it established a dynamic where those outside of slums have more power over identifying slums than those living within alleged slums. The slum, which Hall identifies as the point where 20th century urban planning was born from, is referred to only vaguely as a place uninhabitable for self-respecting citizens.

In the 1930s in New York, eliminating slums became a priority for city officials and planners. State

legislature solidified the broad reach of officials and planners through law in the 1940s and 50s, granting broad powers to clear away slums and rebuild what they thought may be appropriate in their stead (Hall, pg. 249). The push for broad powers to clear slums and build public housing had been gaining momentum through the 1930s, propelled forward by a wide array of factors (Hall, pg. 248). Robert Moses, one of the most vocal advocates for granting planners and government officials broad powers to clear slums and build public housing, spoke to a group of stakeholders in 1936 about the urgency of creating housing policy that granted authority and discretion to planners and city officials: "It is not too much to say that the new housing program is the major physical problem of the city, and that it will engage a considerable part of the energies of all its officials..." (Moses, pg. 2).

Eventually the energy and lobbying on the part of officials calling for legal and constitutional framework for slum clearance led to the creation of the federal Housing Act of 1949. The intended purpose in the introduction of the Act is outlined as, "...to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family..." (United States Congress, pg. 413). The Act offers no definition of a slum, though it is implied slums are areas deemed insanitary or unsafe (United States Congress, pg. 430).

In 1946, an amendment similar

to the Housing Act of 1949 was added to the New York State Constitution. Under Article 1 of the amendment, definitions are offered for different terms used throughout the amendment. One of the terms defined is "area," which appears to be a coded word for slum. The amendment defines "area" as:

*"...a section of the municipality wherein the commissioner or an authority or a municipality finds that insanitary or substandard housing conditions exist. An area may include land whether improved or unimproved, and buildings or improvements not in themselves insanitary or substandard, the inclusion of which is deemed necessary by the authority or the municipality or the commissioner, for the effective clearance, replanning, reconstruction, or rehabilitation of the area of which such land or property is a part,"*  
(New York (State), pg. 12).

This broad definition of slum, or "area," leaves an enormous amount of room for interpretation. Ultimately, those in the position of authority are left to identify buildings and environments that are "insanitary or substandard", with little room for residents to lobby against decisions made by those in power.

Some of the confusion regarding what defined a slum during urban renewal, when such broad powers had been granted for slum clearance, is documented in a report from the Seminar on Urban Renewal held by the Center for New York City Affairs of the New School in 1965. The

Seminar was a series of discussions involving members of a wide variety of New York City institutions, several of whom steered urban renewal projects, including the Commissioner of the New York City Department of Relocation; the Regional Director of Urban Renewal, Housing & Home Finance Agency; and the Chief of Project Development, New York City Housing & Redevelopment Board. The first meeting of the Seminar was devoted solely to definitions, and was specifically "...an attempt to define urban renewal, its scope, suitable priorities and goals..." (Lowe, pg. 9).

Even within this first discussion of definitions, there is no recorded attempt to define what a slum is beyond a "blighted area" (Lowe, pg. 10). Eventually, in the second meeting of the Seminar, Lowe notes an observation made by an economist named Dr. Chester Rapkin, who "...also commented that 'What fascinated me in the discussion was the fact that the removal of the slum environment, which was the original intention of urban renewal, was hardly mentioned at all,'" (Lowe, pg. 18). It is critical that even in a meeting space where agents across sectors sat to discuss urban renewal, defining what constituted a slum was not a priority, or a topic that came up through the course of discussion. It is alarming that a word that served as the central point for state and federal level policies was not thoroughly discussed throughout the decades of focus on slum clearance, and it may speak to the regard officials had at the time for the residents of these ill-defined urban areas.

In her summary of the findings of the Seminar, Lowe notes that some

involved in the Seminar believed the demolition of slums was too hasty and that parallel solutions should have been explored. She explains, "One such proposed approach was for 'more in-put into people' and their development—to improve the economic lot of those now in slums so that they might get out through their own efforts and exercise an option of where they want to live," (Lowe, pg. 65). While this idea still does not provide any defining factors of a slum, it does acknowledge the human element of slums, and that the inhabitants of slums should have some agency over their future and their living situation.

As urban renewal was implemented over the years, and negative ramifications of the broad powers granted to planners and officials began to manifest, critical voices of the process arose. One of the most prominent voices was that of Jane Jacobs, who fiercely criticized the top-down approach utilized by those in power. In her book, *The Death and Life of Great American Cities*, Jacobs discusses slums fairly extensively, including the reasons for their creation and the different phases a slum may experience. Jacobs speaks of a process which she calls "unslumming" where, instead of residents of the slum moving out at the first possible opportunity, residents invest time and energy into their neighborhood (deemed a slum) and the "link" of the perpetual slum is broken (Jacobs, pg. 271). Jacobs notes that through urban renewal, "many areas in the Lower East Side which had started unslumming have been destroyed..." due to the process of urban renewal (Jacobs, pg. 272). Jacobs examines

some of the neighborhoods that have been deemed slums, and seeks to shed light on the fact that many were not in fact slums, and may have been neighborhoods in transition.

Within her chapter "Unslumming and slumming" Jacobs does offer one definition of a slum, outlined by sociologist Herbert Gans. On the subject of a neighborhood demolished in Boston, she writes:

*Herbert Gans...has given...a sober but poignant portrait of an unrecognized unslumming slum, the West End of Boston...The West End, he points out, although regarded officially as a "slum," would have been more accurately described as "a stable, low-rent area. If, writes Gans, a slum is defined as an area which 'because of the nature of its social environment can be proved to create problems and pathologies,' then the West End was not a slum," (Jacobs, pg. 272).*

This definition focuses not necessarily on the physical structure of the slum, nor health or sanitation, but on the sociological impact of a slum. Through Gans, Jacobs demonstrates how the borderline arbitrary definition of slum hindered the development of what could have amounted to a stable, low-rent area that would have occurred naturally. Instead, like many neighborhoods in New York, it was demolished and prevented from progressing into what it might have been.

Urban renewal in New York was and remains a controversial policy concept and practice, and it is hard to

measure the negative impact it may have had on the city. New York has since moved away from urban renewal as it was in the 1940s-1970s, and slum has begun to take on a new definition in a global context. Since there was no clear or widely adopted definition of the term "slum" during urban renewal, when looking through pictures of old slums and tenements it is surprising what was chosen to be demolished. In an article in the New York Times from 2005, the director of the La Guardia and Wagner Archives at La Guardia Community College in Queens, Dr. Richard K. Lieberman, is quoted regarding archived photos of New York City slums before they were demolished. He aptly states:

*'The first thing you walk away with is, what was the definition of slums,' Dr. Lieberman said. 'Wow, that was a slum? That, for me was the first startling thing. Those definitions are subject to time and place. People would spend a lot of money today trying to recreate some of those furnishings. And it's the documentation of what gets cleared away in addition to the structures: family life, interiors' ("Before Slums...").*

Since the officials and planners of the time were not following any strict guidelines or definitions for identifying neighborhoods, blocks, and buildings as slums to be demolished, it raises many questions about what criteria were being followed, and perhaps underlines the importance of definitions and limitations to protect citizens from government or private industry overreach.

In 2015, the word “slum” conjures up images of cities in developing countries, with makeshift shacks stacked one atop another, and residents suffering from poor health and dangerous conditions resulting from flimsy infrastructure and the illegal occupation of land. Once again, slums are seen as problems to be fixed, and many governments and international organizations have put time and resources into eliminating slums. The United Nations (UN), a major intergovernmental organization with backing from a wide array of governments and international finance institutions, included slums and slum dwellers in the Millennium Development Goals (MDG) established in September, 2000 (“What they are...”). Under the umbrella of Goal 7: “Ensure Environmental Sustainability”, the UN introduced Target 11: “Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers” (“Goals, targets...”).

The United Nations agency UN-Habitat (United Nations Human Settlement Programme) has been particularly involved in Target 11. The mission of UN-Habitat is stated as follows: “UN-Habitat is the United Nations programme working towards a better urban future. Its mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all,” (“UN-Habitat at a glance”). Unlike in New York under urban renewal, UN-Habitat has outlined criteria that may constitute a slum: “1. Inadequate access to safe water; 2. Inadequate access to sanitation and infrastructure; 3. Poor structural quality of housing; 4.

Overcrowding; 5. Insecure residential status” (“Housing & slum...”). This definition offers more structure than the vague language used during urban renewal, but still leaves room for interpretation on the part of governments and agencies working with the UN to achieve the goal of eradicating slums. As in New York, the defining and classifying of slum still originates from those in power with the authority to act on plans to eliminate settlements fitting the criteria outlined.

In 2000, in the process of the creation of the UN Millennium Development Goals, the UN endorsed and adopted an Action Plan proposed by the Cities Alliance Initiative called “Cities Without Slums” (Inclusive cities...). As reported in a brief from the Twenty First Session of the Governing Council of UN-Habitat:

*This Action Plan is supported by UN-HABITAT and the World Bank, through the Cities Alliance Initiative, and calls on the international development community to adopt a new unity of purpose focused on improving the living conditions and livelihoods of the urban poor. According to the UN-HABITAT Report, the Cities Without Slums Action Plan focuses on upgrading the most squalid, unhealthy and vulnerable urban slums and squatter settlements found in the developing world. It builds on successful community-based slum upgrading programmes, but, by promoting the idea of city development strategies, it also addresses the broader policy and institutional issues that limit their*

*sustainability. (UN-Habitat3)*

Though the intent of the Action Plan appears to be the betterment of slum dwellers and creation of healthier living environments, the language of creating "Cities Without Slums" is reminiscent of the mission of planners and officials in New York in the 1930s and 40s to rid New York City of what they deemed slums at what amounted to any cost.

Unlike New York State under urban renewal, the United Nations has no direct authority to create and implement policy in developing countries. However, as a major international organization with financial resources and wide reaching partnerships, the influence of the UN in many developing countries is pervasive. Though the UN does help create some clarity around what constitutes a slum in 2015, as well as why the criteria are important, the language used regarding slum eradication and creating cities free of slums has ramifications on policies on the ground. In her book *Cities 'With' Slums*, Marie Huchzermeyer examines some of these ramifications, particularly in South Africa and Kenya. In the introduction of her book, Huchzermeyer outlines how the United Nations is associated with generating and promoting ideas, and that "these are either normative ideas, namely broad ideas 'about what the world should look like,' or causal ideas, which are more operational, and often take the form of a target. In the case of MDG Seven Target 11, the normative idea is that cities should not have 'slums,'" (Huchzermeyer, pg. 39).

Huchzermeyer argues that despite the UN's best effort to encourage governments not to return

to failed policies of bulldozing settlements and preventing urban migration, it has not changed the, "...repressive and exclusively symptom-oriented interpretation in Goal Seven of Target 11. Instead, it justified repressive measures to 'prevent the re-emergence of slums' such as fencing off and posting of security guards on vacant land, and criminalizing the invasion of land no matter how desperate the individual or household," (Huchzermeyer, pg. 41). While the UN and their non-governmental partners cannot be directly blamed for repressive actions taken on the part of governments against their citizens, the language used by the UN helped create a paradigm where governments feel they are justified in targeting slums as problematic.

While the conditions of slums in many cities in the world are very serious and cannot be neglected, a top-down, broad approach to the elimination of slums is not comprehensive or holistic enough to prevent slums from continuing to grow. With no alternative offered, those moving to cities in search of work are forced to build illegally, or often rent spaces in equally squalid conditions (Huchzermeyer, pg. 60), and with more people moving to cities every year, it is unlikely the problem will subside soon. The idea of land ownership is at the crux of many of the solutions for upgrading slum dwellers to formal settlements, but as Huchzermeyer argues these "...positions ignore a reality of increasing growth in rental tenure as the only option for the poor and the slightly better-off to access and inhabit the city," (Huchzermeyer, pg. 60).

Regardless, ownership still pervades as an important distinction between “slum” and “non-slum,” which is arguably demonstrated through a UN report on cities in Tanzania.

In Dar es Salaam, the largest city in Tanzania, as of 2002 approximately 68% of residents lived in what are referred to as informal settlements in the United Nations report *Informal Settlements and Finance in Dar es Salaam, Tanzania*. In this report, the authors are careful to refer to the settlements in Tanzania only as “informal settlements” and never as “slums.” Tanzania is unique in that, unlike many countries around the world, in Tanzania all land is public, and the “...concept of private ownership of land does not exist.” All citizens may apply for short term (2 year) or long term (33, 66, or 99 year) leases, though many neglect or cannot afford to do so. (*Informal Settlements...*)

The authors explain the ways in which “informal settlements” in Dar es Salaam do not fit all the criteria of slums as outlined by UN-Habitat by stating: “...the Tanzania situation is different in at least three aspects: tenure security; structural quality of housing; and the nature of the people who live in these settlements,” (*Informal Settlements...*, pg. 6), which seems to open a new realm of possibilities for what may define a slum. The nature of the people who live in settlements is not outlined as a defining characteristic of a slum by UN-Habitat, yet it is used to demonstrate how Tanzanian settlements are different than those in other countries. Moreover, legally the residents of Tanzanian informal settlements do not have tenure security, it is the cultural

norm that property is not private and that it does not exist to be sold that protects them from the harsh slum eradication practices of other countries in the region (Huchzermeyer, pg. 43). It is arguably partially this lack of strong economic imperative for government to reclaim land that elevates the status of those illegally occupying land in Tanzania from “slum dweller” to “informal settlement residents.”

As the concept of what constitutes a slum has evolved over the last 150 years, and definitions have been created and redefined, the idea that slums are problems to be dealt with has remained constant. While the realities of the often dangerous environments inherent to rapidly growing slums are very real and important to address, it seems the approach to slums in 2015 in many ways resembles the approach used during urban renewal. Experts and authorities continue to define and attempt to solve problems, the voices of slum dwellers are notably absent, and the current definitions of slums lack a human element. In the case of the report on Tanzania, the nature of a person illegally occupying land was noted to be different than what can only be assumed is the nature of a person who lives in a slum, which is reminiscent of the attitude towards slums and their residents quoted by Peter Hall.

In most cases, those who live in slums are doing so due to lack of affordable options, which is arguably at least partially the responsibility of the government. As cities in developing countries continue to grow, governments and international organizations will have to seek

solutions to growing housing needs, which may include working within existing housing structures (i.e. slums) to accommodate the growing needs of their populations. This would require redefining what "slum" means, and eventually cities may find they do not need to become "Cities Without Slums," but rather that slums may be need to incorporated into cities, to become viable, healthy, affordable living spaces.

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## RELIANCE ON EXTERNAL AGENCIES TO MANAGE DISEASES IN WEST AFRICA AND THE DOMINICAN REPUBLIC

Thomas Herrera & Stephanie Owens

**ABSTRACT** *The global community should provide the World Health Organization with the required resources to train, deploy, and support medical staff and personnel to areas in crisis. This will lead to much needed autonomy and greatly reduce the devastation from disease in developing countries. The World Health Organization is the only organization of its kind to effectively organize and deliver essential initiatives in the absence of an organized government. It has become the responsibility of government agencies and their supporting institutions to deliver basic public health services, especially in the face of a humanitarian crisis. It is widely recognized that the initial global response to the Ebola epidemic in West Africa failed on many levels. The problem overwhelmed existing response systems and no safeguards were in place to support these dysfunctional systems. Lessons can be learned from the failure in West Africa to create better strategies of communication and coordination that can be employed to combat the Zika virus in countries in the developing world, such as the Dominican Republic.*

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The policies in place for relief delivery at the onset of the Ebola crisis has proven to be insufficient. The World Health Organization (WHO) was unable to meet their responsibility of protecting the community at large in wake of this epidemic. A recent report from the WHO declares, "The Ebola emergency response faced various challenges, starting with the delayed identification of the unprecedented scale of the epidemic, the weak health systems in the affected countries, and the lack of knowledge of most responders on handling EVD" (WHO, 2016)<sup>1</sup>. The detailed description provided by the authors of the report in the aforementioned, indicates these challenges can be overcome by employing a campaign of increased communication and training of responders to address future health crises. The WHO is making radical changes to employ more effective leadership strategies and training of partners to deploy necessary resources (WHO, 2015)<sup>2</sup>.

The political leadership in Western Africa failed their citizens by initially downplaying the crisis to minimize disruption. By not swiftly declaring the Ebola outbreak as a major crisis and not providing initial aid to begin relief efforts, Ebola spread at an unprecedented rate and became an epidemic. Once deployed, medical workers and citizens were not adequately trained or informed about the preventive measures needed to tackle the spread of the disease.

According to Laura Kahn, the unstable region of West Africa, primarily Guinea, Liberia, and Sierra Leone, lacks the

resources and infrastructure to combat a major outbreak. As such these areas are the least capable to handle a deadly disease outbreak. The political leaders did not have the experts, preparation, or infrastructures in place to handle these events (Kahn, 2014)<sup>3</sup>. First responders were inadequately trained and lacked the expertise to initially combat Ebola due to lack of communication. The workers did not know what disease they were treating or how serious the epidemic was. Gerald Matua notes in *The Brazilian Journal of Infectious Disease*, "Information sharing between stakeholders, such as government departments, development partners, religious bodies, training institutions, local leaders and the public leads to timely interventions. Improved communication is thus critical because it facilitates resource identification and mobilization, social mobilization, education and training, surveillance and case management as well as helping to re-integrate survivors and contacts into families." (Matua, Van der Wal and Loscin, 2014)<sup>4</sup>.

It is not uncommon for the community in developing countries to mistrust the government and the agents that have been provided to protect them. As was the case with Ebola, there was a poor understanding by responders of how to address the affected populations' cultural beliefs and suppress practices that were accelerating the spread of the disease in their communities. As Liberian President Sirleaf noted in her national address in August 2014, "We have been unable to control the spread due to continued denials, cultural burying

practices, disregard for the advice of health workers and disrespect for the warnings by the government” (Sun, Dennis, Bernstein and Achenbach, 2014)<sup>5</sup>. Similar to the health workers in Brazil during the 1990’s, communities do not trust the sudden appearance of outsiders, regardless of their intentions. Judith Tandler highlights that trust is central to the working of health programs in her article *Trust in a Rent-Seeking World: Health and Government Transformed in Northeastern Brazil* (Tandler and Freedheim, 1996)<sup>6</sup>. It is critical to establish trust within the community that is being served. If not, the positive impact of relief efforts will be diminished.

This trend, although it’s effect is not equal in scale, can be seen in the Caribbean, particularly in the Dominican Republic, as it takes on its current health crisis: Zika. The Zika virus, a disease spread primarily through mosquitos, can also be transmitted like Ebola through human sexual contact (CDC, 2016)<sup>7</sup>. Diseases with this type of transmission characteristic are difficult for developing countries to isolate (Dennis, 2014)<sup>8</sup>. Despite the many preventative measures and initiatives taken, diseases such as Zika continue to torment the Dominican Republic exposing the lack of preparedness in government leadership and ability to enact swift measures to keep these illnesses from erupting into epidemics. Only recently has the Dominican Ministry of Public Health begun to invest in social capital in attempts to educate the disenfranchised population in remote parts of the country and in

extremely underdeveloped settlements. These educational measures taken include basic information about sex education and promotion of good hygienic practices preventing these diseases from becoming major epidemics (Ministerio de Salud, 2015)<sup>9</sup>.

Regardless of the countless preventative measures employed in parts of the developing world like Western Africa and the Dominican Republic to reduce the spread of diseases such as Ebola and Zika, these areas continue to trail developed countries in two crucial areas, funding and organization. Established institutions in the developed world have the resources and the infrastructure to ensure funding and resources are delivered promptly and appropriated responsibly (NCBI, 2012)<sup>10</sup>. When faced with a health crisis, the lack of government infrastructure and the fragmentation of global coordination continues to highlight key examples of government failure in the developing world. As stated by the Independent Panel on the Global Response to Ebola “An effective worldwide response to major outbreaks needs leadership, clarity about roles and responsibilities, and robust measures for accountability, all of which were delayed or absent during the Ebola epidemic” (Moon et al, 2015)<sup>11</sup>.

It is the duty of government agencies and their supporting institutions to provide the community basic health services in the time of humanitarian crisis. Recognition of this responsibility is crucial to combatting the spread of

deadly diseases and protecting communities. It is important to note that the WHO provides advice and support to nations, which can be of great benefit to first responders. Sovereign nations and non-governmental organizations such as Doctors without Borders are the international suppliers of emergency medical and nursing staff (Doctors without Borders, 2016)<sup>12</sup>. Providing the WHO with the resources to deploy trained medical staff and personnel to areas in need would greatly reduce the devastation in developing countries. To address this obvious disconnection, the WHO has created a training program to continue to address these needs. Using this program with the autonomy to deploy resources would greatly impact the effectiveness of these agencies in affected areas of crisis.

The WHO is the only organization of its kind to effectively organize and deliver localized initiatives with success. In contrast, the Dominican Republic invests in programs and initiatives too localized to bring tangible solutions of these epidemics to this area. Similarly, the countries of West Africa continue to struggle with implementing a cohesive plan to tackle the ongoing issues that arise when responding to a health crisis (WHO, 2015)<sup>13</sup>. With the leadership and resources of the WHO well-organized, local-based initiatives can yield positive results in the most remote of places. Being able to measure the success of an initiative of this kind can create a culture of accountability, which is something that is lacking in pockets of the developing world. This might be ambitious, but for the moment it is imperative that

the WHO leads the effort and set a standard in the health crisis management that these nations face. In the end, as these countries continue to battle diseases, such as Ebola and Zika, agencies like the WHO have been established to assist and deliver services while these nations begin to implement organizational change to bring awareness and preparedness to protect its citizens. The global community should be responsible for providing the required resources for the WHO to be most effective.

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# A STRATEGY FOR COMBATING THE SUFFERING OF PEOPLE LIVING IN INFORMAL SETTLEMENTS

Alexander Marte

*A strategy rationalizing military Counterinsurgency (COIN) strategies and tactics to assist and benefit residents and governments in unifying informal settlements with the formal.*

**ABSTRACT** *After reviewing a series of readings and articles pertaining to different approaches of land ownership throughout the developing and developed worlds, rapid urbanization and ideals conceptualized from globalization have neglected individuals in both. On one side of the spectrum, throughout its balanced growth, the developed world has established complexities within land rents, public rights and obligations and zoning. Governments use tools such as eminent domain or legal amendments to readjust land, which sometimes destroys communities unconsciously. Due to its economic stability and ability to produce jobs or avenues for citizens to partake in a formal economic system, the developed world has not seen the chronic demand for housing to levels found in developing countries. As a planner and former Corporal in the Marines, this article offers strategies and tactics that can be*

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## INTRODUCTION

With the surge of mass migration of people in search for housing and employment opportunities in recent years, governments in the developing world have been sluggish to meet the demands of new migrants. This lethargic action has led to the formation of informal settlements. According to UN-Habitat's 2013 report, the world experienced 863 million people living in informal settlements throughout the developing world. With decades of corruption, neglect, and poor financing decisions, the echelons of governments within these countries are responsible for the exacerbation of these informal settlements. Today, multilateral non-governmental organizations (NGOs) assist member-states by providing them with idealistic methods designed to police, formalize, renew, and/or destroy informal settlements. Nonetheless, a conducive strategic plan has not been formed to pragmatically unify informal and formal settlements. The governments of all echelons are responsible for transitioning current informal settlements to areas of legitimacy.

This paper attempts to provide administrators with a strategic plan to their current policies on informalities by integrating the interrelated ideals of Counterinsurgency.

Counter insurgency frameworks can be manipulated and applied to the planning process for unification of informal and formal settlements. It delivers practical solutions for government-driven tasks to extend its governance throughout communities of

informality. For reasons classified under Army Field Manual No. 3-24 (FM 3-24) and Marine Corps Warfighting Publication No. 3-33.5 (MCWP 3-33.5), Counterinsurgency focuses on forces that establish an insurgency and attempts to contain and defeat it through integrated and synchronized political, security-based, and economic components to reinforce and extend government legitimacy and effectiveness.

## RATIONALE

With the concepts found in the Counterinsurgency doctrine, this paper aims to change the end outcome of defeating and containing insurgents to controlling the factors generating informalities. By altering this end outcome, governments can utilize this reconfiguration to control the endogenous effects found in informal settlements, such as unsanitary conditions, crime, and illegal economies. The practice also provides administrators the flexibility to observe the exogenous effects that cause and continue to allow informalities. By considering exogenous effects, administrators can form and extend accountability to end governmental corruption, observe solutions to liberate governments of these misconceptions, and establish an ethical approach of governance. To use this doctrine in practice within a government's process to unify the informal and formal settlements, the strategy must disband objectives contextual to insurgency (FM 3.24; 1-6) and reform objectives contextual to forces exacerbating informalities.

## NEW STRATEGIC CONTEXT

In the context of unifying informal settlements with formal settlements with counterinsurgency methods, a nation must act to establish its best plan, prepare to execute, conduct operations, and assess (FM 3.24; 1-6) to stabilize and spread its national governance. Moore (2007) notes that strategic approaches used to implement methods of Counterinsurgency have been the most successful at resolving conflict and achieving long-term stability (Moore 2007). In this approach, counterinsurgency can be manipulated as a solution to establish long lasting stability within a space. Due to the method's three pillars, which comprises of economic, security, and political components, counterinsurgency addresses the multi-structural issues exacerbating instability. The root causes of informalities can be addressed and solved with tactical styles to obtain information, such as: providing essential services, gathering an understanding of culture, and transforming hatred or distrust between individuals within the space. The outcome is not to fix or renew informal places, but it is much broader. The outcome is to unify and agglomerate communities and extend governance by including the community within the decision-making process and maintaining public safety. The strategy works with the presence of control without intimidation (Moore 2007).

## LEGITIMACY & CONTROL

When implementing this strategy, public safety is paramount. Governments must disperse police forces in the beginning phase to obtain legitimacy. If police forces are absent within the space, governments with local policing powers must establish a police presence throughout the area. Since Counterinsurgency obligates ground troops to have multiple responsibilities, this new strategy reconfigures the concept. Police forces are to specialize by enforcing laws, gathering information affecting public safety, and understanding the dynamics of illegal activity. Specializing on specific tasks, the policing effort trains and focuses on gathering information and community policing tactics to fulfill the needs required to ensure control and legitimacy. Thus, administrators and planners can focus on humanitarian relief, legal, economic, and social services.

During the initial start of unification, police forces are not engaging in correcting norms or settling illegal activities. On the security front, the police forces provide a continuous presence ensuring safety. To control the individuals within informal settlements, Moore (2007) states it involves more than physical security. Counterinsurgency demands policing forces to deliver essential services and freedom of mobility. The psychological presence of public safety enables controls, but the presence must be both constantly seen and accepted.

While on the ground, police forces are simultaneously interacting with residents and accepting the social

conventions formed within the space. Therefore, communication and diplomacy is essential to this phase of the process. Under this new strategy, police forces are responsible for ending violence within the community, suppressing civil unrest, and understanding criminal activity. In contrast to the established counterinsurgency tasks, police forces are responsible for leading residents of informal settlements to areas where government recognized as areas of humanitarian relief, legal, economic, and social services within the informal space. In short, individuals within the policing forces must be well-trained to make quick and rational decisions on behalf of the government entity unifying the informal settlement. Any mistakes can set back unification by a couple of years.

## AREA PLANNING & THE PLANNER

Due to the nature of the security task specialization, the new strategy introduces an element of urban planning with a unit of planners to understand the economic realm, demographics, physical environment, issues within the community, and influence of the populace within the space. The planner's objectives contextual to defeating forces of informalities is a crucial role. Planners and their abilities to assess current conditions, generate data, and provide reports on issues for the people living within the associated space are a viable asset. They can also be utilized as a conduit to the government and provide them with information

pertaining the types of essential needs, such as electricity, lacking within the informal settlement. Furthermore, the planner within this context must be entrenched into the society formed by the informality. They are to understand the culture, social norms, traditions, and commonality of the space. This anthropological approach allows the planner to understand the factors affecting the physical dimension of the space. However, for the planner to become relevant and receive the highest quality of information, they must exist in the community's cognitive dimension. The goal is to become a part of the community and establish an open dialogue. The planner will also observe avenues to reinforce or stabilize current properties, develop economic development workshops, and create beautification projects.

The role of the planner within this strategy is unlike any method within the Counterinsurgency doctrine. As mentioned before, the policing forces or military forces were the individuals who assessed the economic structure within the context of the space in conflict. However, this specialization of tasks for the planner aligns with the overarching end outcome of unification. The planner's responsibilities to assess, analyze, program, and implement extends further than a place-making analysis in the United States. This new strategy demands the planner to understand the economic variables encompassing individuals and group behavior related to gaining access to producing, distributing, and consuming resources (FM 3-24; 2-25).

In gathering information on the economic flow, the planner addresses faults within the current system and analyzes a plan on how to introduce currency and formal economy practices into the area. These outcomes for the economic component are intended for gradual implementation and consider the social conventions of the community. While the planner addresses the faults within the community's economic system, they are similarly regarding networks to effectively and systematic assess the economic welfare of households (FM 2-34;2-30). Once enabled, the planner focuses on the economic impacts of the government intervention with regard to income, assets, and labor. This assessment carries immediate challenges that first entails the necessary trust needed between the planner and household before questioning can begin. The long and drawn out process to generate trust within the community takes into account the general scope of unification. In short, they should be treated as citizens during this transition period.

While entrenched into the informal settlement, planners will observe the behaviors of the residents. They are assessing behaviors that determine incentives and disincentives that encourages or discourages economic decisions. From these behaviors, the planner understands the economic decisions of the residents living within the space on where they find products, who produces the products, and how are the products disseminated. Since traditional economies are abstracted through governance of currency, major

commodities, trade, and banking systems, this form of economy is not likely found in informal settlements. In that case, planners within the space are determined to evaluate the local informal economy, and understand the interaction and exchange not recognized by the concepts of a traditional economy. In brief, governments do not have the legitimacy and the control to administer controls, regulation, and taxes to these exchanges. In addition, planners also have to distinguish the legitimate from illegitimate forms of economy found in these locations. Annotating the types of the illegitimate practices involves criminal activities such as racketeering, money, laundering, prostitution, drug trafficking, and smuggling. On the ground, planners should divide the sectors of an economy, and understand how these sectors sustain the informal and formal settlement. By indulging within these economic exchanges, planners can determine connections to key leaders within and outside the informal settlement. In this case, connections can lead to exogenous forces playing a role in the exacerbation of informalities through means of corruption.

## INTERRELATED INFORMATION

After reviewing the methods of counterinsurgency, including the interrelated dimension of the information environment, the perception gathered from comprehension of the text can benefit the individuals on the ground. I can further extend this concept for the planners whose purpose is to insert

themselves in the deluge of complexities within a society.

Formed by three interrelated dimensions, the perception of the individuals involved with Unification on the ground are trained to understanding the physical, cognitive, and informational dimensions. First, the informational dimension is the place where information is collected, processed, stored, disseminated, displayed, and protected with key components of the content and flow of information (FM 2-34;2.34). Slightly different, the concept of the cognitive dimension is to exist in the minds of human beings. It would be best to focus this presence to key decision-makers and a specific audience that can prompt clout and trust. Individuals trained for the ground must understand the residents and their collective consciousness and where information is used to develop perceptions and make decisions. Characteristics of the cognitive dimension include values, ideals, ethics, and decision-making. Finally, the physical dimension consists of the tangible and real world, where the informational dimension overlaps with the physical environment, the physical network of individuals, and its hierarchy of power.

#### *Overlap with Security Component*

Working hand and hand with the public safety element, planners should pass over any information pertaining to the illegal activities and corruption they were able to connect with their existing conditions assessment. The overlap with this element entails planners and police forces are working together to reach the end outcome of unification.

Therefore, for this new strategy, communication amongst these specialized units are a necessity. The information gathered pertaining to the environment will prepare police forces and government administrators on new strategies to tackle new forms of illegal economies and other illegal activities, which the planner should not get themselves involved with, but caution police officials and administrators on taking drastic action that can affect the end outcome.

#### *Overlap with the Political Component*

In the stages of area planning, the planner experiences a multitude of overlap with the political component. Administrators of the government unifying the residents of informal settlements pursues actions that deliver results to provide immediate public services to ameliorate the residents suffering. In this case, administrators and planners collaborate to determine the best procedure to ensure the informal settlements receive electricity and access to water. The process is lengthy and gradual, but there is room for immediate outcomes to generate trust among the populace within the space. As the planner and administrators provide these immediate outcomes initiating the unification process, the planner is considering factors of prospective long-term sustainability, possible local price inflation, and disrupting natural incentives, such as the person cleaning streets leaving this job to farm , which can dismantle the natural economies of scale.

However, together, they can take into account these potential real

externalities and create positive ones. One area is with economic development workshops. These workshops should be formed to teach the residents how to create products or apply services useful for the space. For example, a workshop can focus on creating tools essential for reinforcing their informal settlement. From this point, planners and administrators have established individuals with a knowledgeable trade and who are now able to teach others. Workshops like this rely on interrelated services interdependent on these tools. In short, tool-making workshops are interdependent of workshops that incorporates service such as construction, farming, gardening, and sanitation. The idea of establishing interrelated and interdependent economies through workshops is challenging but beneficial for when the informal settlement continues its transition to formality.

## UNIFICATION PLAN

Throughout this rationalization, Counterinsurgency concepts focuses on the relationship built with the populace within the given space. Unifying an informal community requires planning, delivering essential needs, developing workshops, and teaching the members of the settlement how to conduct public-service tasks and become autonomous.

### *Plan*

Successful use of counterinsurgency has brought social and political change. In this case, governments can extract

these successful methods and implement a plan to first launch and maintain security, extend governance with a gradual escalation in establishing a rule of law, and develop structures of stability with social services, economic development, and political decision-making. Once these goals are separated in short and long term goals, the government implements a unit of planners to understand the social, economic, and physical environments and establish a line of communication with both the residents, law enforcers, and administrators.

### *Deliver*

While unification transitions to community autonomy, the government has to consistently deliver on the essential needs of the residents. Within informal settlements, planners in the informal settlement report whether services are needed for individuals suffering of malnourishment, access to water and lighting, and unsanitary environments. Planners and policing forces work in tandem to transmit these issues and press administrators to deliver on recommendations. Therefore, governments are to forms chains of logistics to effectively move needed resources in and out of the informal settlement. This element of unification is continuous until the residents are able to replace the government workers conducting these tasks.

### *Develop*

Convincing residents to assimilate to westernized economic structures can be quite difficult. To change out of the

traditional barter system, economic development workshops are need. These development workshops teach people new labor trades. Incorporating these workshops throughout the village can expand the labor market to benefit settlements both in the short term and long term. As the labor force within the informal settlement becomes more specialized, government can hire residents with new labor techniques to support the unification process. During this phase, the community is becoming more autonomous. The police forces are beginning to integrate current residents within their forces and ensuring the new officers follow the guidelines of unification. Individuals are creating products, issuing services, and reinforcing their homes while transitioning into a modern economy. Only on newly taught skills and services, the use of currency is applied to every face to face economic transaction. As workers become more and more skilled and educated, government intervention decreases.

### *Teach*

A very important method in the counterinsurgency doctrine is teaching. Having residents, with newly acquired trades, teach them to their fellow residents forms permanence and resiliency. In that case, building resiliency in the workforce sustains reinforcing and stabilizing infrastructure within an informal settlement. The government's intervention within that space would be non-existent. During this time, the police integrates individuals from formal settlements with their own. Moreover, with the work of the planners, administrators can legalize

families to have rights to their space. The planners would have a workforce of people able and adept in constructing homes with the proper resources. Additionally, the workforce is more diverse between sectors, and they are teaching a new batch of workers. These workers now have trades that can be useful in cities throughout the country and bring in new net-money into their once informal settlement and continue revitalizing the area.

## CONCLUSION

Due to stagnation and the increasing migration to cities, informal settlements are forming and expanding as the days pass. Developing countries and its developing cities have turned a blind eye to their "squatters" and potential residents. Instead of providing housing, investments into bridges and modern structures have been priority for these governments. Due to the purpose of keeping up with developed countries, governments and municipalities focus on international attention and attraction instead of the national attention its urban areas already have. With 70 million people moving into urban areas every year, governments have to recalibrate their macro and microeconomic policies and exploit the individuals looking for work to develop their city and their country. The time is now to act and unify before levels of informal living within formal settlements eclipses the levels of formal living.

In conclusion, this paper rationalized and incorporated successful strategies

and tactics of Counterinsurgency to create a new strategy of Unification. The analysis extracted viable conditions that assist governments in obtaining legitimacy, form a trustworthy relationship with residents and government, develop and integrate residents into formal economy and society, and establish a strong community autonomy to perform government initiatives. Unification has many moving parts that depend on security, planning, and political entities having the end outcome of unifying informal to formal settlements in common.



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## A METROPOLITAN PROFILE OF NEW ORLEANS

### Tai'Asia Hutchinson

**PURPOSE** *The purpose of this paper is to highlight through a metropolitan profile of New Orleans the structural conditions in American urban areas that negatively impact Black communities, the multi-faceted nature of these impacts, and the need for increased equity.*

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## INTRODUCTION

A disproportionate amount of metropolitan areas and cities are subjected to residential segregation paired with concentrated poverty in some of the most undesirable neighborhoods that particularly affects the Black population. Glotzer reveals that racial segregation tactics existed long before federal housing policies were invented and circumvented, and was documented as early as the 1890s. Once tactics were perfected, it eventually trickled into the structuring of federal housing law and societal structuring of a neighborhood: “developers transformed suburban exclusion from individual prejudices into a structural condition”<sup>1</sup>. These structural conditions have negatively impacted many layers of the Black community and has had a deleterious effect that is inextricably linked to concentrated poverty, lack of affordable housing, disconnected youth, low levels or poor access to education and high crime rates.

As the twentieth century progressed, the association of black behavior and culture with deteriorating neighborhoods and the creation and maintenance of the color-line in housing became “the *raison d’être* of the real estate industry [to promote racial segregation]” (Gotham 2000 p. 617). Several Laws and Acts, such as *Shelley v. Kraemer*(1948), The Federal Housing Administration’s *Underwriting Manual*, and the Fair Housing Act of 1968, were passed to amend these ill-fated effects but to little or no avail<sup>2</sup>. Leaving one to wonder, what can be done differently in urban cities to

protect and propel those in the Black community forward?

The recent passing of the Affirmative Furthering Fair Housing Act (AFFHA) seems to take on a different approach when dealing with the issue of deeply rooted structural biases and addresses the idea of housing in a manner that is much more holistic and tangible than its predecessors. The AFFHA plans to address housing construction as just one part of its three-prong strategy in ending residential segregation. New Orleans is an ideal city to study in regards to its overall development and also for testing the ambitious notions of AFFHA in conjunction with Mayor Landrieu’s Economic Opportunity Strategy.

## HOUSING

New Orleans has historically been a unique city that has been betrayed by its very own geography—from the oil bust in the 1970s to Hurricane Katrina to the downright chicanery of moving poor black people to densely populated areas. New Orleans is geographically denser than Louisiana as a whole with figures reported by the census as 2029.4 persons per square mile vs. 101 persons per square mile respectively<sup>3</sup> , but even though the city is dense there doesn’t seem to be great use of the land that’s available to the Black communities there. The table labeled Racial Disparities and Vacancy Rates on the table below, shows a stark contrast of bleak housing situations for the black

community where neighborhoods with the highest vacancy rates 5 years after Hurricane Katrina are predominantly Black homes and the neighborhoods with the lowest vacancy rates are White communities. Adding to such a bleak housing situation in New Orleans, was the promised rebuilding and redevelopment of its housing stock; however there seems to be little to no success in that arena especially after the area suffered a major public housing loss by “HANO’s demolition of ‘THE BIG FOUR’, which rid the area of over 5000 units, but has only rebuilt 13% of the housing stock” has caused a situation ripe for new development and those in federal governments and residents are looking to see what will be done to remedy this situation<sup>4</sup>. This demolition of housing combined with large vacancy rates and inadequate infrastructure worsened the ability of Blacks to access housing. This is where the AFFH Act comes into play. This act proposes the following goals: to help neighborhoods receive funding to put a locally determined plan into action and in this way by allowing for open data assessment of community needs plus more clarity and

support for community assessment of Fair Housing. All of these components seemingly enable for an overall sense of autonomy and to do away with the one size fits all approach and focus on blighted cities on a more local level by handing the community the tools to empower themselves and perhaps develop a more comprehensive and hopefully more successful city by focusing on what is necessary; as is the case in New Orleans, which aims to replenish affordable housing stock and positively impact communities’ success in the interim.

The local organization of the Housing Authority of New Orleans (HANO) is once again at the helm of trying to combat new housing issues after AFFH was passed. With a limited development of new rental developments for the community, and the current battle that is taking attention away from housing to focus on LIHTC and bonds, HANO has its work is cut out to focus. One way that HANO is trying to combat the issue of slow growth rate change is to use the new version of The Choice Neighborhood Housing Program which is the successor to the HOPE VI. The New Orleans plan is the by far one of the most ambitious programs as far as housing is concerned as it aims to add about 2300 new apartments. The new act will undoubtedly reopen the conversation of how to build these new affordable units in a market where those gravely affected are low-income and how to use spatial analysis in regards to distribution, design, swift completion of project and integrating residents into neighborhoods of

### Racial Disparity in Vacancy Rates

Housing in large swaths of the City still sits empty, but these vacancies are concentrated in majority-African American neighborhoods. The neighborhoods with the top 10 highest vacancy rates all experienced increases of 15%-35% between 2000-10. Neighborhoods with the lowest vacancy rates tend to be majority white and have experienced little change since before the storm.

Highest Vacancy, 2010	Rate	% Black	Lowest Vacancy, 2010	Rate	% White
Lower 9th Ward	48%	96%	West Riverside	13%	69%
French Quarter*	43%	4%	Garden District	13%	88%
Holy Cross	41%	89%	Old Aurora	13%	36%
Central City	40%	72%	New Aurora/English Turn	13%	20%
St. Claude	39%	81%	Black Pearl	13%	67%
Seventh Ward	38%	87%	City Park	12%	83%
Florida Area	38%	97%	East Carrollton	12%	69%
St. Roch**	38%	87%	Lakeshore/Lake Vista	12%	89%
Treme/Lafitte	37%	75%	Audubon	10%	85%
Tulane/Grovier	35%	71%	Lake Terrace/Lake Oaks	5%	57%

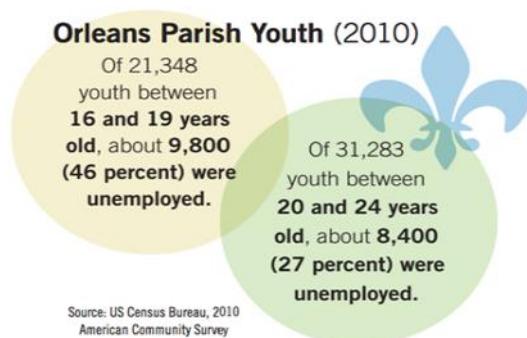
\* The French Quarter’s high vacancy rate is likely due to the number of vacation rentals in the area. Data Source: 2000 and 2010 Census.  
 \*\* 2015 data is not available, but neighborhoods like St. Roch are likely to have lower vacancy rates and higher white populations today.

economic opportunity.

## DISCONNECTED YOUTH

“The former mayor of San Antonio, said there is plenty of research that shows children, forced to live in neighborhoods with poor housing stock, ineffective schools, and limited economic and enrichment opportunities, tend to fare worse than children born in better neighborhoods,”<sup>5</sup> which segues us into the next notion that not only do we have to focus on housing, but we need to focus on our disconnected youth in these communities that often times suffer from psychological effects from the hardships they must often endure.

This population is disproportionately affected—because they have the most to lose and, ironically, the most to offer. They also seem to be the most forgotten in the politics of redevelopment of New Orleans. Disconnected youth are defined as the following by Tulane University: young adults aged 16-24 who are neither in school nor working and are sometimes referred to as Opportunity Youth because of their potential value to our communities and economies<sup>6</sup>. According to CLASP Out-of-school males of color are more likely to be



unemployed and live in poverty than their white counterparts. In addition, this population faces a likelihood of increased interactions with the juvenile and criminal justice systems<sup>7</sup>. This paints a pretty bleak picture of underdeveloped and out-of-reach youth that continues to perpetuate this state of cyclic poverty, from which many youth cannot escape. 46% of youth aged 16-19 and 27% of youth aged 20-24 years old are unemployed<sup>8</sup>. By not focusing on our disconnected youth, particularly black youth, we are leaving our society ill prepared for the rapidly changing nature of the work force 20 to 30 to 40 years from now and will be in dire straits if we cannot figure out how to reach and mobilize this group. Neglecting this group of youths is essentially the true meaning of leaving money on the table. According to The Economic Value for Opportunity, youth in New Orleans total lifetime economic cost is estimated to be between \$3.1 and \$4.1 billion.<sup>9</sup>

Statistically speaking, since there is such a remarkably high negative impact that is imposed on Black youth, it's safe to say that anchoring institutions in conjunction with Mayor Landrieu's new Economic Opportunity Strategy is a step in the right

direction. The Economic Opportunity program’s strategy to focus on case management, fundamental skills and supportive skills to promote and start building equitable and better access to education in New Orleans is a revolutionary idea that if done correctly can start to greatly diminish the negative outcomes of the current status quo that inevitably impact Black youth for the worse if not corrected.

## EDUCATION

According to The Cowen Institute, Louisiana has one of the highest public school dropout rates in the nation. There aren’t many alternative schools in the area and the lack of funding that follows students after they leave or dropout of public or charter schools, causes a huge issue with trying to maintain the few alternative schools available. Several anchoring institutions are already focusing on how to implement ways to empower the opportunity youth. The Youth Empowerment Program (YEP) is one of three alternative high school programs that engages opportunity youth and prepares them with the tools necessary to be successful in the future, and by helping them pass the equivalency exam. YEP has a policy that it does not reject or eject youth because they know the importance of keeping their doors open as a pathway for the future. The problem is the lack of funding [since when a student leaves school system the funding doesn’t come with them], and availability of programs like this that can help opportunity youth reach their potential.

As the Director of YEP has stated “When you add up all the opportunities for opportunity youth in New Orleans, there is a total of roughly 1,200 spaces. That’s one for every 22 young people who are not in school<sup>10</sup>”. She also emphasizes that neighboring areas with predominantly white students have access to more funding for their charter schools and their students fare better. According to the table below opportunity youth aged 15-19 years old have a higher rate of idleness, and lower rate of entry into the labor force by 25%.

Subject	New Orleans, LA Urbanized Area (2011)			
	Total	White alone, not Hispanic or Latino	Black or African American	Hispanic or Latino origin (of any race)
	Estimate	Estimate	Estimate	Estimate
Population 15 to 19 years	58,789	20,451	28,035	5,110
<b>SCHOOL ENROLLMENT</b>				
Enrolled in school	40,251	18,199	23,941	4,108
Public	68.2%	52.1%	83.4%	68.8%
Private	31.7%	47.9%	16.6%	31.2%
Not enrolled in school	7,535	2,253	4,694	942
<b>MARITAL STATUS AND FERTILITY</b>				
Male	28,413	10,395	13,947	2,588
Ever married	0.8%	0.8%	1.0%	1.8%
Female	28,353	10,056	14,088	2,512
Ever married	1.4%	1.2%	1.3%	3.7%
Female with a birth in the past 12 months	2.5%	1.4%	3.2%	4.4%
<b>HOUSEHOLD TYPE</b>				
Population 15 to 19 years in households	52,854	18,720	26,801	4,815
In married-couple family households	48.8%	67.7%	34.2%	50.0%
In male household: no wife present, family households	0.6%	7.5%	8.1%	15.7%
In female household: no husband present, family households	40.2%	21.8%	57.2%	29.2%
In nonfamily households	2.1%	3.2%	0.7%	4.8%
Population 16 to 19 years	48,190	18,399	22,934	4,339
<b>IDLENESS</b>				
Not enrolled in school and not in the labor force	7.1%	5.2%	8.8%	7.9%
<b>LABOR FORCE STATUS</b>				
In the labor force	28.0%	33.2%	25.6%	37.1%

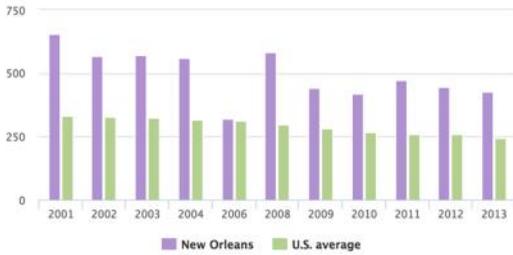
**Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates**  
**\*\*\*Accurate portrayal of opportunity youth not shown because there isn’t a specific break down of the youth aged 20-24 in this table**

## CRIME

The Federal Bureau of Investigation (FBI) identified New Orleans as the “deadliest city in America” with a murder rate ten times the national average, four times more than cities of comparable size. Based on the latest data available, in 2009, there were 52 murders reported per 100,000 populations in New Orleans.

When trying to gauge who this crime index affects, The Cowen Institute states that Louisiana’s teen-death rate

City-data.com crime index per 100,000 population



has risen by 11 percent since 2000, and nearly half (46 percent) of teen homicide victims were residents of Orleans Parish, which brings us back to the notion of opportunity youth and how to reach them and decrease the numbers of victims. Some levels of reforms that have been recently taken are budget increases for New Orleans Police Department, and “Community Policing, a philosophy of crime reduction that operates through partnerships with neighborhood and community-based organizations in order to identify and address issues of crime, and which case studies have shown to be effective in addressing the root causes of criminal activity<sup>11</sup>”.

Community policing can be an effective strategy that can help mitigate effects of crime particularly crime that affects opportunity youth because they would have closer ties to the community as they are held accountable by people in their communities as opposed to having to accept responsibility from a municipality or entity that has historically used brute force in getting victims, particularly opportunity youth to comply with the law. The juvenile detention rate is so high that there is already a negative image of authority in their eyes, so it would be helpful to

redirect and reaffirm community strength building through a different stance of authority from community policing.

## CONCLUSION

Mayor Landieu’s economic strategy along with the AFFH Act’s new provisions for traditionally poverty-stricken concentrated areas of a singular racial identity, is a more holistic and humane ideology that follows the line of thought put forth by several organizations that are pushing for equity. Policy Link and the Urban Institute are just a couple of the data driven organizations that envisions a way to improve economic benefits is through improving equity in communities. The Urban institute also states that the way to get the most out of AFFH Act, is actively engaging residents of the community and the amending of the dialogue at the helm of city planning agencies will be beneficial in improving equity overall. Shaping policies focused on increasing equity around disconnected youth, education, crime and housing policy issues would surely change the dynamic in the Black communities to one more positive.



## NOTES

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# RED TO BLACK: INSTITUTIONAL AND LEGAL REFORMS OF NEW YORK WATER

Manohar Patole

**ABSTRACT** *Water Supply and sanitation services are an essential requirement for the economic and social development of urban areas but are often constrained due to antiquated assets, laws and institutions. The current structure of New York Water sector was not always in existence but as a result of reforms that began in 1983 in response to new federal mandates, a citywide fiscal crisis, infrastructure health and water quality. This paper analyzes the legal and institutional reform strategy using New Public Management theory.*

**Keywords:** *Governance, Reforms, Infrastructure, Water*

**Abbreviations:** *CWA - Clean Water Act; DEP - Department of Environmental Protection; NPM - New Public Management; NYS - New York State; SDWA - Safe Drinking Water Act; WATSAN - Water Supply and Sanitation*

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## INTRODUCTION

In October 2012, the aftermath of Superstorm Sandy left some areas of New York City decimated while others escaped relatively unscathed. My neighborhood – Sheepshead Bay in Brooklyn – was thrown back in time as the modern conveniences of power and running water disappeared. The days and weeks that followed Sandy brought back memories for me of my graduate research on water and sanitation for urban slums in sub-Saharan Africa: I was now living through a similar situation, granted for a much shorter time. New York City eventually recovered, some areas slower than others, but the superstorm prompted citizens, academics, policy-makers and politicians to re-evaluate the resiliency of New York City's. What would happen if another catastrophic event struck the city? In order to answer this question, we need to look at the city's history, its unprecedented rise to becoming not only the largest city in the United States of America, but also the "world's most economically powerful city" (Florida 2015). Throughout the narrative, the governance and provision of water and sanitation services dominated the physical, economic and conceptual development of New York City.

New York City is home to the world's oldest continuously running urban water supply, beginning with a public well dug at Bowling Green in Manhattan in 1677 (Koeppel 2000). Although the well served the private citizens of residents of New Amsterdam, it's primary purpose was to provide clean water for local

breweries and businesses. Over the next century the over-pumping of groundwater by private businesses, poor sanitation, increased pollution, pandemics such as yellow fever all put immense strain on the city's quasi-private water distribution systems. In 1744, Christopher Colles proposed the first public water system for New York City to make it competitive with the prominent colonial cities of Boston and Philadelphia, as well as European world capitals London and Paris. Today, 19 reservoirs 3 controlled lakes, 22 wastewater treatment plants (14 servicing just New York City), 6,500 miles (10,459km) of water mains, and 6,300 miles (10,137km) of sewers (DEP 2015). make up New York City's water supply and sanitation system. The entire supply chain (defined as water abstraction, delivery, distribution, and collection and treatment of wastewater) is publically owned and operated, with full coverage of all the residents of NYC (World Bank 2006). The current system reflects a 200-year evolution of water engineering due to governance of the sector and responses to system failures and external shocks. Schwartz (2009) characterizes these phenomena as punctuated equilibrium, similar to evolutionary biology, where an established institution will maintain status quo until a disruption of significant magnitude occurs to change it.

In the case of New York City, the population boom of the 1840s prompted the first wave of reforms (Koeppel 2000). These included XXX and XXX. However, Until the 1980's, reform approaches were largely

technocratic and supply oriented, focused on expanding the network to accommodate the growing population until the 1980's (Gandy 1997). A confluence of three factors changed this pattern in the 1980s. First, NYC's modern water supply and sanitation system, which has been around since the turn of the 20th century, had chronic break-downs and needed constant repairs to the nearly 100-year old infrastructure (DEP 2015). Second, promulgation of the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) passed by the United States Environmental Protection Agency (USEPA) in 1974 and 1977 respectively, required extra attention and money for the water systems. Third, the fiscal crisis of 1975 made New York City agencies and utilities, including water and sanitation, a financial risk for many public and private lenders (McMahon 2005). Taken together, the large-scale investment required rehabilitating its aging infrastructure and implementing new technologies for treatment of water supply and wastewater, compliance with the new federal mandates, and a fiscal crisis exposed an array of issues facing water management for the city. Those of particular interest include the financial health, water quality, infrastructure rehabilitation and autonomy of the system.

What strategies were employed to transform the water and sanitation sector into its present incarnation, one that was able to respond to Superstorm Sandy in a relatively short period of time? How are the problems of the NYC water supply in 1980 different than those faced by public

water and sanitation utilities across developed and developing cities today? In order to answer these questions, the underlying issues impacting sector will be reviewed. I will analyze the reform strategy implemented in New York City during the 1980's and the outcomes of the reforms discussed by utilizing New Public Management theory. In doing so, potential strategies will be identified for developed and developing cities facing similar governance and infrastructure problems with water utilities.

## UNDERLYING ISSUES

The three items mentioned earlier - national environmental regulatory mandates, aging infrastructure and a city in fiscal crisis - brought several underlying issues of the New York Water system to the attention of the public. The system's fiscal health, aging and poorly maintained infrastructure, water quality and autonomy all had to be addressed. Similar to issues facing water utilities across the world in the early 21st century, these interrelated factors impacted the water sector in various ways. The following is a brief overview of underlying issues and the reform strategies applied.

### *Financial Health*

Due in part to poor accounting practices, bloated city payrolls, over-extension of social welfare programs, and a looming national oil crisis, New York City government faced

bankruptcy in 1975 (Brustein 2005). As Felix Rohatyn stated during the M. Moran Weston II Distinguished Lecture in Urban and Public Policy on February 26, 2003, "The banks lent too much and checked too little; the unions took more than the city could afford; the city cooked the books, and borrowed, and the state encouraged this whole exercise."

At the time of the fiscal crisis in 1975, the sector was operated and maintained by the Board of Water Supply (established by the Water Supply Act of 1905), part of New York City government. Because of this relationship, the possibility of raising capital to invest in the necessary infrastructure rehabilitation projects as well as comply with the new federal mandates either through the issuance of bonds or lending, was no longer an option. Regarding the sector itself, drinking water and sanitation services were billed based on a frontage system, with rates based on the amount of fixtures on the property (such as faucet taps and toilets), not volumetric consumption because metering systems were not widely implemented. This led to commercial losses and had poor collection rates because frontage did not reflect the actual consumption (Paolicelli 2009).

### *Infrastructure*

New York City's current system dates back to 1842, with the completion of the Old Croton Aqueduct delivery system and the NYC distribution network. Water supply is impounded in three upstate reservoir systems which include 19 reservoirs and three controlled lakes with a total storage capacity of approximately 580 billion

gallons (DEP 2015). The collection systems were designed and built to mitigate periods of droughts and floods. 1842 to 1900, the population of NYC grew nearly 900% and another 130% from 1900 to 1970. (Forestell 1996) The constant need to expand coverage left little time to maintain and/or replace the aging infrastructure, leading to high physical losses (Galusha 1999). To compound the problem, the new federal mandates of the Safe Water Drinking Act and Clean Water Act also required infrastructure to comply with more rigorous standards of treatment for drinking water supply and wastewater, furthering the issue of infrastructure rehabilitation higher on the NYC agenda.

### *Water Quality*

The SDWA and CWA introduced new standards for treatment of drinking water and wastewater respectively nationwide. New York City's has the largest unfiltered water system in the US. During the 1970's and 1980's, development around the watershed by residents and governments outside of New York City threatened the quality, which created a conflict between the downstream New York City and upstate municipalities. The 1986 Surface Water Treatment Rule additionally required the filtration of all surface water supplies, adding another burden to the system. Until that time, treatment of drinking water supply for NYC is mainly done through chlorination, not water filtration plants (NRC 2000). Construction cost estimates for such a treatment plant reached \$6 billion, a price-tag the city could not afford (Murphy 1995). NYC

had avoided filtration of the supply for many decades as it could be by maintaining the pristine quality of the watershed. The increase in land development around the watershed, however, continued to pose a serious threat to the quality of the drinking water supply of NYC.

### *Autonomy*

Managerial and policy autonomy served as a deeply divisive issue for the sector. Although the Bureau of Water Supply (BWS) knew the true costs of operation, the City Council determined rates and prices. In addition, the BWS could not borrow nor issue bonds to fund the necessary projects due to New York City's tenuous fiscal position in the late 70's. Managerial autonomy was also subject to political interference when public employment contracts were handed out to gain union support for political election campaigns (McMahon 2005). Other examples of problems arising from issues of autonomy included the enforcement of non-compliance of payment, and inability to draft mandates or policies necessary for the efficient and effective management of the utility even though the sector appears to be decentralized on paper. The issues presented are not new to the water sector in developing countries. However, it was unusual to observe the scale of these problems in a large urban setting such as New York City. These underlying issues influenced the reform strategy discussed in the subsequent section.

## REFORM STRATEGY

Beginning in 1983, the city's strategy shifted its approach from a technocratic, supply management driven one to one of a legal and institutional in nature. This new approach incorporated demand management and could be classified as New Public Management theory. Mark Page, the deputy director and general counsel of the Office of Management and Budget for NYC from 1982 until 1984 and later Executive Director of NYC Municipal Water Finance Authority, with the support of the Mayor Ed Koch, spearheaded the sector reforms. In accordance with New York Code Title 8A: New York State Local Water and Sewer Authority Act, decentralized water services for the state, and set the duties and obligations of the local governments should follow in the implementation of water services, whether public or private in nature. It implemented the necessary legal and institutional reforms to "provide expeditiously, efficiently and effectively, safe and adequate supplies of water and sewerage service." The reforms established a new institutional structure for water services in NYC: the Department of Environmental Protection, the NYC Municipal Water Finance Authority, and the NYC Water Board. Each of these entities was entrusted with specific legal duties and obligations regarding the provision of water services for NYC.

### *Department of Environmental Protection (DEP)*

Chapter 57 of the NYC Charter in 1983 established the Department of Environmental Protection (DEP). It was the first of the three new bodies created, charged with the operation and maintenance of the entire supply chain of water services. The DEP incorporated the former Bureau of Water supply as well as established five additional bureaus, with tasks that included operation and maintenance of the system; planning, designing, engineering and construction of all works for the system; land use planning, environmental impact assessments, and consulting for other agencies. The DEP also handles all aspects regarding customer services, including meter installation and reading, billing, collection of fees, and customer complaints. The Commissioner of Environmental Protection, a political appointment, heads the organization. Under this position are six deputies appointed by the Commissioner, and a staff of over 5,500 (DEP 2015).

### *The NYC Municipal Water Finance Authority (Finance Authority)*

The second main body created from these reforms was the NYC Municipal Water Finance Authority (Finance Authority). It was established in 1984 as a public benefit corporation, under the jurisdiction of New York State Public Authorities Law, which is responsible for raising capital through the issuance of municipal bonds, commercial paper and other obligations for capital improvements of the system (N.Y. PBA. LAW§1045).

Established as a separate legal entity from New York City, it has full legal control over all revenues generated from the operation of the system (Paolicelli 2009). NYW is governed by a Board of Directors, consisting of four of the ex officio members: the Commissioner of the DEP, the Director of Management and Budget of the City (OMB), the Commissioner of Finance of the City and the Commissioner of Environmental Conservation of the State (NYS DEC). In addition, two other directors are appointed, one by the Mayor and one by the Governor, for a total of seven members (N.Y. PBA. LAW§1045) .

### *The NYC Water Board (Water Board)*

Established by the same law, the NYC Water Board leases the water and sewerage systems for an annual payment and in turn incurs all rights and responsibilities of those systems therein (N.Y. PBA. LAW§1045). The Water Board, which leases the system from NYC, has three main responsibilities: establishing the rates which the DEP will utilize in billing customers for water and sewerage services, allocating the money received by the DEP from collection of customer payments for water and sewerage services, and enforcement of customer non-compliance. Similar to the Finance Authority, the Water Board is a legally independent entity vested with full legal control over all revenues generated from the operation of the system by the DEP. The Board is comprised of seven members, which are all appointed by the Mayor of the City. There are two unique stipulations for the members of the board, at least one member should

have experience in the science of water and no member should be a director of the Authority.

environment established by the reforms are reviewed in three parts: investment, price setting, and billing and collection.

## REFORM STRATEGY ANALYSIS

The 1980s reforms were organic in nature, not following any prescribed model at the time. However looking back on the strategy employed, it can be viewed as a variation of New Public Management (NPM), where the agency is fragmented into the three bodies in order to create a “checks and balances” system of accountability (Barzelay 2002). The DEP, NYW, and the Board (collectively known as NYW) divided the obligations and duties of water services and remained a non-profit public entity, and in the execution of their collective duties should ensure the public health and welfare (N.Y. PBA. LAW§1045). Although the reforms were not based on any particular model, New Public Management theory was used to analyze the reforms because the time period of the reforms and how those reforms reflected increasing the autonomy of state-owned utilities and requiring them to manage on a more commercial basis (Schwartz 2008).

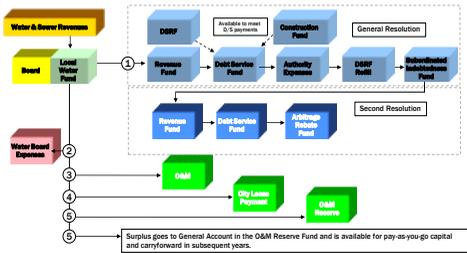
### *Financial Health*

Before the reforms, the fiscal woes of NYC greatly impacted the water sector. Post reforms, NYW and the Board were formed as independent legal entities to provide a shield from the financial risk born by NYC as well as political interference in price setting (N.Y.PBA. LAW§1045). The new financial

### *Investment*

Investment in water infrastructure is very capital intensive and it is often hard to procure funding as the rate of return, even though stable over time because of captive customer base, is relatively low (Hukka 2003). Large amounts of capital are needed and collection of user fees alone is not sufficient. Therefore, the creation of debt through lending or issuance of financial obligations such as bonds is necessary to fund such infrastructure projects. The creation of NYW “ring-fenced” it from New York City, allowing it to raise the capital necessary for infrastructure rehabilitation and pay for the system upgrades to be in compliance with federal mandates. However, to attract and assure investors and lenders, NYW had to prove it was a safe and creditworthy. This was proven in six ways through the promulgation of N.Y. PBA. LAW§1045: First, the establishment of its legal status separate from NYC; Second, a new flow-of-funds model was introduced, which gave the Authority and consequently bondholders a statutory first lien on all revenues, guaranteeing debt issued would be paid (see Figure 1); Third, mandatory financial planning and forecasting was instituted in accordance with the MAC to avoid reoccurrence of fiscal crisis during the 1970’s as well as includes mechanisms to anticipate and cope with budgetary shortfalls; Fourth, the tax-exempt status bestowed upon NYW allowed

NYW's Flow-of-Funds Protects Bondholders With a True Gross Pledge of System Revenues



NYW

Figure 1: Flow of Funds Diagram. NYW Presentation September 3, 2009

revenues generated to stay within and not subsidize other city agencies; Fifth, the captured market with a growing population, ensured a steady increase of customer base; Sixth, last assurance was procedure of price setting.

Price

Pricing of services is an inherent problem for water services, due to the problem of the natural monopoly water utilities face. The price should be affordable for consumers while at least be able to cover operation and maintenance and at most provide full cost recovery in order to pay down debt. The price is determined for the year in the previous year through the involvement of the three agencies. The DEP is responsible for calculating the cost of the operation and maintenance of the system. The Finance Authority calculates the debt service owed plus estimates the possible debt issued for the fiscal year. These inputs are combined along with operating expenses of the Water Board and Finance Authority to determine the price for both water and sewerage services. The price is subject to review

first by the independent rate consultant, who determines if the expenses reported are reasonable and appropriate and the price reflects full cost recovery (NYC Water Board 2009a). It is then reviewed by customers through public hearings held in each of the five city boroughs of NYC. In May, after the public hearings, the Water Board holds its annual meeting when the price is adopted to provide sufficient revenues that will cover all expenses of the NYW. A full report of the process is available for customer and investors.

Billing and Collection

Pricing is dependent on accurate billing and collection rate. Metered billing was introduced in 1985, increasing the accuracy of the billed amount for each customer (DEP 2015). The DEP bills the users and collects their payments. In the event of non-payment, theft, or denial of access by customers, the Board is responsible for the enforcement of compliance of billing. Alternative payment methods such as payment plans are provided for customers who cannot pay to ensure disconnection of service will not occur. If necessary, the Board can assess administrative penalties, disconnect service and enact property liens.

Infrastructure Rehabilitation

New York City's water infrastructure was nearly a century old in the early 1980s and had been neglected for a long time due to the lack of capital necessary to fund large-scale repairs. The reforms allowed for the influx of necessary capital to undertake many key projects, such as the construction

of Tunnel 3 for example, to rehabilitate the system as well as comply with federal mandates (NYW Water Board 2009b). Once the capital was secured, the problems of infrastructure rehabilitation were more related to planning and time. The DEP implemented the Asset Prioritization and Risk Mitigation program to undertake the task of identification and rehabilitation of assets in most need and address them according to priority (Gilmore 2007).

The DEP also introduced the Water Conservation Program to reduce consumption through the promotion of "low flow" water fixtures and educational programs (Fitzhugh 2004). The plan was developed for two reasons: to raise awareness of the environmental and economic benefits for customers to conserve water and to conserve the water supply in order to avoid the costs to expand the reservoir system to accommodate the growing population yet again. The main infrastructure problem of filtration plants for NYC's drinking water supply, however, was still an issue.

### *Water Quality*

As stated earlier, the cost to construct the necessary filtration plants for the water supply was great, too large of a sum to borrow outright or issue bonds as the risk would be too high. However, the City still had to find a way to resolve the issue of water quality and compliance with federal mandates. To prevent the escalation of conflict between the NYC, upstate municipalities and the state and federal environmental agencies, the Land Acquisition Program was developed

(NRC 2000). The program was for NYC to buy land around the watershed from voluntary sellers to ensure no development. This was a point of contention for the upstate residents who saw the plan as a hindrance to development of their region even though NYC would compensate the residents for the estimated revenue for development of the region. Although this cost would be high, it was not as high as the construction and operation of filtration plants for the entire water supply (Murphy 1995). The program was the core element of the comprehensive watershed protection program, which also included watershed rules and regulations to curb pollutant loading by agriculture around the reservoirs (NRC 2000). The DEP also developed alternative means of water supply purification, such as an Ultra-Violet Disinfection Plant, that helped the City comply with federal regulations (DEP 2015). The comprehensive nature of these programs to protect the watershed was a unique strategy employed by the city to postpone yet again construction of a filtration plant, which allowed for NYC to receive a filtration waiver until 1996 due to the relative high quality of the water supply and measures taken to ensure it short of filtration (Murphy 1995).

In addition to compliance with SDWA, wastewater treatment had to comply with CWA standards. The existing treatment plants were upgraded by the DEP to increase capacity, properly treat and dispose of NYC's effluence in accordance with CWA standards. Investment was secured for both these strategies through NYW.

### *Autonomy*

The laws drafted during the reforms established legal autonomy through the establishment of the Finance Authority and the Water Board as separate legal entities from NYC (Verhoest 2004). The Water Board, which leases the system operated by the DEP, therefore is legally responsible for its operation and maintenance as one would be if they leased a car or residence (Agreement of Lease 1985). The other two relevant forms of autonomy for water utilities is managerial and policy, which are discussed in the following sections.

### *Managerial*

Managerial autonomy can be divided into two dimensions, financial and human resources. As stated in earlier, the reforms solidified the financial autonomy of agencies of the sector. The reforms allowed NYW to be financially independent from NYC, as its revenue stream is based on collection of bills and capital is raised through the issuance of debt through financial obligations such as municipal bonds and commercial paper ( N.Y. PBA. LAW§1045). NYW no longer sought lenders as banks because the new laws and institutions established it as a creditworthy entity for investors to purchase bonds. The price-setting process was shielded from political interference, and the independent rate consultant serves as an arms-length regulator to ensure the price is at cost recovery level.

As per the human resources dimension, the new laws permitted the Finance Authority and the Water Board

to hire the required officers and employees without issues of political patronage. It also allows them to determine employee's qualifications, duties and compensation for their position hired. For example, the employees of the DEP, which is still a NYC department although under the authority of the Water Board, must pass a public examination to gain employment. Although considered civil servants, under Public Authorities Law, they are obliged to follow the rules of conduct established by the amended bylaws that in the execution of their duties they must comply, if not appropriate measures can be taken depending on the violation including termination (By-Laws 1984). In addition, the Mayor of NYC can remove members of the Water Board if it can be proven that the member neglected their duty or proof misconduct is established in the execution of their position.

### *Policy*

Policy autonomy is the ability for an agency to develop and implement necessary instruments for the execution of its duties and obligations. N.Y. PBA. LAW§1045 granted the Finance Authority and the Water Board, "to do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted in this title." In accordance with the general powers entrusted to both, they are allowed to create policies for internal management and promulgate external rules and regulations necessary to fulfill its obligations, enter into contracts, procure property and

execute studies.

In addition to these commonalities, the three agencies are task-oriented with specific duties and obligations as conferred by N.Y. PBA LAW§1045, such as the New York City Municipal Water Finance Authority to issue debt, borrow money and enter into agreements; the Water Board to finance water projects, all aspects regarding pricing, billing and collection of fees, acquire from NYC the title to water and sewerage system, invest monies not required for immediate use or disbursement subject to Finance Authority approval, and maintain those reserves in a special fund to ensure liquidity of NYW (N.Y. PBA. LAW§1045).

The DEP, although operates and maintains the system, can request the Board administer and execute the necessary actions on its behalf as per the responsibilities entrusted to it as the leasing authority of the DEP. NYW has its own instruments to investigate and enforce compliance, as the Water Board can promulgate rules and regulations for billing and collection, environmental matters and set administrative and penal sums. The DEP has its own division of police to serve as enforcement officers for the issuance of penal sums and arrests if necessary, generally used for enforcing watershed rules and regulations (N.Y. PBA. LAW§1045).

#### *Characteristics of New Public Management (NPM)*

The provision of water services in NYC can be classified as Direct Public Management, in which New Public Management (NPM) is the one of the

most widely adopted institutional arrangements (Van Dijk and Schouten 2004). NPM reforms usually embody five characteristics: increasing the level of autonomy of the utility; separating regulatory tasks from the service provision; creating quasi-competition in the water sector, through benchmarking exercises; increasing tariffs to cost recovery levels and increasing customer orientation; and increasing accountability for the results produced by the utility (Schwartz 2008).

Looking at the first characteristic, the reforms positively impacted the legal, managerial and policy autonomy of NYW. Based on the different dimensions of autonomy purported by Verhoest (2004), the reforms NYW has the maximum level of managerial autonomy (the agency may decide itself upon all aspects of management like the general principle, the procedures and the transactions (high strategic managerial autonomy)) and policy autonomy (the agency may decide itself upon all aspects of policy like objectives, policy instruments to use and processes. The agency is authorised to issue general regulations (high strategic policy autonomy)) and high level of legal autonomy (The agency has a legal personality under public law and is created by a parliamentary act). The depoliticization of decisions such as hiring and rate setting, which also gives NYW a high level of structural autonomy, shields NYW from political interference.

The second characteristic is separating regulatory tasks from the service provision. If the regulatory

responsibilities are internalized, the poacher-gamekeeper problem can arise (Foster 1996). Regulation for the water sector focuses on four main aspects, accessibility, affordability, availability, and quality of services (Lang 2004). Regulation of the sector was separated from NYW by the introduction of the independent rate consultant who operates as the arms-length regulator to ensure affordability for consumers and the federal mandates SDWA and CWA enforced through the New York State Department of Environmental Conservation Environmental to ensure water quality for drinking and wastewater. The aspects of accessibility and availability are regulated through NYS Local Water and Sewer Act, which requires all municipalities of New York State to provide water and sewerage services to all residents within their borders.

The third characteristic is creating quasi-competition in the water sector, through benchmarking exercises. NYW benchmarks its performance with respect to annual rates as a percent of median family income, annual rates respective of national average, annual rate increase respective of national average, and collection rates compared to 30 major US cities (Water Board 2009a). The DEP also institutes benchmarking studies with respect to operational performance such as customer complaints, repair response time and percentage of complaints solved within 24 hours (DEP 2015). Benchmarking is done on a voluntary basis by the Utility, not required by the Act. These activities, however, are a tool to attract new investors and

assure current ones the Utility is a well-performing entity relative to others, seeking ways to improve, with a reliable revenue stream and return on investment.

The fourth characteristic is increasing tariffs to cost recovery levels and increasing customer orientation. As stated in earlier sections, the price is set cover full costs, operation and maintenance as well as debt service. The independent rate consultant is used to review the calculated price respective to operation and maintenance cost and provide sufficient revenue for repayment of debt for the bondholders. Customer orientation was increased by their inclusion in the price setting process, public access of information, utilization of benchmarking activities and regulation to ensure accessibility, affordability, availability and quality of service.

The fifth characteristic is increasing accountability for the results produced by the utility. Reiterated through the laws passed as a result of the reform process, the agencies were created to perform an essential public service. The Finance Authority and Water Board are accountable to the bondholders by ensuring the payment of debt service. The DEP is held accountable to the customers to ensure reliable, high quality water services provision. NYW is accountable to the NYSDEC to ensure federal mandates are observed in providing water services to customers as well as to the independent rate consultant to assure bondholders and customers are paying a price that is full cost

recovery. All the employees, officers and directors are held accountable in the execution of their office by the Act and if found in violation are subject to sanctions of NYS Public Authorities Law.

## DISCUSSION

Authors such as Koepfel (2001), Galusha (1999), and Soll (2013) have highlighted the contentious relationship between water and urban development of the city. Financial health, infrastructure, water quality and autonomy, are as relevant to New York City today as they were over three centuries ago. Furthermore, these are prevalent issues that are ubiquitous to water utilities around the world. The common theme, regardless of geography or socioeconomic status, is management and governance. The purpose of water governance is provide answers for all stakeholders – those that are pro-environment or pro-development, upstream or downstream, urban or rural – on how to manage water, not to show who is right or wrong.

The state of New York City's current public infrastructure, in terms of capital investment as well as operation and maintenance, is not bad but could be better. Relative to the rest of the country, however, the city is performing above average. According to a 2013 report by the American Society of Civil Engineers (ASCE), New York City will require almost \$50 billion in drinking water and

wastewater infrastructure needs over the next 20 years. NYC's progressive fiscal reforms reviewed in this research and the filtration avoidance directive will be able to manage these infrastructure needs over time but it is not 100% certain due to factors of climate resiliency protocols, increased urbanization and increase pressure for upstream development that may divert resources. The same ASCE report rated the drinking and wastewater infrastructure of the United States as a whole with a "D." Much as it was on your high school report card, this is a poor rating. Defined as, "infrastructure is in poor to fair condition and mostly below standard, with many elements approaching the end of their service life," it indicates that, "a large portion of the system exhibits significant deterioration. Condition and capacity are of significant concern with strong risk of failure major improvements need to be made as soon as possible" (ASCE 2013). In addition, according to the United States Congressional Budget Office's report on Public Spending on Transportation and Water Infrastructure, between the years 1956 and 2014, \$109 billion was spent on water supply and wastewater treatment facilities investment (CBO 2015). Although that sounds like a lot, that number represents only 0.07% of total public spending (federal, state and local combined), with 75% of these outlays being made by state and local governments. Moreover, federal investment related to water has declined almost 20% since 2002. If you look at percent of total budget for water infrastructure investment for developing countries, such as

Indonesia or Uganda, it ranges from 2-4%, or three to eight times that of the United States (UNHDR 2006). Combined with this additional expenditure, developing countries that take lessons from the New York City's utility improvement process will find their water systems in much better shape in the future.

Periodic droughts have impacted agricultural and urban areas across the globe for generations, but recent occurrences in more affluent areas such as California in the USA and São Paulo in Brazil, have furthered the discussion of resource availability and the impact of climate change in mainstream media. Climate variability has indeed contributed to recent water supply shortfalls; however, the problem has been decades in the making. As mentioned earlier, New York City's water supply problems started nearly two centuries before the 1980s reforms. These historical issues influenced the decision to expand New York City's storage capacity to approximately 580 billion gallons and design a system with various interconnections that allow for water transfers. The transfers are able to mitigate localized droughts and take advantage of possible flooding between reservoirs and watersheds (DEP 2015). While this feature does not mean the city will be immune to drought, it does add another layer of protection should such a climatological change occur. California and Brazil are currently pursuing various water conservation measures, but these are widely considered to be temporary solutions to a permanent problem.

The ongoing shortages in California have been publically attributed to climate change and environmental factors (NOAA 2014). However, the region's current situation is also a symptom of many decades of water mismanagement and poor governance (Propublica 2015). Overconsumption, rapid urbanization, competing users for socio-economic development and inefficiency of current water systems have been issues for the region, but water managers and politicians only started the conversation about overhauling the water systems when the situation reached drought levels of near-Biblical proportions. Similarly, the "hydric collapse" of Sao Paulo has been accredited to climate change and drought but many water managers, local politicians and advocates state that the situation is due to the poor governance and mismanagement of water resources. The area's extensive agriculture and industry places intense pressure on available resources and the recent environmental factors are bringing these issues to the forefront (Rigby 2015).

In addition to available supply of water, the quality of that supply is an important concern. Epidemics of Yellow Fever and Cholera in the late 18th century not only influenced the formation of New York City's first Board of Health; they also established the relationship of water quality and public health (NYCDOH 2015). Since then, New York Water has taken various measures to ensure its water quality from biological and chemical contaminants including the recent Filtration Avoidance Determination regulations. Although the problem of

biological hazards related to improper sanitation was identified centuries ago and the shared governance of water and health was a natural progression, it continues to be problematic in many parts of the world. In addition, the NYC Filtration Avoidance Determination regulations are not without its own controversies, specifically regarding upstream development versus downstream water supply. This water governance issue is all too familiar in municipalities everywhere: do you prioritize the quality of the water supply or the economic development of the land and its natural resources, including water? In both cases, the issue has been constantly managed and governed by many stakeholders coming to the table to express their interests and concerns. The concept of shared water governance is a daunting task and it does not mean that a solution has to be reached immediately but it does mean that stakeholders need to be in communication and not act unilaterally.

In the case of New York City, the water utilities found a brand of autonomy that allowed the management of the sector to be protected, or “ring-fenced,” from external political interference. Moreover, autonomy meant that the utility could be financially responsible for operation, maintenance and capital investment and not subject to government transfers to cover other sectors budgetary shortfalls. Water, although not as sexy as other infrastructure concerns such as energy, does provide a constant return on investment over a long time scale. Because of this, in many developing areas, the water

sector is often asked to cover budgetary shortfalls for the municipality, at the risk of reinvestment. The case of New York City provides a potential strategy for municipalities in developing countries, but the enforcement of such a program also requires a strong legal system that is not subject to corruption, an issue in many parts of the world. That being said, the strategy implemented can provide ideas for other water utilities on how they can ring-fence themselves to ensure the revenue retention and reinvestment necessary to make themselves fiscally solvent, thus reducing their risk factors and attracting outside development assistance.

The aforementioned discussion highlights the current problem, but what about the future? A confluence of natural and anthropogenic factors are impacting global water supplies today and will continue to do so. Urban populations surpassing rural in 2007 and numerous reports from the United Nations and World Bank estimate additional growth in the urban populations of the developing world of over 2 billion by the year 2050. The rise in urban populations will require increased investment in water utilities to accommodate need in these areas, which can exacerbate the problems of fiscal health and investment in water infrastructure, water quality and autonomy of water utilities. In order to cope with increased demand over a static supply of water resources, better governance is a necessity for developed and developing countries in order to turn this threat into an

opportunity for positive growth and change. The United Nation's new Sustainable Development Goals, specifically Goal 6: to ensure availability and sustainable management of water and sanitation for all as well as the other 16, will significantly impact water management and governance in the developing world (UN 2015). Will these goals further the discourse of water governance or serve as just another version of green marketing to advance international development as an industry? The use of water as a political tool is not new. Regardless of your political leanings, water management and governance among all stakeholders is the only way for current and emerging urban areas to flourish sustainably. Across the board, those working in the water sector need to continue to share ideas and local best practices in order not to find the solution, but to find solutions that can best fit a situation.

## CONCLUSION

Reforms of the water services sector are an ongoing process in which their sustainability can be measured against their adaptability to new challenges, both internal and external, over time. What this article aims to have shown is an illustration of how conflicts of interest have been avoided and a system has been made creditworthy by adapting a governance framework. These are the lessons from the NYC experience. The success of reforms is not only measured in

response to what factors influenced them but how they will adapt to future issues that may arise.

The reform strategy of NY Water, analyzed through New Public Management theory, managed this delicate balance of present and future issues. The promulgation of New York State and local city laws, creation of new institutions and new governance of the sector that works with sector stakeholders addressed the underlying problems of financial health, aging infrastructure, water quality and utility autonomy that were brought to the surface due to external shocks, for the betterment of New York City. Over 30 years later New York City has water and the utility is still facing problems of supply, investment and water quality in the face of new issues of climate change and environmental resiliency. So far, the foundation laid by the reforms had proven strong enough to handle them.

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