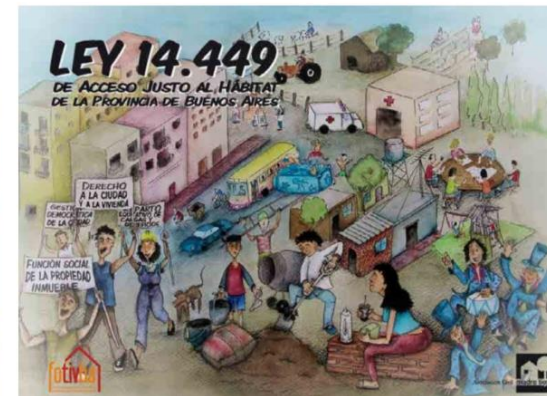


# Towards Adherence to Human Rights and the Right to the City

Africa – Latin America - Europe



**Understanding the Nature, Efficacy & Lessons of Civil Society Strategies for Influencing Policy**

Habitat International Coalition, 2020



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# Towards Adherence to Human Rights and the Right to the City

## Understanding the Nature, Efficacy & Lessons of Civil Society Strategies for Influencing Policy

### Africa – Latin America – Europe

*"This research highlights a small part of the tremendous and ongoing effort of civil society actors to influence public policies in favor of the implementation of human rights related to habitat and the right to the city. It also includes notable synergies between civil society and local governments and will hopefully be an inspiration to replicate strategies and enhance collaborative work.*

*For all of us and for the new generations, it is also an opportunity to rethink our world and influence current curricular lines by substituting competitiveness for collaboration and the profit of a few for the common good while addressing the root causes of inequality and social injustice."*



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Dajopen Waste Management (DWM)	Kenya
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Muungano wa Wanavijiji (MwW)	Kenya
Shelter and Settlement Alternatives (SSA)	Uganda
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# ***Introduction and Foreword***

## Introduction and foreword

Dear HIC Members, Friends and Allies,

Throughout its more than 40 years of experience on human rights related to habitat, Habitat International Coalition (HIC) has developed multiple strategies to ensure that all people have a safe place to live in peace and dignity. Three of these strategies have been developed around **the exchange of experiences that HIC Members have carried out at different levels with their communities, through advocacy and collaboration with local and regional governments, and through collaboration with academic and training institutions**. One of the strategies implemented by HIC has been to bring different groups together to work on common issues and address global challenges. HIC has always believed that the work of its Members and the Coalition itself must have an **impact on public policy** and **curricular lines** addressing habitat issues.

From this experience and reflection came the idea in 2018 of conducting an Action Research (AR) entitled '**A Framework for Understanding The Nature, Efficacy & Lessons of Civil Society Movement Strategies for Influencing Policy Towards Adherence to Human Rights and the Right to the City**'. This AR is a component of Habitat International Coalition's project 'Asserting People's Habitat Rights at All Levels' (APHRAL), carried out between 2018 and 2020 as funded by the Fondation Charles Léopold Mayer pour le Progrès de l'Homme (FPH), MISEREOR and the Ford Foundation.

Specifically, the AR seeks to fulfil Objective 2 of APHRAL:

**Civil society and grassroots organisations** (CSOs-GOs), in partnership with **local governments** (LGs) and **Academic and Training Institutions** (ATIs), have improved knowledge of strategies at the local level that can aid in the promotion of equity and environmental sustainability. These strategies should be able to influence local, regional, or global charters, policies, action plans, programmes and development in line

with *Right to the City (R2C)* and *Social Production of Habitat (SPH)* principles.

To this end, the AR included in its general Terms of Reference the following objectives:

- To understand how LGs have incorporated Human Rights and Right to the City elements to their management and public policies.
- To analyse strategies used by HIC members, as well as social movements/civil society actors pertinent to habitat struggles with whom HIC has a developing or strong relationship, strategies followed to ensuring that LGs address these elements in their management and public policies.
- To understand how LGs preserve policies that incorporate Human Rights and Right to the City elements when there's a change in political leadership or other external challenges such as migration, environmental damage or economic crises, among other factors.

Given the scale of the objectives of the AR and the limited time and resources, the research has been divided into three regional components: **Africa**, carried out by the HIC General Secretariat (HIC-GS) in collaboration with nine African HIC Members and Allies; **Europe**, with different sub-components, (1) a general overview carried out by HIC-GS in collaboration with post-graduate students from the University of Sheffield Department of Urban Studies and Planning (UoSUSP) and links to the full report, (2) Spain, carried out by David Hamou of HIC Member Observatori DESC (ODESC), (3) France, carried out by HIC Member Association Internationale de Techniciens, Experts et Chercheurs (AITEC), and (4) Germany, carried out by the HIC-GS; and **Latin America**, carried out by HIC Latin America Regional Office (HIC-AL) in collaboration with regional HIC Working Groups and HIC Members, exploring cases in Mexico, Brazil and Argentina.

As a reflection of the unique geographical contexts of each region and the resources available to the responsible teams, the exact scope and methodology has been modified for each; all, however, retain the unifying research objectives as outlined above.

### African Region

The African Region component of the AR was launched with the dissemination of TOR to Anglophone and Francophone HIC Members across the continent in July 2018, calling for interviews that formed the basis of data collection. In total, the AR contains 9 interviewed organisations.

The research was conducted in a desk-based capacity; interviews were conducted by Skype (or where internet infrastructure made this challenging, WhatsApp), with data supported by publicly available documents where relevant.

In comparison to other components, the African region has focussed more on how policy has been influenced by social movements and civil society actors, as opposed to how LGs have implemented and retained these changes; this is a reflection of the reality of sometimes extreme material structural inequalities meaning that, of those interviewed, most fighting for Human Rights and the Right to the City in Africa have limited resources and yet further limited access to the levers of change within LG institutions. This is further a reflection of the often limited capacity of LG's in Africa, whether through intentional constitutional limitation or as a consequence of highly limited capacities.

The African component has provided valuable insight into how different actors have responded to the extremely varied political contexts across Africa in the interest of influencing policy areas relevant to Human Rights and the Right to the City as diverse as adequate housing, land rights, WASH<sup>1</sup>, SWM<sup>2</sup>, forest management, women's rights, youth services, and even constitutional reform.

The conclusions of this component of the AR are not sweeping given that universal 'truisms' regarding how best to influence policy cannot be derived from a dataset of 9, nor a larger data set in a context so large and diverse as Africa. However, it does offer insight via the wide-ranging experiences of this fighting for Human Rights and the Right to the City; the efficacy of the use of contentious strategies such as protest in the contexts of Kenya and South Africa as used by ***Muungano wa Wanavajiji*** and ***Abahlali base Mjondolo*** respectively;

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<sup>1</sup> Water, Sanitation, and Hygiene

<sup>2</sup> Solid Waste Management

<sup>3</sup> 'Ley de Acceso Justo al Hábitat de la Provincia de Buenos Aires' in Spanish.

the navigation of the exceptionally tense political situation in Cote d'Ivoire by ***Action International de Développement Integral***, in a country where activism is easily captured by political interests; the benefits and drawbacks of influencing policy through grassroots community projects as opposed to lobbying, as in the cases of ***Shelter and Settlement Alternatives*** and ***Dajopen Waste Management***; the much needed mission and strategies of ***Women in Development and Environment (WorldWIDE Network)***, ***Human Settlements of Zambia***, ***Zimbabwe People's Land Rights Movement***; or the exceptional work carried out by the academic and research platform for urban issues ***Centre for Urbanism and Built Environment Studies***. Ultimately, its conclusions serve to offer a variety of contexts - political, cultural, geographical, and material – from which local habitat actors can draw lessons regarding the efficacy of different approaches to influencing government policy.

### Latin American Region

The Latin American regional component was launched in July 2019, being conducted from the HIC-AL office. Of the three components, the Latin American Region seeks to examine equally the process of influencing policy and its subsequent implementation and preservation in policy; in contrast to the other regions, it examines the history of the passage of key pieces of legislation in three countries in Latin America vis-à-vis the history and the institutional memories and perspectives of HIC Allies and Members in the region. As such, its analysis is weighted towards the specifics of the congruence between regulations, international conventions, social instruments, financial resources for policy on the one hand, and those seeking to influence policy on the other.

This component portrays three concrete struggles in which civil society played an essential role in getting laws passed in line with human rights and the right to the city and in favour of the most vulnerable groups. This is the case of the **Fair Access to Habitat Law of the Province of Buenos Aires**<sup>3</sup>, Argentina promoted by **Habitar Argentina** and the **Forum of Land, Infrastructure and Housing Organizations of the Province of Buenos Aires**<sup>4</sup> (FOTIVBA); the **Mexico City Charter for**

<sup>4</sup> 'Foro de Organizaciones de Tierra, Infraestructura y Vivienda de la provincia de Buenos Aires' in Spanish.

**the Right to the City**<sup>5</sup> (CCMDC), promoted by the **Popular Urban Movement** (MUP-CND), the **Latin American Office of the Habitat International Coalition** (HIC-AL) and HIC members such as **COPEVI** among others; and the **Urban Development Fund** (FUNDURB) of the Municipality of Sao Paulo, Brazil, promoted by multiple actors such as the **National Forum of Urban Reform**<sup>6</sup> (FNUR) or the HIC member **National Union for Popular Housing**<sup>7</sup> (UNMP) among others.

### European Region

Given numerous and well-publicised victories for those fighting for Human Rights and the Right to the City in Europe at the LG level, the first phase of the European section took the form of a collaboration with post-graduate students from the UoSUSP, a literature review of trends pertaining to the strategies of actors campaigning for HRS and the R2C; of movements that have successfully secured positions of authority within LGs, namely in Barcelona; and an analysis of the means through which these trends have sought to be retained. This collaboration was strictly desk based and grounded in academic and 'grey' literature, providing a useful basis on which data-collection can occur.

The second component of the European Research, dealt more robustly with analysis and data-collection, with attention given to case studies of particular interest identified in the literature review in France (Paris), Spain (Barcelona) and Germany (Berlin). The Spain component has been conducted in collaboration with David Hamou of HIC Member **Observatori DESC**, who was commissioned to conduct the in-depth research into the case studies of Barcelona and the most relevant actors fighting for human rights and the right to the city such as the **Plataforma de Afectados por la Hipoteca**, the **Sindicat de Llogaters i llogateres** and the political platform **Barcelona en Comú** that gain the municipal elections with a human rights grounded program. HIC Member in France, HIC Member **AITEC** was responsible for the analysis of France case including remarkable initiatives by HIC Member **Droit au Logement**, the **Jeudi Noir** collective which brings together and organises young, precarious students, and the **MACAQ**, movement for cultural and artistic activities in the neighbourhood<sup>8</sup>.

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<sup>5</sup> 'Carta de la Ciudad de México por el Derecho a la Ciudad' in Spanish.

<sup>6</sup> 'Fórum Nacional de Reforma Urbana' in Portuguese.

<sup>7</sup> 'União Nacional por Moradia Popular' in Portuguese.

The German component has been developed by the HIC-GS and has documented a plethora of actions to ensure the human right to adequate housing in Berlin by diverse collectives such as **Kotti & Co**, **Bizim Kiez** and **Stadt von Unten**<sup>9</sup>.

### Local governments for human rights

The final chapter describes effective methods for fostering cooperation between local governments and local stakeholders and the efficiency of measures to protect and promote human rights. This final section also identifies major challenges faced by local governments with regard to this task as well as conclusions and recommendations from the perspective of the United Nations and Local Governments with input from civil society groups.

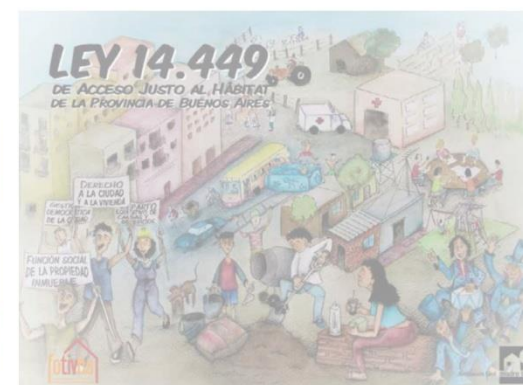
This research highlights a small part of the tremendous and ongoing effort of civil society actors to influence public policies in favor of the implementation of human rights related to habitat and the right to the city. It also includes notable synergies between civil society and local governments and will hopefully be an inspiration to replicate strategies and enhance collaborative work. For all of us and for the new generations, it is also an opportunity to rethink our world and influence current curricular lines by substituting competitiveness for collaboration and the profit of a few for the common good while addressing the root causes of inequality and social injustice.

HIC General Secretariat

<sup>8</sup> 'Mouvement d'Animation Culturelle et Artistique de Quartier' in French.

<sup>9</sup> 'City from Below' in English

# Africa



# Africa

Francis E. Clay

Habitat International Coalition, General Secretariat (HIC GS)

## Foreword

As global politics trends towards instability and uncertainty, national and local governments across the globe increasingly retreat from, and even actively undermine, their duties and obligations to uphold their citizen's rights, whether human, civil, collective, or traditional. Hard-won victories achieved by grassroots movements and civil society organisations in the arenas of emancipation, liberation, and human dignity in human habitat are under siege; popular anger at political, economic, and social realities in cities and settlements has played into the hands of those who seek to advance a politics of greed and conflict. It is critical in this moment in human history that we take stock of the strategies that are being used to advance habitat rights at all levels, so that we may renew and redouble our efforts in these struggles.

Population	1950	1970	1990	2000	2005	2010	2015	2020	2030	2050
Total population (thousands) .....	179 007	280 908	490 605	639 661	729 733	836 364	958 577	1 094 366	1 399 888	2 117 731
Median age (years) (a) .....	19.1	17.9	17.2	17.6	17.8	17.9	18.2	18.7	20.1	23.9
Population under age 15 (thousands) .....	74 701	123 882	223 190	283 507	321 079	365 969	413 860	460 344	546 359	702 977
Population aged 15-24 (thousands) .....	33 806	51 931	93 664	127 994	146 648	165 903	189 020	217 653	282 939	398 921
Population aged 25-64 (thousands) .....	64 706	96 684	158 905	208 922	240 676	280 264	327 707	383 484	524 056	914 438
Population aged 65+ (thousands) .....	5 793	8 411	14 846	19 239	21 330	24 227	27 991	32 885	46 535	101 395
Percentage of population under age 15 .....	41.7	44.1	45.5	44.3	44.0	43.8	43.2	42.1	39.0	33.2
Percentage of population aged 15-24 .....	18.9	18.5	19.1	20.0	20.1	19.8	19.7	19.9	20.2	18.8
Percentage of population aged 25-64 .....	36.2	34.4	32.4	32.7	33.0	33.5	34.2	35.0	37.4	43.2
Percentage of population aged 65+ .....	3.2	3.0	3.0	3.0	2.9	2.9	2.9	3.0	3.3	4.8

Sub-Saharan Africa. Probabilistic Projections, Total Population and population by ages  
(Source: World Population Prospects 2019)<sup>1</sup>

<sup>1</sup> Available at  
[https://population.un.org/wpp/Graphs/1\\_Demographic%20Profiles/Sub-Saharan%20Africa.pdf](https://population.un.org/wpp/Graphs/1_Demographic%20Profiles/Sub-Saharan%20Africa.pdf)

These processes have had a particularly negative impact in sub-Saharan Africa, specifically on the access to adequate housing and land. To get an idea of the challenges that the continent faces today and in the near future, we must consider the estimated increase in population, which will double by 2050, tripling the number of older people and where almost half of the population will be of working age. This represents an enormous human capacity to improve the life of local communities. In order to channel this human potential and guarantee all human rights related to habitat in sub-Saharan Africa, civil society organizations play a fundamental role. It is necessary to compensate the current shortcomings in contexts of poverty and inequality where the basic needs of communities are not met by states and the private sector. By highlighting the work and strategies of a prominent group of African organizations and collectives, we want to show the diversity of solutions and the possibility of replicating successes and good practices.

This report has been produced by the Habitat International Coalition (HIC) which benefits from over forty years of history in the fight for social justice and human rights in and for all forms of human habitat. HIC's expertise and knowledge comes from the diversity and ingenuity of the work of its global membership, a network of over 350 members whose experience cannot be overstated. Capitalising on this diversity, this report collates and analyses member strategies in a snapshot of some 71 HIC Members and Allies in the African Region.<sup>2</sup> It considers the variety of ways in which members seek and have sought to influence government policy, particularly local government policy; the victories and failures, challenges and opportunities they have seen in their endeavours; and through this understanding suggests ways in which this vital information can be imparted into support and training for those championing habitat rights moving forwards.

<sup>2</sup> As of 2017. HIC (2017) *HIC Annual Report 2017* (HIC Coordination Office, Barcelona)



Meeting among HIC Members and local communities in Nairobi, Kenya.

Source: Habitat International Coalition

As well as an analysis within the objectives of the wider research project *Asserting Peoples Habitat Rights at All Levels* (APHRAL), this component should also be seen as a welcome and warm engagement with our Members, Allies and Friends in Africa. Through this component have sought to represent the voices of those fighting for habitat rights in a continent where such struggles have often been pursued with an unending drive towards a better world, while often being met with hostility and even at times brutality. We hope that as well as being of use to those seeking to build a progressive world where all can live in a human rights habitat, the process of building

and publishing this report shall strengthen and renew our solidarity in these struggles.

### Acknowledgements

This component of the HIC Action Research *Asserting Peoples Habitat Rights at All Levels* (APHRAL) has been a collaborative between African HIC Members, the HIC General Secretariat, and organisations with a historical or developing connection to HIC and its mission. Our gratitude goes out to those leaders and members of organisations fighting for human rights habitat, the right to the city, and progressive urban and rural development who spared time from their busy schedules to contribute to this work.

## I. Methodology and Analytical Approach

### Introduction

This report analyses the strategies utilised by HIC Members and organisations with an evolving relationship with HIC, namely Civil Society Actors (CSAs), Social Movement Organisations (CSOs), and Non-Governmental Organisations (NGOs) (henceforth collectively referred to as 'Local Habitat Actors (LHAs)'), to influence Local Government (LG) policy. Specifically, this report is conducted with a regional focus on Africa, to supplement analyses being conducted in Latin America and Europe. Detailed terms of reference can be found in Annex 1; in the shorted possible terms, the African region of APHRAL seeks to answer the research question:

*How best can LHAs influence government policy, in particular LG policy, and what lessons can be learned from these experiences to be replicated by other LHAs and imparted in training for future efforts?*

This report offers an analysis based on a methodology and analytical framework derived from the limitations of the research; the complexity of comparatively analysing across varied political and social geographies in Africa; and academic/grey literature that exists on the efficacy and nature of strategies employed by LHAs in their efforts to influence policy.

This report is structured in three sections. Section 1 presents the introduction to the report and the explanation of the methodology of both data collection and analysis. Section 2 contains the presentation of the data collected. Each LHA is presented separately, detailing

who they are and what their objectives are; the context in which they are operating; the strategies they employ; and the successes/challenges they face in doing so. Section 3 has the concluding analysis, guided by the analytical framework, presenting tangible lessons that can be imparted to Academic and Training Institutions (ATIs) moving forwards.

### *Methodology*

This research was the product of a qualitative desk-based study, with the research team being based in the HIC-GS Barcelona office. The majority of the data collected to answer the research question was derived from a series of interviews with key individuals in HIC Members and Allies as well as organisations with an emerging relationship with HIC. Where possible, external documents and resources have been included to supplement this interview data, however this has not been possible in all cases due to documents not being publicly available.

Interviewees volunteered their time to contribute to the research, responding to a Call for Participation published on the HIC-GS Website and distributed by email. Once initial interviews had been conducted, additional participants were selected to balance out weighting in the interviewees along gender and linguistic lines. This has ensured a balanced representation of views from male and female interviewees, as well as Anglophone and Francophone organisations.

Most potential participants invited for interview were sent a short survey, which can be seen in Annex 2, to allow the potential participants to prepare for the interview. The interviews with Members each lasted around 30-45 minutes, the structure and guidance for which can be found in Annex 3. Interviews were semi-structured and recorded, with transcripts produced for review and analysis later. Where possible, interview data has been supplemented by additional source in the interest of fleshing out case studies and discussion points, as opposed to triangulation of the views of interviewees.

### *Analytical Approach*

Understanding and overcoming the challenges of comparing different LHA strategies in Africa is fundamental to this action-

research. While a full explanation of and the rationale behind this approach can be found in Annex 4, the framework for analysis is explained here; including the strategy to overcome the limitations of the research; and providing a more nuanced, grounded understanding of LHA strategies and their effectiveness.

Such a framework is necessary because the nature of the question and the dataset at hand make drawing conclusions from the dataset difficult. These challenges stem from the diversity of LHA's in question.

LHA's presented here range from social movements organised around a single administrative issue; broader national NGOs focussing on a single wider range of issues; research groups, and so forth. Hence, comparative analysis is frustrated, as it is a foregone conclusion that organisations of different forms with diverging objectives will employ different strategies with varying efficacy, especially when in different historical, social, and political contexts.

It should also be noted that this framework was chosen over popular approaches to analysing LHA strategies, which tend to take a largely macro approach to theorisation such as focussing on societal or political structures as the key determinants of success, or of the role of ideas and identities in strategies employed.<sup>3</sup> Such approaches would offer little to answering the research question presented.

### *Common Ground and Divergence in LHAs*

As is seen in Section 2, each LHA is presented with their unique missions and contexts. However, in order to draw conclusions across them, it is necessary to more readily identify areas of common ground and divergence.

Because the research question is broad in scope, it is necessary to break down the different themes relevant to understanding the efficacy of their strategies. Each LHA is therefore assigned different descriptive tags within four categories. In doing so, diverging and converging aspects of LHAs can more readily be seen, thus opening comparative analysis between organisations grounded in otherwise complex and diverse histories, politics, and agendas.

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<sup>3</sup> Nulman, E. and Schlembach, R. (2017). 'Advances in social movement theory since the global financial crisis'. *European Journal of Social Theory* <https://doi.org/10.1177/1368431017714213>; Edwards, G. (2014). *Social Movements and Protest* Cambridge: Cambridge University Press ; see Tarrow, S. (1998). *Power in*

*Movement: Social Movements and Contentious Politics*. Cambridge University Press, New York for a seminal example of this school of thought

The intention is NOT to distil the organisations into neat categories – rather, it is simply for the sake of final analysis and drawing conclusions across such a diverse set of LHAs.

The categories chosen towards answering the research question refer to identifying common ground and divergence internally to the organisation - its objectives, structure, and strategies employed – and in the environment that they work, in terms of the political context of the policies they are seeking to change. The tags that are ascribed can be done in any number of combinations, and are designed to reflect (but not objectively categorise) the LHAs based on interview responses.

#### *Categories and tags assigned to LHAs*

A full explanation of, and rationale behind, the categories and tags can be found in Annex 4. They are summarised below:

#### **Political Context**

Is the government *generally* somewhat **Receptive** or **Unreceptive** to civil society input?

Is the government **Centralised** at the national or **Decentralised** to the local level?

#### **LHA Type**

Is the LHA a **Social Movement Organisation**, **NGO**, or **Research/Education Institution**?

Does the LHA work **Locally**, **Nationally**, or **Globally**?

#### **LHA Objectives**

Does the LHA seek to influence policy pertaining to **Political**, **Social**, or **Material** injustices, as grounded in the components of the Right to the City Agenda (R2CA), explained in Box 3?

#### **LHA Strategies**

As grounded in dominant strands of social movement theory<sup>4</sup>, does the LHA use

**Contentious** strategies (demonstrations, public protest, petitions etc),

**Cooperative** strategies (collaboration and dialogue between the government and organisation e.g. workshops, policy forum, joint projects),

**Grassroots** strategies (engendering change either in communities to influence the government approach) or

**Scale-Jumping** (using the international realm to influence government policy eg. engagement with international forums).

It should be noted that these categorisations can be applied in any number of combinations, reflecting the differences in the diversity of repertoires employed by LHAs. Section 2 presents the findings of this research, as undertaken in the methodology outlines here towards answering the research question.

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<sup>4</sup> See Tilly, C., and Tarrow, S. (2007). *Contentious Politics*. Oxford University Press, New York.; see also Edwards, G. (2014). *Social Movements and Protest* Cambridge: Cambridge University Press for a good discussion on these debates

## II. Local Habitat Actors

This section presents the data collected on each LHA through interviews and secondary resources. Each LHA is presented in turn, detailing who they are and what they do; their strategies and the organisations with which they work to do so; and the challenges and successes they have faced.

### Action Internationale de Developpement Integral (AIDI)



LHA Type – National NGO

Objectives – Social/Political

Political Context – Unreceptive/Decentralised

Strategies – Cooperative

#### Who are AIDI?

Action Internationale de Developpement Integral (henceforth AIDI) is a Côte d'Ivoire research and advocacy organisation founded in 1994 with a focus on Sustainable Development, working in the areas of

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<sup>5</sup> See UNDP (2011) *The Conflict in Cote d'Ivoire and its Effect on West African Countries: A Perspective from the Ground*. UNDP, Geneva  
<https://www.undp.org/content/dam/rba/docs/Issue%20Briefs/The%20Conflict%20in%20Cote%20d'Ivoire%20and%20its%20Effect%20on%20West%20African%20Countries%20a%20Perspective%20from%20the%20Ground.pdf>. For an analysis of the causes of Cote d'Ivoire's political crises between the turn of the Millenium and 2011, see Torrent, L and I Potokar (2013). 'Côte d'Ivoire: International response and origins of the conflict'. *United Explanations*, <http://www.unitedexplanations.org/2011/04/04/international-response-to-the-current-situation-in-cote-divoire-and-the-origins-of-the-conflict/>; see

training capacity development, action research, and campaigning for policy reform over a diverse range of issues related to the creation of just human habitat. AIDI became HIC Member in 2015 and joined the preparations of the Habitat III conference.

AIDI works with a logic that secures changes that benefit people, especially in the complex post-civil war political context of Côte d'Ivoire. Edouard Yao, Director of AIDI, noted that coordinated grassroots action is difficult, requires both local and national action.<sup>5</sup> This is particularly true of organisations campaigning around habitat issues - land and its distribution after the second Civil War as these have been delicate subjects that have been embedded ethnic and political tensions.<sup>6</sup> Caution is, therefore, taken by AIDI when attempting to influence policy.

#### What are their strategies?

Eduard Yao, pointed out that engaging in open lobbying efforts is challenging in Cote d'Ivoire, because actions such as protests, petitions, and even advocacy campaigns are readily politicised by the numerous political factions in the country, and can quickly be misrepresented as being actions carried out along ethnic lines. As such, AIDI uses, in most cases, a less direct approach, educating the public through various channels, primarily:

- Action Research - For the diversity of habitat issues that AIDI deals with, Action Research offers an avenue of influencing government policy because it allows the creation of demonstrably executable projects and programmes. Eduard Yao states that:

*"governments are always looking for policies and programmes that have evidence to say they are effective costed"*

By conducting Action Research, issues can be uncovered and brought to attention, and solutions that are being attempted can

Al Jazeera (2011) *Timeline: Ivory Coast*  
<https://www.aljazeera.com/news/africa/2010/12/2010121971745317811.html> for a succinct summary of the events leading to and during both civil wars.

<sup>6</sup> See for example Human Rights Watch (2013) *"That Land is My Family's Wealth": Addressing Land Dispossession after Cote d'Ivoire's Post-Election Conflict*.  
<https://www.hrw.org/report/2013/10/09/land-my-familys-wealth/addressing-land-dispossession-after-cote-divoires-post>

likewise be brought the government attention as practical. This makes the adoption of said programmes as policy more likely.

- Youth programmes - Youth unemployment in Cote d'Ivoire is exceptionally high, and such programmes are seen as particularly important as a means of building community cohesion and ensuring that young people are engaged in meaningful activity.<sup>7</sup> However, such programmes can also serve as a means of overcoming the political challenges of activism in Côte d'Ivoire.

AIDI trains community leaders, especially youth, but at the same time works within specific subjects with the government and research institutions, focussing on pressuring for reforms towards policies of sanitation, climate change, corporate social responsibility, and more. In doing so, the Youth Programmes conducted by AIDI serve as a means of encouraging social change through future leadership, a long-termist approach that offers less immediate visibility to issues, but that provides communities with well prepared and knowledgeable leadership to offer concrete solutions in terms of environmental and social rights and sustainability.

- Workshops and Public Forums - Where politicians need to be lobbied, a means of navigating Côte d'Ivoire's complex political situation is the use of workshops and public forums as a means of spreading awareness to communities. As well as having a subtle, long-term effect of bringing habitat issues to people's attention, and equipping them to deal with problems such as settlement sanitation more readily, such forums and workshops can be used as media events where the press and key politicians can be invited.

By bringing together the public practitioners, politicians, and crucially the press, those with hands on the levers of power in attendance face a level of public accountability; failure to take the workshops seriously results in bad headlines, thus creating a gentle pressure to act in accordance. This pressure is grounded in the fact that these are workshops with issues and solutions discussed by those directly affected in communities; ignoring such messages gives the impression that the political agents are 'out of touch' with their constituents.

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<sup>7</sup> See OECD (2019) *Key Issues Affecting Youth in Cote d'Ivoire* <https://www.oecd.org/countries/cotedivoire/youth-issues-in-cote-ivoire.htm>

### *AIDI's Allies/Partnerships*

AIDI values partnerships with other organisations, whether directly through individual projects, or continuously through regional and international networks. These networks play to different strengths – collaboration with LEAD International and the Center for Sustainable Development, for example, offers the opportunity to strengthen and share techniques for leadership training, while participation in the programme Francophone Africa, based in Dakar, focusses strengthens both capacity and legitimacy specifically for AIDI's youth programmes.<sup>8</sup>

Conversely, AIDI's participation with HIC gives AIDI a foot in issues pertaining closely to the communities that they work: informal settlements and their rights, access to education, sanitation, and other threats of sustainability that are grounded in threats to Human-Rights Habitat. Participation in networks have offered valuable experiences for knowledge exchange, opening up new strategies for influencing government policy. They also lend legitimacy to the organisation, important in a country where the intrusion of the political class into social movements and lobbying efforts can be dangerous; with international connections, AIDI has allies and an image of credibility that affords it independence from political influence.

AIDI's participation with HIC further points to an implicit acknowledgement of the social and political dimensions of achieving sustainable development; that material interventions alone will not change the structures that have lead to exploitative industrial and social practices, rather leadership must be trained that can direct the country towards a Human Rights Habitat.

### *What have been AIDI's Successes/Challenges?*

Workshops and forums, while offering crucial exposure for issues, also offer some long-term impact on local and national policy. For example, in the Washington informal settlement, government relocations of inhabitants had entirely neglected to consider their livelihoods; AIDI hosted a workshop on the matter, inviting key media and government figures, which then led to further consideration of the policy. Relocation policy is a complex and resource consuming

<sup>8</sup> For more information on CENTRE see <https://csd-i.org/paises-orgs-proyectos-miembros/>; for LEAD see <https://lead-international.com/>

aspect of local and national government, and a single workshop is unlikely to directly lead to its wholesale revision.

Indirectly, however, local and national governments must proceed on the understanding that ignoring these lessons will continue to generate negative press, especially when participation in these workshops is publicised via the media and not then acted upon. That said, this approach is not always successful - as Edouard put it:

*"politicians come and nod their head in agreement, and then go away to their offices satisfied that they have done enough"*

AIDI has received international recognition for its work in youth training, however the extent to which this has translated to an influencing of government policy is to be seen. This is, ultimately, a long term strategy for change, and observation of its impact will be seen not today but in a generation's time; it is, however, a strategy that resonates with global trends, where youth are increasingly taking a leadership role in contemporary urban issues, particularly those surrounding sustainability and environment.

AIDI's greatest successes in terms of influencing policy are medium and long-termist in nature. It does so with a non-confrontational, largely cooperative approach; its focus on social and political change points to a desire to create structural change towards sustainability and human rights, educating communities and leaders as to the benefits of implementing more progressive and effective policies that particularly benefit the urban poor. AIDI's participation in international networks is strategic, lending credibility and informational resources that benefit their work without seeking material dependence for their projects.

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<sup>9</sup> Note: CUBES is somewhat of an exception to the receptive/unreceptive tag, as it is an institution (albeit an educational, not governmental institution) within the South African context that does not strictly focus on influencing policy; based on the

## The Centre for Urbanism and Built Environment Studies (CUBES)



LHA Type – Regional ATI

Objectives – Political/Social

Political Context – N.A.<sup>9</sup>

Strategies - Cooperative/Scale-Jumping

*Who are CUBES?*

The Centre for Urbanism and Built Environment Studies (CUBES) is an academic and research platform for urban issues, learning and civic engagement located in the School of Architecture and Planning of Wits University, South Africa. CUBES leads research that considers how urban citizens and marginalised people are affected by the material realities of cities, built environments at different scales, access to urban goods and spaces, and contestations over urban physical and political orders.

CUBES values critical reflection on existing practices of development planning and architecture. Hosting the city research thrust of the university, CUBES has developed a reputation for its projects in thematic areas such as housing, informality, and urban governance. Its critical stance means that this research seeks to have a transformative impact, both in terms of academic discourse, and in terms of the professionals the university produces.<sup>10</sup>

*What are their strategies?*

interview, it is therefore not clear how receptive or unreceptive the South African political context is to the sorts of approaches they teach their students.

<sup>10</sup> See CUBES website: <https://www.wits.ac.za/cubes/>

CUBES' does not seek to directly influence local government policy per se; unlike other LHAs in this report, CUBES is first and foremost an ATL, as opposed to an NGO or SMO seeking to remedy a specific problem pertinent to a local or regional area. Much of its output is, however, focussed on social issues, particularly injustices - human rights abuses, informal settlements and so forth.

CUBES can be said, therefore, to have three means of influencing government policy in these areas. First, while not strictly a strategy, CUBES does sporadically take an activist stance on issues that its faculty consider to be of importance. CUBES took, for example, a public stance against efforts by the South African state to clear out informal street vendors from their areas of work. CUBES faculty do tend to share a common worldview – while not necessarily a detailed policy agenda, they support progressive approaches to informal settlement upgrading and other issues which, when faculty are drawn into public debate on, forces CUBES to take an “official” stance. This might take the form of statements and discussions with officials, as opposed to activist mobilisation.

The second of these is through its academic output. The first of these is in terms of its research into issues of government policy, whether in terms of researching the efficacy and impacts of policies themselves, or in terms of researching the substance that those policies seek to affect. CUBES has published in recent years, for example, articles of research pertaining to the experience of living in public housing in South Africa, which in turn feeds into policy debates as a critical, progressive voice in this arena.<sup>11</sup> Such research also uncovers voices, issues, and challenges faced by societies most marginalised; particularly, those who live informal lives whether due to lack of formal tenure or due to the nature of their livelihoods. This offers a valuable channel for people in such conditions between themselves and policy circles, who are otherwise beholden to political or donor interests in

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<sup>11</sup> For example: Charlton, S., & Meth, P. J. (2017). Lived experiences of state housing in South Africa's cities: Johannesburg and Durban. *Transformation: Critical Perspectives on Southern Africa*, 93, 91-115, and Lemanski, C., Charlton, S., & Meth, P. (2017). Living in state housing: expectations, contradictions and consequences. *Transformation: Critical Perspectives on Southern Africa*, 93(1), 1-12.

See CUBES publications, 2017: <https://www.wits.ac.za/cubes/publications/>

terms of formulating governance practices; academic independence is vital in terms of offering this critical influence on these debates.

Finally, the pedagogic objectives of CUBES mean that the professionals emerging from the school are trained with an ear to local, marginalised voices. By way of example, CUBES' 'City Studios' form part of its teaching curriculum, wherein students engage in workshops, forums, and resultant interventions in with local people in marginalised areas.<sup>12</sup> As well as the benefits of the interventions themselves, such teaching approaches mean that students leave the school with an understanding of disciplines such as urban planning, which are often taught in dogmatically legalistic terms as opposed to social and political professions, that is inherently critical and progressive. These professionals in turn form part of the policy debate moving forwards.

#### *CUBES's Allies/Partnerships*

CUBES, while based in the Wits University, conducts much of its work collaboratively, networking with other ATLs and LHAs across Africa as a whole. The CUBES faculty have a long standing relationship with HIC, particularly Dr. Marie Huchzermeyer, Professor of Architecture and Planning and Director of CUBES 2015-2017 who has participated in the struggles of HIC members and allies such as AbM, and in broader campaigns such as those for the incorporation of Human Rights into urban policies, and in campaigns for the adoption of the Right to the City.

CUBES is a member of both HIC and the Global Platform for the Right to the City, as well as academic networks such as Urban-Lab+, African Urban Research Initiative (AURI), the African Centre for Cities.<sup>1314</sup> These networks open up new pathways for future research, while keeping the facility in tune with the international dimension of struggles for Human Rights Habitat and the Right to the City.

It should be noted that Marie- Huchzermeyer was in support of the struggles of AbM, members during a period of violence against

<sup>12</sup> Bénit-Gbaffou, C. S. Charlton, S. Didier, K. Dörmann (eds.) (Forthcoming, 2019). *Politics and Community-Based Research Perspectives from Yeoville Studio*, Johannesburg. Wits University Press, Johannesburg.

<sup>13</sup> <http://www.turning-tables.it/urban-lab/>

<sup>14</sup> <https://www.africancentreforcities.net/programme/knowledge-networks/african-urban-research-initiative/>

them.<sup>15</sup> However, while notable in that it speaks to the makeup and institutional memory of CUBES, and hence its sympathies, goals, and allegiances, it speaks less of the capacity of the institution to act *directly* as a LHA; ultimately, the work of CUBES must be judged on its own as opposed to by its constituent members.

#### *What have been CUBES's Successes/Challenges?*

Generally speaking, as an organisation with limited resources in terms of funding and permanent staffing, CUBES has faced significant challenges in terms of influencing policy directly. Perhaps the most consistent effect of CUBES has been training professionals, officials, and even politicians who have studied with them in the past, thus creating friendly, or at least sympathetic, responses to CUBES's position on different issues. Likewise, actions such as the City Workshops mean that students are consistently engaged and are taught along the lines of said progressive approaches. That said, other initiatives have generally seen limited responses from officials – in one instance, a pilot for informal settlement upgrading that CUBES faculty were involved with was shelved, for example. Hence, CUBES can be seen as having a long term impact through its pedagogical work, but a more limited direct short term impact on policy.

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<sup>15</sup> For an informative account of this case, see documentary film 'Dear Mandela: A film about unfreedom'. A summary can be read here: Sacks, J. (2012) Dear mandela: A film about unfreedom.' *Mail&Guardian* <https://mg.co.za/article/2012-05-14-a-film-about-unfreedom>

<sup>16</sup> <https://www.world-habitat.org/world-habitat-awards/winners-and-finalists/dajopen-waste-management-project/>

## **Dajopen Waste Management (DWM)**



LHA Type – Local NGO

Objectives –Material

Political Context – Receptive-Decentralised

Strategies - Cooperative/Grassroots

*Who are DWM?*

Dajopen Waste Management (Henceforth DWM) is a Kenyan Civil Society Organisation that operates primarily in Kitale, Kenya, working to promote sustainable waste management practices in urban and peri-urban areas. DWM works with communities to produce tangible and useable products and tools recycled from refuse and waste which can then in turn be used to improve agricultural, livestock, and waste management practices. DWM also works with communities to train groups in sustainable waste management practices, lobbying the local and national governments to support and adopt these techniques.

DWM has received numerous awards from national and international bodies, including the Dubai International Certificate for Best Environmental Practices (2010); 2nd prize in the 2014 Community Based Enterprises Category for the National Environment Trust FUND Kenya; and as a Finalist for the 2012 World Habitat Awards.<sup>161718</sup>Further,

<sup>17</sup> <https://www.urbangateway.org/document/dajopen-waste-management>

<sup>18</sup> <https://www.facebook.com/NETFUNDkenya/posts/dajopen-waste-management-winner-of-the-2nd-prize-in-the-community-based-enterpri/787145808009437/>

in 2019 DWM was awarded in the Transformative Cities Atlas of Utopias, an initiative documenting global examples of innovative approaches to resolving the world's most pressing urban issues, in DWM's case sustainability and community management.<sup>19</sup>

#### *What are their strategies?*

Influencing LG policy is not the main focus of the work of DWM; their practices focus on direct community intervention and training, as opposed to seeking shifts in policy. That said, DWM does engage in the following practices to influence broader government policy:

- Advocacy for sustainable environmental and waste management practices at the national and international level. This is done through several channels, including offering presentations and exhibitions at relevant regional and international forums, and through community workshops at the local level.
- Lobbying of government through relevant channels, including policy workshops and exhibitions. This has usually been at the invitation of the Kenyan government following international attention received for the quality of DWM's work.

#### *DWM's Allies/Partnerships*

DWM makes extensive use of its regional and international connections in support of these works; fundamental to both DWM's lobbying and advocacy efforts have been the drawing of international and regional efforts to their local community work. Through participation in numerous international and regional competitions, showcases, and exhibitions, DWM has received considerable international attention, in turn drawing attention from both the Kitale LG and the Kenyan National Government to engage in policy discussions. David Ngige is actively engaged in the HIC network, participating in the HIC's in person and online meetings and well connected to HIC Members across the region.

#### *What have been DWM's Successes/Challenges*

DWM has been highly successful in their direct material interventions and community interventions; in 2012, for example, it was reported that 21,000 people had participated with DWM activities, and that of

those 95% of people had changed their waste management practices.<sup>20</sup> The international accolade received for DWM's work is in itself a remarkable achievement, and has the effect of drawing attention and credibility, both nationally and internationally, to the issues and bottom-up solutions put forth by communities. This credibility in turn influences the Kenyan government, namely at the national level, to adopt policies and approaches advocated for by DWM.

However, David Ngige reports significant frustration with both local and national government in their engagements, citing a lack of technical expertise in key government and administrative positions pertaining to agriculture and waste management; a failure to follow up on promises of meetings and collaboration. That said, DWM has successfully lobbied to secure government funding for future projects, including research involving cost-prohibitive chemicals. This is indicative of an evolving relationship between DWM and the national government, however developing such partnerships takes time. Local governments and municipalities are reportedly more challenging to engage with and influence - the lack of municipal intervention in urban areas is arguably one of the reasons why DWM's work is so important to the communities they serve.

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<sup>19</sup> <https://www.hic-net.org/two-hic-members-winners-of-2019-transformative-cities-peoples-choice-award/>

<sup>20</sup> See World-Habitat (2012) *Dajopen Waste Management Project* <https://www.world-habitat.org/world-habitat-awards/winners-and-finalists/dajopen-waste-management-project/>

## Human Settlements of Zambia (HSZ)



LHA Type – National NGO

Objectives – Material

Political Context – Receptive/Decentralised

Strategies - Cooperative

*Who are HSZ?*

Human Settlements of Zambia (Henceforth HSZ) is a national NGO of Zambia; it was founded in its present form in 1982 when local people took leadership of an existing Quaker movement organisation run by American staff, making HSZ's roots stretch back to 1953, prior to the country's independence.<sup>21</sup> Today, HSZ works in five provinces in the country: Lasaka, Copper Field, Central Province, Muchinga Province, and Southern Province. Its mission is the broad-based aim of improving the material conditions of Zambians living in peri-urban areas in the context of the country's transition from an economy based on copper extraction activities to one with diversified livelihoods. The work of HSZ is diverse, ranging from the provision of assistance in navigating administrative and bureaucratic systems, to the construction of clinics and other settlement upgrading activities, to the provision of small loans for market traders.<sup>22</sup> HSZ works very closely with LGs in Zambia, specifically with Councils.

*What are their strategies?*

It should be noted that HSZ's mission and focus is on direct material interventions and the provision of services to communities in the interest of following and supporting existing policies. Viktor Kwanga recognises there are significant flaws in certain national laws and

policies, especially with regards to the Land Act which he sees as "porous" and in conflict with legally recognised customary land practices. HSZ, however, does not advocate explicitly for such changes, responding to perceived policy flaws by:

*"Encourage(ing) people to follow the (existing) laws and resources that are available... we help people follow the statutes, that they cannot access without money".*

In this sense HSZ can be said to be seeking to reinforce existing rights and policies of people to land and services through:

- Community Participation - HSZ uses an "elaborate participatory approach", particularly in terms of identifying community needs. Viktor describes HSZ's work in terms of the delivery of material interventions as being that of a facilitator:

*"We don't really introduce projects ourselves, we only interact with them, facilitate and take advantage of (the communities') knowledge - they know their situation much better than us"*

Given the close relationship between HSZ and the Zambian local governments, especially the Lusaka City Council, they are able to reliably draw the government's attention to problem areas, for which it is trusted in terms of suggesting deliverable solutions - HSZ has received funding for clinic construction, for example, where this was identified as a gap in services. This in turn means that HSZ routinely, albeit indirectly, draws attention to gaps in government policies relating to habitat.

- Governmental Collaboration - HSZ has a lengthy and very close working relationship with the government; many of its interventions effectively see the organisation working as a client or collaborator with the government, including Lusaka City Council and the national Ministry of Housing. This can be seen, for example, in the 1990s, where HSZ was a key partner in designing and executing settlement upgrading programs - in effect, the policy at the local level was helped shaped by HSZ. HSZ has developed an exceptionally strong reputation as being well connected to people's needs, and so the

<sup>21</sup> Turner, B. and A. Maskrey (1988). 'Human Settlements of Zambia' in Turner, B. (ed.) *Building Community: A Third World Case Book*. Building Community Books, London

<sup>22</sup> Mulenga, C. (2003). *Understanding Slums: Case Studies for the Global Report on Human Settlements 2003. The Case of Lusaka, Zambia*. University of Zambia, Lusaka.

government trusts HSZ as a partner to know well what people need and want for their communities.

This allows for influence over the direction that policy implementation takes at the local level. When requested to build markets, for example, HSZ focussed on women and youth participation, and made the facilities adapted to their needs. This is achieved through intensive community participation, beginning at the very conception of the project; the identification of needs, planning of the project, and even material labour where needed is derived from community participation, all save for expertise that is lacking in the community such as advanced engineering or medical knowledge. As such, given the freedom HSZ enjoys in terms of delivering projects, communities can be said to have a principal say in how government policy is executed in these areas.

#### *HSZ's Allies/Partnerships*

As well as the government, HSZ seeks to work with like minded organisations at the national and international level. HSZ regularly draws on local volunteers, community groups, and other stakeholders such as architects and other experts in their work - volunteer and community work provides the vast majority of the actual labour and assistance for HSZ's work, which otherwise is permanently staffed by a small team. Internationally, HSZ has collaborated with UN Habitat in the carrying out of its work, particularly its settlement upgrading programmes. These partnerships tend to be collaborative, with direct cooperation in the design and execution of projects, thus elevating the capacities of HSZ.

#### *What have been HSZ's Successes/Challenges*

HSZ's material interventions have had offered many Zambian communities services ranging from clinic construction to assistance with administrative processes surrounding tenure and livelihoods. However, in terms of influencing policy, HSZ's role is highly collaborative, though focuses on the execution of projects such as settlement upgrading as opposed to advocating for specific, wider policy changes.

Within the execution of these interventions, HSZ has a large amount of freedom to execute projects as it wishes by virtue of its longstanding historical relationship with major Councils, and it chooses to do so with heavy community involvement; in effect, the beneficiaries shape and

execute the project. This therefore allows communities to influence how policies for habitat issues such as land and services are carried out, allowing for a form of deeper democracy surrounding policy matters.

Hence, HSZ has strategies to work with government in terms of executing policy, but it is less clear what influence this has in terms of *changing* policy - collaboration is valuable in terms of drawing up the specifics of, for example, settlement upgrading, but can only have a limited effect in terms of changing the processes for land tenure and other major challenges in Zambia's habitat policies.

Additionally, the approach is largely dependent on the length of HSZ's operation in Zambia, and the subsequently excellent relationship with various institutions. This can be seen as both a strength and a challenge in terms of influencing policy: on the one hand it increases the likelihood of relevant bodies to listen to HSZ's input, but suggesting overly radical or critical approaches may damage that relationship.

#### **Muongano wa Wanavijiji (MwW)**

**MUUNGANO**  
**wa wanavijiji**

LHA Type – National SMO

Objectives – Political/Material/Social

Political Context – Receptive-Decentralised

Strategies - Cooperative/Contentious/Grassroots/Scale-Jumping

*Who are MwW?*

Muongano wa Wanavijiji (henceforth MwW) is a Kenyan social movement that began in 1996 in Nairobi, following a series of eviction threats against vendors in Toi market. Operating across Kenya, MwW fights for the rights of people living in informal settlements. Their areas of work are diverse, ranging from fighting against unjust evictions, to campaigning and lobbying for legal reform pertaining to land rights and security of tenure, to promoting community cohesion and

wellbeing. Ezekiel Rema, President of Muungano wa Wanavijiji since 2009, added MwW is:

*“advocating for the Right to the City for all citizens without any discrimination”*

*What are their strategies?*

MwW's strategy for influencing government policy has three components, and seeks to produce change at both the local and national levels:

- Precedent setting through grassroots community projects, either stand-alone or in partnership with private entities or the relevant LG, that aim to establish best-practice approaches to issues such as housing construction and service provision. This seeks to influence policy by providing local and national government with models for urban development that are acute to the needs and wants of the urban poor on account of their grassroots origins. Initiatives at various points in MwW's history have included precedents for water and housing delivery.<sup>23</sup>
- Lobbying, leveraging the government's recognition of MwW as a reputable civil society member that has been built over the years. This recognition has granted MwW access as a representative of community interests to numerous committees as influential as wide ranging as District Peace Committees, Ward Development Committees, and the numerous committees involved in the formation, review, and implementation of Kenya's constitution.
- Direct partnership with government authorities, as in the case of, for example, the Mukuru Special Planning Area, where MwW has a long-standing role mobilizing and coordinating communities to participate in planning processes in Kenya's largest 'slum' upgrading project.<sup>24</sup>
- As a last resort, MwW will engage in protest campaigns to change government decision making. The most recent such campaign launched by MwW was in response to mass forced evictions in Nairobi, coupled with a perceived retreating of both local and national government from good faith engagement on collaborative projects and policies. The campaign, under the mantra *Stop Forced Evictions Now! There are Other, Better Ways* used petitions, marches,

and public statements to draw attention to the evictions and try to reverse the decisions.

*MwW's Allies/Partnerships*

MwW enjoys the support of numerous local and international NGOs, social movements, and civil society organisations. Its strong civil society connections provide it with operational, technical, financial, and legal support, as well as solidarity and access to effective knowledge sharing networks. As a member of SDI, MwW works most closely with two supporting NGOs: Akiba Mashinani Trust, and SDI Kenya. Solidarity in interaction with government and at international forums, as well as extensive knowledge sharing is provided by membership of SDI. MwW continues to receive technical and legal support from the Pamoja Trust, a supporting NGO and as of 2014 HIC Member, established by MwW prior to joining SDI. These connections are essential to the functioning of MwW - where MwW exists as the political and grassroots foundation of the movement, supporting NGOs play an essential role in ensuring the movement can operate smoothly and within legal requirements.

*What have been MwW's Successes/Challenges*

MwW has successfully managed to influence the direction of government policy at the national and local level, predominantly through having a 'seat at the table'. MwW has a lengthy and complex history of successes in terms of securing changes at both the national and local level of policy. Since 2002 when the Government started processes of land reform, MwW and its representatives have participated in numerous formulation process as a members of thematic groups and task forces including national land policy; the Evictions and Resettlement Bill; the Community Land Bill; and broader national urban development policy. Ezekiel is personally a current member of the technical team drafting Kenya Slum Upgrading and Prevention Bill.

When interviewed, Ezekiel highlighted some of MwW's main successes as being:

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<sup>23</sup> Lines, K and Makau, J. 2017. Muungano nguvu yetu (unity is strength): 20 years of the Kenyan federation of slum dwellers. IIED Working Paper. IIED,

<sup>24</sup> See <https://www.muungano.net/mukuru-spa>

- Involvement in the drafting of the 2010 national constitution, with continued participation in the committees and workshops responsible for its follow up and evaluation.

- Extensive influence over slum policy, particularly in terms of drafting and implementing model relocation programmes – from the nature of relocation to the design of the buildings themselves.

- The securing of a Memorandum of Understanding from the Kenyan Government, a declaration of good intent towards the settlement of Mashimoni in Kibera, Nairobi.<sup>25</sup>

However, in recent years MwW has been frustrated with a lack of government accountability in terms of implementing policy at the local level. Since 2016, changes to the governance system have presented significant barriers to the work of MwW<sup>26</sup>. Internally, MwW has weakened in the unity of its purpose, making it difficult to participate in County and Government budget processes.<sup>27</sup> Further, LGs and the national government have seen greater hostility towards those that MwW represents. In particular, 2018 saw a spate of mass forced-evictions, resulting in an estimated 50,000 people losing their homes with as little as a week's notice and no alternative provision of accommodation, undermining many of the promises made by the national and local governments, including the aforementioned memorandum.

MwW's main challenge has not been getting a foothold in policy creation; rather, it has been holding the government to account after-the-fact, particularly given Kenya's election cycles that encourage large-scale vanity/legacy infrastructure projects towards the end of national/local political terms. By Ezekiel's account, the pivot from a cooperative to contentious approach to influencing policy was driven by the need to hold the government accountable.

<sup>25</sup> <https://www.muungano.net/browseblogs/2015/08/13/muongano-signs-mou-with-kiambu-county-government-to-launch-partnership>

## Shelter and Settlement Alternatives (SSA)



Shelter & Settlements Alternatives:  
Uganda Human Settlements Network

LHA Type – National NGO

Objectives – Material

Political Context – Receptive-Decentralised

Strategies -Cooperative/Contentious/Grassroots

Who are SSA?

Shelter and Settlement Alternatives (SSA) is a Ugandan NGO that serves as an organising entity in a network of local groups including (predominantly) community groups, professional groups, institutions, and NGOs. SSA is dedicated to building community capacities and improving access to affordable housing. The network was formalised in 2012, and while SSA has a mandate to work as a national entity, at present it works mostly in the East and, increasingly, West of the country. Members of the network set its agenda within the remit of its mandate, with those activities then funded by SSA.

What are their Strategies?

Dorothy Bazawe stressed that SSA's main approach to influencing government policy is through advocacy, encouraging the government to put in place inclusive policies and practices. Specifically, SSA engages in:

- Forums and Workshops – Called “Municipal Development Forums”, SSA partners with the World Bank, Cities Alliance, and UN Habitat in the development and execution of community forums. First, those responsible for the technical execution of housing and urban planning in a LG are identified. Second, appropriate group members from community organisations are identified. LG practitioners and community members are then brought together in dialogue to air out

<sup>26</sup> <https://www.muungano.net/historytranscripts/ezeziel-rema>

<sup>27</sup> *ibid.*

their challenges, with LG experts then giving feedback as to the laws and tools available to address their problems. This approach is applied first to municipalities, and then lower into settlements where meetings are held.

- Protest and Demonstration – Where forums fail, or the LG is determined to be unable to meet the needs of the community, mobilisations and petitions are launched targeting the national government. The intention is to draw attention to not only the needs of the community, but the inadequacy of the LG to meet those needs. This advocacy seeks therefore to engender a change in practice and policy at the local level.
- Precedent Setting – Uganda has few examples of affordable housing projects, so SSA has taken the lead in establishing model affordable housing units and housing cooperatives. The objective of such model precedents is to influence housing policy and housing programmes being developed in Uganda.

#### *SSA's Allies and Partnerships*

SSA works with a large number of organisations locally, nationally, and internationally. SSA works with Act Together, Uganda's Slum/Shack Dwellers International member. They further work with Habitat for Humanity in the development of models and advocacy approaches. They are engaged with the National NGO Forum as a platform for airing housing concerns. SSA also works with a wide array of local organisations in its work. These partnerships are important in growing the capacity and reach of SSA. SSA also participates in Comic Relief, who assist financially while also providing an international platform.

#### *What have been SSA's successes/challenges?*

SSA has seen remarkable successes in a short space of time. Its approach of using forums has been particularly effective. In one example, SSA's work in Mbale saw the needs of the community being identified as primarily solid waste management, which in turn has produced the Clean Valley Campaign, the tools for which are provided by the municipal council at a household level. However, it can result in LG leadership attempting to dominate discussions, particularly where the community is not unified in its engagement in Municipal Development Forums. The use of advocacy and mobilisation where such efforts fail offers a means of recourse and influence, and ensures accountability at the local level.

Precedent setting has also been very successful, and is likely to continue to expand. SSA's housing cooperatives are now included in Uganda's national housing policy, and at the local level more groups have begun to form housing cooperatives and, even, a housing cooperative union.

SSA credits the rapid expansion of its network and operations to its participation in national and international events with a focus on housing, which has expanded SSA's global exposure.

### **Women in Development and Environment (WorldWIDE Network)**



LHA Type – National NGO

Objectives – Political /Social

Political Context – Decentralised/Receptive

Strategies -Cooperative/Grassroots/Scale-Jumping

*Who are WorldWIDE Network?*

Women in Development and Environment (WorldWIDE Network: Nigeria) is an NGO registered in Nigeria in 1997 with the aim of encouraging women from all walks of life to share information and help create solutions for environmental and development problems. WorldWIDE works both nationally in Nigeria and globally; nationally, engaging in education, advocacy, and lobbying efforts, and at the international stage by prominent participation at many of the most prolific international development forums.

Through its programmes, WorldWIDE seeks to empower women “to be seen and heard”, in a country where traditional gender roles continue to be oppressive to many.

### *What are their strategies?*

In terms of influencing LG policy, WorldWIDE uses strategies resultant from its primarily social goals. This approach is twofold:

- Advocacy – WorldWIDE works across Nigeria, advocating to change local social structures to be more female inclusive. Dr. Ify Ofong, National Coordinator for WorldWide, stated in the interview that, in their experience, “Traditional rulers and their community members are resistant to social change”, so all action must begin local. The offices of local officials and traditional rulers are targeted with advocacy materials such as leaflets and brochures. This also takes the form of sensitizing government officers
- Workshops – Attended by local communities but also government officials, intended to both educate and influence towards greater inclusion of women.

However, WorldWIDE's work is spread across many communities in Nigeria, some of which use traditional leadership structures, and some of which are more state-centric. Thus, influencing LG policy can be a complicated affair, not only because of the complexities of tiered formal and traditional governments, but because it is not feasible, for example, to ‘lobby’ a traditional chief on land issues with the same techniques as a minister in a central government office.

This is further complicated when large external entities enter the issue. WorldWIDE, for example, was recently engaged in campaigning against land grabbing and the displacement of people from their farms; such a campaign requires engagement with both traditional chiefs via advocacy, the government through formal channels, and large agribusiness; no one strategy will work to influence all three, yet policies surrounding land are ultimately decided between these three parties.

As such, each attempt to influence LG policy involves intimate knowledge of the issues at hand; in terms of land rights, for example, women's inheritance rights come into play, as these often facilitate the initial attempt to grab the land. Consequently, WorldWIDE engages in local communities exceptionally closely, and mediates between the use of advocacy and training workshops as a means of learning about the issues at hand.

### *WorldWIDE Network's Allies/Partnerships*

WorldWIDE is well connected internationally, working with the African Network of Women Shelters, of which Dr. Ofong sits on the Steering Committee; the UN NGO Committee on Social Development; the UN NGO Working Group to End Homelessness. Dr Ofong is also a highly active member of HIC, and brings the work of WorldWIDE to the global stage through participation in UN and other international forums. Within Nigeria, WorldWIDE works with the Economic and Social Women Empowerment Initiative Nigeria; the Green Earth Environmental Consult; and Civil Society Coalition on Education For All. WorldWIDE also works with Initiative for the Support and Promotion of Human Settlements.

Heavy participation in such networks, forums, and events lends significant credibility to the work of WorldWIDE and legitimacy to the policy and social changes sought, and in turn offers advantage when engaging with relevant stakeholders needed to make said changes. They further offer opportunities for knowledge sharing and collaboration on projects, in turn elevating the capacities and innovative practices of WorldWIDE.

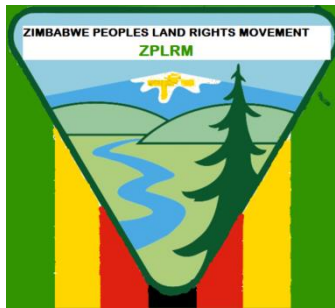
### *What have been WorldWIDE Network's Successes/Challenges*

Seminars and training workshops, in Dr. Ofong's opinion, have been very successful; raising awareness, especially in traditional communities, has a powerful effect in that it empowers women to change their perspective on how they can engage in leadership structures. For example, Female Genital Mutilation has been a major area that WorldWIDE has sought to engage with. A workshop on FGM not only raises awareness of the issue itself, but also of issues directly underpinning it; women's rights, human rights, and the protection of women and girls in communities.

One of the greatest challenges that WorldWIDE faces is the diversity of the nature of LGs they are dealing with; there exist a combination of ministries, municipalities, and traditional rulers, and what works for one organisation may not necessarily work for another. For example, WorldWIDE sought to partner the government with civil society actors around the SDGs, and engaged in advocacy; however, this also required bringing workshops into the repertoire, because larger government agencies tend not to listen unless directly engaged (as opposed to being lobbied at). Conversely, advocacy in the form of trainings and brochure campaigns work better with traditional

leaders; there is no one size fits all approach, which requires a more pluralistic approach to achieving policy changes.

### **Zimbabwe People's Land Rights Movement (ZPLRM)**



LHA Type – National SMO

Objectives – Political/Material

Political Context – Unreceptive/Centralised

Strategies - Cooperative/Contentious/Grassroots

*Who are ZPLRM?*

Zimbabwe People's Land Rights Movement (ZPLRM) is a Social Movement Organisation established in 2010 in the interest of protecting the rights of beneficiaries from Zimbabwe's land reform of 2000. On the one hand, ZPLRM seeks to ensure that the beneficiaries of reforms are indeed the people of Zimbabwe as opposed to politicians and business interests. On the other, ZPLRM seeks to end victimisation of beneficiary communities by political elites.

ZPLRM works with small scale family farmers, small-scale miners, and low-income groups in rural areas. ZPLRM focuses much of its work on influencing local and national government; at the national level by focussing on the work of Parliament, and at the local level by working with district administrations and traditional chiefs. At present, ZPLRM is seeking to lobby the government to introduce a Human Rights approach to land issues; to lobby the UN to adopt a Human Right to Land; and to secure fair judgements in the judicial system.

*What are their strategies?*

ZPLRM's strategy for influencing policy is broad based and ultimately focussed on direct engagement with government at all levels, including LGs. This can be broken down into four components:

- Lobbying at the government through official channels, such as through government committees, a means of engaging directly with the relevant Ministries. These channels exist as a direct means of influencing policy, given that they are designed as a means of stakeholder input. Where direct engagement with open forums and government committees does not work, engagement with MPs is used to try and bring pressure on the government. As such, direct engagement with the government is the preferred approach here.
- Lobbying also occurs through the administrative arms of LGs, where most issues related to land are resolved in practice. These lobbying efforts involve direct communication and engagement with administrative officials, relying on both personal relationships with key officials and official channels. This tends to pertain to individual cases as opposed to wider policy approaches, though like engagement with the judicial system, is a means preventing the negative consequences of harmful policies.
- Use of the courts - Engagement with the judicial system to challenge unjust and illegal evictions, and to attempt to secure favourable outcomes for those victimised in corporate land grabs and other injustices. Such efforts are closely tied to lobbying efforts, as most decisions must go through the Land Commission. This is not so much a means of changing policy in the broader sense, but a means of staying those policies such as forced evictions that might otherwise be detrimental to communities that ZPLRM represents. It also offers a means of drawing attention to policies that are detrimental to human rights and the right to the city.
- Public demonstrations and protests - Where all else has failed in a crisis situation. A key example has been efforts to resist evictions prompted by the then First Lady of Zimbabwe, who leveraged her political position to levy forced evictions against villages and communities surrounding her farms in spite of these villages having long tenure and having been beneficiaries of the land reforms. Victims were mobilised to demonstrate outside district offices in protest, which brought considerable pressure against the move. These demonstrations tend to be held at the local level, as ZPLRM lacks the resources to mobilise in key national offices in the capital.

### *ZPLRM's Allies/Partnerships*

ZPLRM has been engaged with HIC since its inception, and has long standing relationships with HIC Members in the region such as AbM. These partnerships are essential in terms of bringing about direct action in international forums such as the UN, and for solidarity in Zimbabwe's complex political environment.

At the local level, ZPLRM works closely with Zimbabwe Lawyers for Human Rights, who provide essential pro-bono legal services that serve as the linchpin for ZPLRM's efforts in judicial cases.

### *What have been Successes/Challenges*

ZPLRM has seen successes in its efforts. The Land Rights Committee is itself a notable success of the ZPLRM. ZPLRM has lobbied to ensure its formation has been followed through and that it is maintained at a functional capacity. The Land Rights Commission is now stationed in every province. However, ZPLRM is not satisfied with the Commission, as its members lack expertise in land, agriculture, and mining issues.

ZPLRM has a relatively cordial relationship with the government in spite of its often contentious approach to securing victories for victims of displacement and other land injustices. It is unclear how this will be affected by the recent change in government in Zimbabwe, and whether this will affect the future of the land reform beneficiaries or the approach with which activism of this kind is handled by the government.

A fundamental challenge for ZPLRM has been a lack of resources. To offset this, ZPLRM works with a wide variety of stakeholders and organisations, such as the above mentioned Zimbabwe Lawyers for Human Rights. ZPLRM continues to seek financial support from international sources.

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<sup>28</sup> Terms such as 'slum-dwellers', 'shack-dwellers', and even inhabitants of 'informal settlements' are terms that carry negative and often derogatory connotations (See Lorena Zarate (2016) *They are not "Informal Settlements" - They are Habitats made by People*. The Nature of Cities, <https://www.thenatureofcities.com/2016/04/26/they-are->

### **Abahlali baseMjondolo (AbM)**

[Included here in solidarity]



LHA Type – National Social Movement Organisation

Objectives – Political/Material/Social

Political Context – Unreceptive/Decentralised

Strategies – Grassroots/Contentious

*NOTE: Due to an active and violent campaign of political and police oppression against Abahlali baseMjondolo, members of the organisation were unavailable for interview due to the risk this might pose to their safety. Given their present circumstances and the prolific nature of their work, it was felt appropriate that their plight be included in this report in the hope that it might bring attention to the hostility they face in their struggle for human rights and the right to the city in South Africa. Fortunately, a great deal of literature has been produced on AbM, which forms the basis of their inclusion in the report.*

### *Who are AbM?*

Abahlali baseMjondolo (AbM) is a grassroots social movement of 'shack dwellers'<sup>28</sup>, founded in 2005 from the Kennedy Road settlement

[not-informal-settlements-they-are-habitats-made-by-people/](#)). Nevertheless, this is the term utilised by AbM, and hence is used in this report as well).

in Durban, South Africa. It is the largest organisation of its kind operating in South Africa, and is engaged in the struggle for housing and land rights for constituent members representing 'shack dweller' communities across South Africa, and for the South African urban poor more broadly. The movement is independent of NGO control, robustly anti-political party influence, and operates with a highly democratic internal structure that stresses inclusiveness and community representation; though, concerns have been raised that over time the inclusiveness of AbM's internal structures have become increasingly hierarchical and patriarchal.<sup>29</sup>

Its objectives are to secure the rights, both civil and political, of those living outside of legal and administrative jurisdictions for land and housing allocation in South Africa. It frames its objectives under the mantra "Land and Housing in the City".<sup>30</sup> The movement arose out of the erosion of the rights of those living in 'shack settlements' in the eThekweni Municipality governing Durban, who in 2001 embarked on a vicious slum clearance programme that declared, regardless of the length of tenure of people in a given settlement, any 'shack settlement' was deemed to be illegal, forcibly evicting thousands in a violation of their human rights and right to the city. AbM sought not only to resist this programme, but to pressure municipalities and the national government more broadly to provide adequate housing, services, and political participation for all, regardless of the status of their tenure. In this vein its objectives should be seen as equally political and material; the securing of genuine, bottom-up democracy is seen as fundamental by AbM to the securing of rights such as housing, water, electricity, health care, education, and so forth for the urban poor.

### *What are their Strategies?*

Since its formation, AbM has utilised contentious and proactive means of influencing policy. Their use of such strategies are a consequence of the hostility they have faced since their formation; their struggle

was borne of violence and forced eviction against the urban poor in South Africa, and lacking the any legal or *de facto* means of challenging policies that actively undermine their rights, the use of such strategies is deemed necessary. The strategies they employ are diverse, but can most commonly be seen as:

- Land occupation and Community Building - Land Occupation remains one of the principle means through which AbM seeks to influence LG policy; it is a material form of protest, one that is intended both to assert the rights of communities to land and housing, while also forcing the municipality to recognise the existence and needs of the urban poor. Such occupations are frequent, and serve those in most dire need of shelter, work, and basic resources; the latest such was the eKhanana settlement in Cato Crest, founded in August 2018. In this sense, the intention is to draw attention to the needs and presence of the urban poor, and in turn demand delivery of their needs.

AbM's land occupations see displaced and marginalised communities occupying long-term vacant areas of land where shelter and basic services are established, organised by AbM's internal leadership. Within settlements that participate with AbM, significant efforts are made to strengthen community cohesion, such as the establishment of youth groups, skills workshops, and savings schemes.<sup>31</sup> Once these settlements are established, it is hoped that the LG can be persuaded to provide services and meet the resident's needs.

- Court Challenges - AbM seeks to defend their assertion of their right to the city into policy changes, for which it mobilizes communities to challenge municipalities and regional governments in South Africa via the courts. These court cases tended to be defensive, though as AbM matured they became proactive in their challenges to policies against the urban poor. For example, In 2018, for example, AbM filed

<sup>29</sup> Sacks, J. (2018). 'On Militancy, Self-reflection, and the Role of the Researcher' in *Politikon* DOI: 10.1080/02589346.2018.1523349

<sup>30</sup> Abahlali baseMjondolo (2006). *A Short History of Abahlali baseMjondolo, the Durban Shack Dwellers' Movement*. <http://abahlali.org/a-short-history-of-abahlali-basemjondolo-the-durban-shack-dwellers-movement/>

<sup>31</sup> *ibid.*

court papers against the eThekweni municipality, in an attempt to stop forced evictions which they argue are illegal.<sup>32</sup>

○ Protest - AbM was borne from protest, specifically a road blockade to protest the sale of land owned by shack dwellers to industrial interests; public demonstration remains to this day its principle means of influencing LG policy.<sup>33</sup> Protests used by AbM have taken many forms to adapt to the specific cause they are trying to push; for example, in 2006 AbM organised a protest boycott of local elections under the slogan “No Land, No House, No Vote”, making clear that the urban poor are not to be an exploitable voting bloc in exchange for token concessions. Other forms of protest have been marches on municipal offices, newspapers, politicians, and so forth.

#### *What have been AbM's Successes/Challenges?*

AbM has throughout its history achieved some hard won victories in terms of influencing, or at least resisting, policy. Their “No Land, No House, No Vote” campaign for example made clear that the urban poor are not to be an exploitable voting bloc in exchange for token concessions. The boycott was “highly contentious, but very successful”, driving the movement to prominence.<sup>34</sup> In this sense, AbM offer representation of and protection of communities otherwise offered no legal or practical means of accessing housing or land.

Prolifically, AbM in 2009 successfully went to court to challenge the introduction of highly aggressive and repressive ‘slum’-clearance policies, which drew significant national and international media attention to the movement. Other efforts at staying evictions have been effective at times. Further, land occupation is effective in terms of meeting the immediate needs of the urban poor of land and shelter, with mixed successes in terms of the longevity and government support of such settlements.

However, AbM has attracted the ire of municipalities and other powerful interests, leading to extreme hostility ranging from eviction to violence and, in some cases, death threats and murders.<sup>35</sup> AbM

members, leaders, and communities have been subject to often violent harassment, which makes operating openly impossible at various points in its history, as recently as 2018. This can be seen to have at least two causes; the nature *and* the methods of AbM's causes being against financial and political interests of land owners, developers, large private entities and politicians. Responses to AbM's existence have been grossly disproportionate, including death threats (and indeed, murders), arson, burglaries, threats of eviction, and so forth. This represents AbM's biggest and most fundamental challenge.

Internally, AbM faces challenges in terms of maintaining its democratic and grassroots legitimacy. As discussed by Sacks<sup>36</sup>, AbM like all grassroots movements is subject to internal politicking, which has led to shifts of the balance of and power in terms of gender representation and the horizontality of its power structures. Further, AbM is severely lacking resources to carry out its operations; it is dependent on pro-bono legal assistance and engagement with international networks to engage in costly legal processes. This problem is exacerbated by the instability of its ability to operate in the open.

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<sup>32</sup> Mngadi, M. (2018). ‘Abahlali baseMjondolo filed court papers over ‘illegal evictions’ in Cato Crest’, *News24*. <https://www.news24.com/SouthAfrica/News/abahlali-basemjondolo-files-court-papers-over-illegal-evictions-in-cato-crest-20181227>

<sup>33</sup> Abahlali baseMjondolo (2006). *A Short History of Abahlali base Mjondolo, the Durban Shack Dweller's Movement*. <http://abahlali.org/a-short-history-of-abahlali-basemjondolo-the-durban-shack-dwellers-movement/>

<sup>34</sup> *ibid*.

<sup>35</sup> See Stopes, H (2018). *Death Threats in Durban*, <http://abahlali.org/node/16829/> for a full explainer of the extent of death threats faced by AbM.

<sup>36</sup> Sacks, J. (2018). ‘On Militancy, Self-reflection, and the Role of the Researcher’ in *Politikon* DOI: 10.1080/02589346.2018.1523349

### III. Analysis and Lessons Learned

This section identifies key trends and outcomes based on the preceding presentation of data. In the previous section, each LHA was presented and assigned identifiers within the parameters of this report's analytical framework in the interest of facilitating comparative analysis. The chart below offers a quick visual comparison of each, with a brief summary of the reported efficacy of their strategies:

LHA Name	LHA Type	Objectives	Political Context	Strategies	Successes/Policy Influences	Challenges
AbM	National SMO	M/P/S	U/D	Contentious	<ul style="list-style-type: none"> <li>- Successful staying of many forced evictions.</li> <li>- Drawing of attention to cause, including the needs of urban poor.</li> </ul>	Hostile actors forcing them into hiding; internal erosion of horizontal structure; lack of funding.
AIDI	National NGO	P/S	U/D	Cooperative	<ul style="list-style-type: none"> <li>- Encouraging reconsideration of relocation policy for Washington Settlement.</li> <li>- International recognition of youth programmes.</li> <li>- Long term impact on country's leadership.</li> </ul>	Translating workshops and forums into direct policy changes; Longtermism of approaches - tangible results?.
CUBES	Regional ATI	P/S	--	Cooperative/ Scale-Jumping	- Long term pedagogical work produces practitioners and officials sympathetic to CUBES's view on issues such as informal settlements.	Limited success in short term convincing politicians to adopt progressive policy agenda.
DWM	Local NGO	M	R/D	Cooperative/ Grassroots	- International recognition for their work, leading to national government engaging more readily in projects and, potentially, future policy.	Non-cooperation of LGs.
HSZ	National NGO	M	R/D	Cooperative	- Lengthy history of influencing execution of projects and policy at the local level through cooperation and collaboration with LGs, international institutions.	Influencing policy not focus per-se - difficult to trace the exact impact on wider policy agenda.
MwW	National SMO	M/P/S	R/D	Cooperative/ Contentious/ Grassroots/ Scale-Jumping	<ul style="list-style-type: none"> <li>- Important role in shaping and devising policy on a wide range of issues relating to housing and land.</li> <li>- Use of model approaches leading to adoption by LGs.</li> </ul>	Changes in political circumstances in recent years threatening position of good grace with government.

SSA	National NGO	M	R/D	Cooperative/ Contentious/ Grassroots	<ul style="list-style-type: none"> <li>- Adoption of affordable housing approach in national policy.</li> <li>- Numerous local affordable housing and cooperative schemes established.</li> </ul>	Presently in early days of growth – a need to meet its mandate of operating across Uganda.
World WIDE	Global NGO	P/S	R/D	Cooperative/ Grassroots/ Scale-Jumping	<ul style="list-style-type: none"> <li>- Successful introduction of women into positions of power in traditional communities, as well as broader educational outreach.</li> <li>- Greater representation leading to improved local policies for women.</li> <li>- Use of workshops successful in bringing local/national government into dialogue over e.g. SDGs.</li> </ul>	Dispersed nature of work across Nigeria at different levels requires significant time investment in understanding local issues and structures - can be no "one size fits all" to influencing policy.
ZPLRM	National NGO	P/S	U/C	Cooperative/ Contentious/ Grassroots	<ul style="list-style-type: none"> <li>- Successful staying of evictions in crisis situations.</li> <li>- Foot in the door in terms of policy influence at the national level.</li> </ul>	Difficult to engage LGs due to corruption, local political influence; Lack of resources preventing mobilisation at a larger scale.

Table: Summary of data presented

## Categories and tags assigned to LHAs

### LHA Type

**Social Movement Organisation (SMO), NGO, or Research/Education Institution (ATI)?** / Does the LHA work **Locally, Nationally, or Globally?**

### LHA Objectives

Does the LHA seek to influence policy pertaining to **Political (P), Social (S), or Material (M)** injustices, as grounded in the components of the Right to the City Agenda (R2CA)?

### Political Context

**Receptive (R) or Unreceptive (U)** government to civil society input? / Government **Centralised (C)** at the national or **Decentralised (D)** to the local level?

### LHA Strategies

**Contentious** strategies / **Cooperative** strategies / **Grassroots** strategies / **Scale-Jumping**

Analysis is presented in two parts: First, general insights and patterns of convergence and divergence are put forwards. Second, actionable lessons are drawn from these patterns and insights. In both cases, these conclusions should not be as seen as extensive, but rather a product of the analysis and reflection but the reader is encouraged to draw their own conclusions and insights as well.

#### *Insights and patterns*

**LHAs with a strong political focus to their mission tend use include more contentious approaches in their work, particularly where the government is unreceptive to LHA activities.**

In the sample of organisations seen here, if the political environment in question is hostile to civil society action, particularly that which challenges the established political order, LHAs have tended to resort to public demonstration and protest more frequently than those operating in more open political contexts. This is the case with AbM, MwW in its early and most contemporary history, and ZPLRM when all other options are exhausted. In common with all is that they are SMOs – protest is an appropriate strategy for such organisations given their large grassroots base and the legitimacy they derive from their membership.

Arguably, such SMOs, especially given their material and social foci, are of importance in such environments where official channels do not allow the voices of the urban poor to be heard. In the instances seen here, protest tends to be used in a reactive as opposed to proactive way, attempting to prevent or reverse actions against the interest of their members. Generally, these organisations have seen some success using protest, though it does not always push the government to change course. In some cases, it is very much necessary for the hostility they face, as in the case of AbM.

Contention, however, should not be seen as limited to political objectives. SSA, for example, seeks to reform policy and makes effective use of an approach of good faith cooperation backed up with protest and demonstration where LGs are seen to be unwilling to work with communities. A mixed approach is therefore highly viable, and arguably more effective than sticking rigidly to one or the other, depending on the political context.

**Where LHAs have a strong material focus in their mission, much of their work seeks to indirectly influence policy through cooperation and grassroots actions.**

AIDI, HSZ, DWM, and MwW all work directly in their communities, and hope, often successfully, that the demonstrable efficacy of their programmes and the legitimacy derived from their democratic and participatory processes will win over LGs and national governments to adopt such programmes in partnership.

In that sense, grassroots community work is a pathway to later cooperation with the government. This is the explicit overarching strategy of MwW, DWM, and SSA. For example, 'precedent setting', a grassroots strategy wherein a project is established by the community designed to be a 'model' to be adopted by LGs or national governments once it is made demonstrably effective, has been popular where LGs are severely underfunded and unwilling to consider new approaches unless a high burden of proof for their efficacy is established.

**Where LHAs have a strong social focus in their mission, a wide range of strategies is used, namely grassroots action.**

LHAs featured in this research with a social focus have tended to focus more on engendering change through education and community projects. Grassroots work, such as advocacy and education in communities, has tended to focus on challenging social structures, but has also sought to challenge unjust political structures, as in the case of WorldWIDE and AIDI. Likewise, engaging in workshops and dialogue with the government, often drawing on community work, seeks to win the hearts and minds of politicians with access to the levers of policy. In all cases, these are inherently long-termist actions.

It should also be noted that LHAs with a focus on material interventions, direct interaction with LGs is preferred. This is because, in spite of general shortcomings in the LGs of the African nations examined here, much of the administrative/service provision function tends to be concentrated at the lower rungs of governmental hierarchies.

**Most of the LHAs examined in this research sought cordial relationships with the government at all levels, and opted for a combination of grassroots and cooperative approaches to do.**

While all interviewed expressed at least some frustration with local and/or national governments, most sought to foster and build a close relationship with official institutions because this perceived as the best means of securing long-term policy change and influence. This was true regardless of the LHA type in most cases – it cannot be said that NGOs necessarily need a close relationship, or that SMOs necessarily need a hostile one.

### **Scale-jumping did not feature as an explicit strategy in most LHA repertoires...**

With the exception of WorldWIDE, scale-jumping did not feature as an explicit feature in LHA strategies to *influence policy*. Most, to some capacity, engaged in the international level whether in networks, forums, or in the pursuit of international accolade for their work. However, this was not seen as a means of influencing policy in the areas of their missions. WorldWIDE is the notable exception here, who are engaged heavily and consistently in international forums to draw attention and, to an extent, influence towards achieving their goals.

### **... but heavy engagement with national and international networks and forums is an excellent way of building reach, exposure, and capacities.**

SSA, MwW, DwM, and WorldWIDE have proven extremely adept at leveraging engagement with networks and at forums nationally and internationally as a means of drawing on more funds, exposure, and knowledge sharing opportunities. SSA and MwW, as networks of local organisations themselves, recognise the effectiveness of a collective but decentralised approach to their operations – none know better than communities themselves what their needs are and, if connected to the right technical expertise and resources, can be very effective in executing and developing their own approaches and capacities.

### **Grassroots approaches have been particularly effective in advancing the objectives of those LHAs where it is an applicable strategy.**

Precedent setting through community and model projects have been exceptionally effective at influencing policy. This is because governments are more receptive to adopting a particular approach – and potentially partnering in the delivery of said approach – when it is fully costed, and demonstrably effective. This has been seen in the work of SSA, HSZ, MwW, and DWM. Even where a “policy” isn’t adopted, LHAs that can successfully use grassroots initiatives to

encourage participation in local democracy have been effective at furthering their missions, as in the case of AIDA and WorldWIDE.

### **LHAs that cooperate closely with LGs tend to report that they have greater success in terms of influencing policy – however, this comes with long term risks.**

Some LHAs, in particular NGOs, have established extremely close relationships with LGs and national governments – HSZ in particular operates in this manner. This tends to, however, centre around the *delivery* of projects by LHAs, once the LHA has won the ear of the government over a particular area of policy. As experience by MwW, close relationships can make challenging the government difficult, especially when a given LHA draws its legitimacy from its social base. That said, as experienced by MwW and SSA, using *both* cooperation and contention allows trust to be built with the government while maintaining the support of communities; SSA, for example, thinks that engaging in forums but holding ineffective LGs to account with demonstration at the national level offers a powerful means of ensuring that community voices are heard without undermining the good faith of those they need to work with to achieve reform.

*What lessons can be learned?*

Understanding these inputs is challenging – isolating one factor as superior to others in the efficacy of actions is not possible. However, the trends identified through the comparative analysis, afforded by the analytical framework outlined in the methodology, offers some direction that can be fed back to ATIs, ***acknowledging however that this is the experience of a limited number of actors and that these are not concrete rules for success.***

**Where appropriate, mixing contentious and cooperative strategies offers a powerful two pronged approach that maintains the legitimacy of the LHA and the accountability of the LG in question.** It is a given that, when seeking to influence policy, the strategy must be appropriate for the mission, nature, and context of the LHA – those with the largest number of tangible victories in the cases examined, *specifically in the realm of influencing policy*, tend to try to foster a positive relationship with the LG. It is not, however, always possible to do so for a myriad of reasons, and more contentious approaches can be well deployed as reactive and defensive measures when rights are under threat.

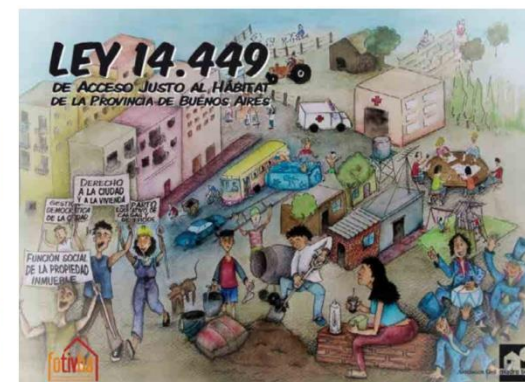
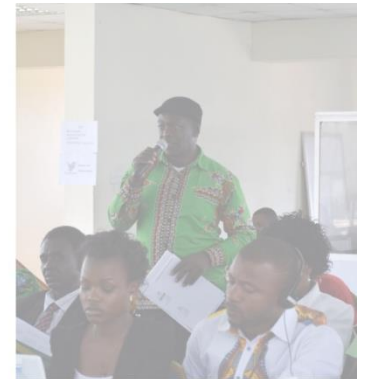
The LHAs examined here have had considerable success when influencing policy by making their **first priority serving the communities they work in** – this builds trust and legitimacy for the LHA. It is easier to win the ear of the LG or national government if the LHA if they are seen as representing or being supported by communities. It further is effective at **identifying the needs of communities more acutely**.

**LHAs that lead by example have been extremely effective at winning policy and practice reforms** at both LG and national levels. This is particularly true for LHAs with a material focus, where precedent setting serves to demonstrate the efficacy of a given project or approach, making it difficult for the LG to resist an opportunity to participate in a proven, effective, and already operational method.

There is often little that can be done by an LHA, especially in the short term, to alter the political context they are in – **LHA strategies must therefore adapt to political realities**. For example, AbM by necessity engages in radical actions because the government takes an extremely hostile approach to their very existence. Similarly, MwW, which was founded in a hostile political environment but survived long enough for the political situation to become more open, was able to radically shift its approach to adapt, going from an underground organisation to one with the ear of the government.

**International networks and forums offer excellent opportunities for LHAs**, as a means of building their capacities; securing new funding; finding connections in solidarity with likeminded organisations; and increasing the exposure of their work.

# Latin America



## Latin America, Introduction

This section of the 'action research' analyses some Latin American experiences on how civil society and grassroots organisations in partnership with academic institutions and local governments design and implement local strategies in line with human rights and right to the city principles, including the social function of land and cities and the need to address local development according to social and environmental criteria.

The research aimed to analyse the successes, obstacles and challenges of this interrelationship and seeks to influence local or metropolitan governments working in partnership with civil society, grassroots organisations and academic institutions for a better understanding of these processes by highlighting the importance of collaborative work for the advancement, enrichment and permanence of policies in favour of human rights related to habitat.

The Latin America Office of Habitat International Coalition (HIC-AL) conducted research on three cases in which civil society and grassroots organisations influenced laws, policies, action plans and/or programmes at the local level in three densely populated Latin American territories - states or provinces according to each country's denomination -.

The experiences analysed were the following:

1. **Law on Fair Access to Habitat** in the Province of Buenos Aires, Argentina;
2. **Urban Development Fund (FUNDURB)** of Sao Paulo, Brazil;
3. **Mexico City Charter for the Right to the City** and **Mexico City Constitution**.

For the selection of the case studies, meetings were held with HIC members in Latin America so that they could contribute with

information and ideas related to experiences in which the alliance of the aforementioned actors in favour of the realisation of human rights linked to habitat could be clearly appreciated. Once the cases had been selected, the interviews were conducted between August 2019 and February 2020.

This research was approached on the basis of four questions:

1. How have local governments incorporated the elements of human rights and the right to the city into their management and public policies?
2. What are the most forceful or useful strategies that civil society and grassroots organisations in partnership with academic institutions have pursued to ensure that these local governments address these elements in their governance and public policies?
3. How to preserve the policies achieved in the face of changes in political leadership or other challenges such as the growing influence of the private sector in the territorial sphere and its control over the state, migration, environmental damage and climate change or economic crises, among other factors?
4. Have the conceptualisations emerging from these alliances had any impact on academic training in higher education institutions?

To answer these questions, interviews were conducted with HIC members and partners involved in the different experiences selected.

The documentary research was based on the information provided by the interviewees. Based on this information and after its systematisation, a search of academic and non-academic sources was carried out, in addition to documents produced by the organisations and/or people interviewed, as well as the normative texts studied.

A first report was discussed within the HIC-AL office team, as well as revised and enriched by key people who had collaborated in the different chapters.

## Acknowledgements

To Ana Pastor, Evaniza Rodríguez and Enrique Ortiz for their valuable comments and contributions to the analysis of the experiences of Argentina, Brazil and Mexico respectively.

To María Silvia Emanuelli, Coordinator of the HIC-AL Office, for her review of the text and support in conducting the interviews. We would also like to thank Miriam de la Torre for her internship as a research assistant and for some of the transcriptions, as well as Patricia Santiago from the HIC-AL Office.

But above all, we would like to thank all those who provided us with interviews, documents and valuable reflections, among others:

### *Local government officials (in alphabetical order)*

Alexis Goinhex, Engineer and Surveyor at the *Dirección Provincial de Hábitat* of the province of Buenos Aires.

Guadalupe Falbo, Lawyer at the *Dirección Provincial de Hábitat* of the Province of Buenos Aires.

Juan José García Ochoa, Master in Economics, Under-Secretary of the Mexico City Government (2006 - 2016).

Mariano García, Director of *Regularización Dominial Hábitat y Vivienda* of the municipality of Malvinas Argentinas in the province of Buenos Aires.

### *Civil society and grassroots organisations*

Ana María Pastor Barousse. She is part of the *Asociación Civil Madre Tierra*, member of HIC, General Coordinator and President of MT in different periods, and currently its Vice-President. She represents the *Foro de Organizaciones de Tierra Vivienda e Infraestructura de la Provincia de Buenos Aires* (FOTIVBA) as a titular councillor in the Provincial Council of Housing and Habitat created by Law 14.449. Through FOTIVBA, she is a member of the group promoting the *Espacio Multisectorial Habitar Argentina* (Multi-sectoral Space for Habitar Argentina), which operates within the National Congress. *Habitar Argentina* is a member of HIC-

Alicia Sánchez. Social leader and deputy for two terms, President of the Land Commission in the Legislature of the Province of Buenos Aires. In this capacity, she presented the Law on Fair Access to Habitat to the Congress for its discussion.

Evaniza Rodríguez. She participates in the National Union of Popular Housing in Brazil, a member of HIC, as project coordinator. She works in advocacy, training and social mobilisation. She is part of the National Forum for Urban Reform and the National Cities Initiative.

Jaime Rello, José Salvador de la Torre García, Benjamín Robles Carbajal, Mireya Lagunes Cano and Olga Castañeda. Members of the organisation *Unión Popular Revolucionaria Emiliano Zapata* (UPREZ) and, as part of the *Movimiento Urbano Popular de la Convención Nacional Democrática* (MUP-CND), prominent promoters of the Mexico City Charter for the Right to the City (CCMPDC).

Enrique Ortiz Flores. Latin America Office of Habitat International Coalition and main promoter of the CCMPDC, member of the working group responsible for the first drafting of the Mexico City Constitution.

# Latin America, Argentina: Law on Fair Access to Habitat

*Law No. 14.449/12, Province of Buenos Aires, Argentina. Democratic management, the reduction of inequalities, access to land in the City.<sup>1</sup>*

Magdalena Ferniza

*Habitat International Coalition. Latin America (HIC AL)*

## Introduction. Economic, political and social context

### *The 2001 crisis*

In Argentina, the profound political and economic instability present throughout the last century led the country to live through successive de facto governments (the last between the years 1976-1983) that undertook to implement the measures dictated by the International Monetary Fund (IMF) within the framework of the precepts of neoliberalism: concentration of wealth, over-indebtedness of the country and, in general, the abandonment of productive investment, public works, research and technological development. The constitutional governments that succeeded them were incapable of reversing this trend, facing serious difficulties to pay external debt in a period of hyperinflation, which created a favourable climate for external creditors and local oligarchs to draw up a structural reform programme designed to maximise private gains at the cost of public assets (Aronskind, 2017).

The social crisis came to a head in 2001, as a result of the great recession that began in 1998 and exacerbated employment conditions, income and public finance, while the government pushed ahead with the payment of foreign debt. The movement of the so-called "piqueteros" (or "picketeers") emerged across the country as a self-defence strategy by broad sectors of the population who saw regional economies, small-scale production and workers' incomes collapsing, as well as the worsening conditions of the unemployed.

The final attempt to save the banks in the face of massive withdrawals of money, in the midst of a fixed exchange rate system that was evidently unsustainable, led the government to impose severe restrictions on the use of circulating assets accumulated in bank accounts — the so-called "corralito" — leading to a state of extreme stifling of economic activity. The social outburst demonstrated the discontent with the political class who, regardless of the sign, continued with the same economic policies, plunging the population into misery. The President, Fernando de la Rúa (December 1999 to December 2001), renounced his post and was succeeded by five Presidents in a period of just a few days. It is within this context that Néstor Kirchner came to power (May 2003 to December 2007) with a mere 22% of votes, and in view of his opponent's resignation, enabling him to reach the second round of elections. It is also within this context that important social sectors joined their voices to seek solutions to the crisis, addressing the dramatic situation of large sectors of the population.

The Province of Buenos Aires, the most populated of the country's 23 provinces and autonomous city, was at the centre of the population's protests and organisational efforts.

*The national government of Néstor Kirchner.*

Kirchner arrived into government at a time of profound political and economic crisis and great social disintegration, where the money in circulation left the streets and the credibility of the branches of government and of the political parties was practically non-existent. In

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<sup>1</sup> We are grateful to Ana María Barousse Pastor for her collaboration in developing this article. Ana is a Graduate in Social Work and a Master's candidate in Urban Studies, and is currently Vice-President of the Civil Society Association *Madre Tierra*. She is also a representative of the Forum of Land, Infrastructure and Housing Organisations of the Province of Buenos Aires (*Foro de Organizaciones de Tierra, Infraestructura y Vivienda de la provincia de Buenos Aires, FOTIVBA*), within which she is a member of the

advocacy group of the Multi-sectorial Space *HABITAR ARGENTINA* [HOUSE ARGENTINA], which operates within the scope of the National Congress. She is Head Advisor of the Provincial Housing and Habitat Council created by Law 14.449, and is the Habitat International Coalition Board Representative for Latin America.

order to bounce back from this great crisis, it was necessary for the government to question the neoliberal model, negotiating a release from the debt accumulated with the IMF, as well as the construction of a government supported by unions, business owners and social movements. It was also necessary to recuperate democratic functioning, by questioning and reconstructing judicial power, and to facilitate economic subsidies to families in the form of monetary transfers and access to credit for consumption and production, as well as a series of measures to revitalise the domestic market,<sup>2</sup> which contributed to an increase in exports, primarily to China.

Understanding the power that the housing development can have on the dynamisation of the economy, the national government launched an initiative to form housing cooperatives constituted by the unemployed. The effects of this were not only reflected in the creation of jobs for the unemployed; it also had an impact on the provision of materials, through the manufacturing and marketing of components used in the construction of homes. This not only provided jobs to the unemployed, but also brought circulating assets back to low-income neighborhoods. The reactivation of the construction sector was based around a Federal Housing Programme in which business owners also participated, even including a Housing Improvement Programme and an Urbanisation Programme for 'Villas'.

The launch of these initiatives was met with the mobilisation of a broad sector of civil and social organisations, the middle classes, universities and professionals, who resumed discussions dating back to before the last period of de facto government. It was a different approach, brought up to date through many discussions such as the World Social Forums (2001 and 2003) and the Urban Reform in Brazil (see corresponding article in this publication), and drove policies beyond what was envisioned by the national government. To do so, they joined forces in a mass movement for urban reform.

<sup>2</sup> A detailed analysis of the cycle of governments of Nestor and Cristina Kirchner can be consulted in Drkos Jorge 'Argentina 2003-2018: *la lucha sigue* [the fight continues]', published in the digital magazine *América Latina en Movimiento* [Latin America in Movement] of 26/03/2018, available at <https://www.alainet.org/es/articulo/191841>.

<sup>3</sup> The social function of property had been enshrined in the 1949 Constitution and later repealed by the 1955 dictatorship. In the 1994 reform of the Argentine Constitution, Article 75 Paragraph 22 establishes Congress' power to approve or reject treaties with other nations and states that these, once approved, take precedence over laws.

## *Movement for Urban Reform in Argentina*

The discussion on the social function of property<sup>3</sup> and the State's recovery of the capital gains derived from its actions in the territory has its origins in the decade of the 1970s. These issues, now addressed from an approach based on human rights and the democratisation of access to land and housing, were taken on with force once again at the beginning of this century by a group of organisations united within a forum for discussion called the **Movement for Urban Reform** (**Movimiento por la Reforma Urbana, MRU**), which later became **Habitar Argentina**. This group of organisations developed and promoted the **National Declaration for Urban Reform in Argentina** in 2005 on the occasion of World Habitat Day. The Declaration provided a platform for discussion and a political agenda for the organisations that subscribed to it, and linked national progress on the issue with advances in international discussions, in particular with General Comment No. 4 (Article 11.1 of the International Covenant on Economic, Social and Cultural Rights).

This Declaration was based on 12 premises:<sup>4</sup>

1. Legal protection of the right to housing and to the city.
2. Democratisation of access to land and urban property.
3. Right to tenure regularisation.
4. Eviction processes must not violate human rights. Abolition of the law of usurpation.
5. Democratisation of access to public services.
6. Participation of affected persons and organisations in urban and housing policies.
7. Strengthening of habitat self-management processes.
8. Urban development without discrimination.

Among others, it recognises: (1) The American Declaration of the Rights and Duties of Man; (2) The American Convention on Human Rights; (3) The International Covenant on Economic, Social and Cultural Rights; and (4) The First Optional Protocol to the International Covenant on Civil and Political Rights. The second of these is particularly relevant, since its Article 21 stipulates that every person has the right to the use and enjoyment of their property, but that the law may subordinate such use and enjoyment to social interest.

<sup>4</sup> Declaration available at <http://hic-gs.org/content/files/declarg.pdf>

9. Access to central urban areas.
10. Promotion of urban and housing policies with redistributive character.
11. Tax reform.
12. Modification of the Federal Housing Law.

The progress achieved due to this Declaration can only be explained by the high degree of discussions, organisation, popular mobilisation and legislative initiatives that were generated around this platform for struggle.

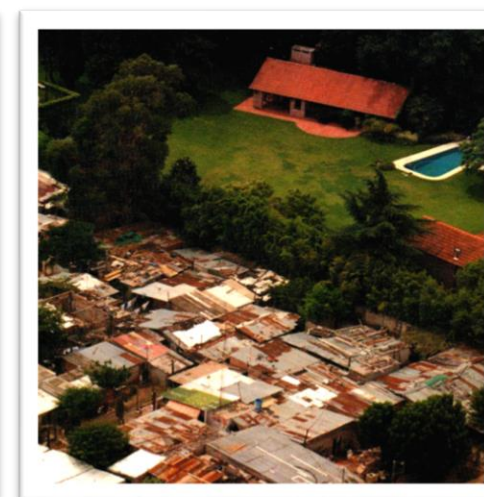
Around 2004, the national administration launched a national call to evaluate the Federal Housing Programme, which had been implemented in the first few months of government. From the first meeting, proposals were not only positioned towards the national but also the provincial level.<sup>5</sup>

*Habitar Argentina, a multi-sectoral initiative for the right to land, housing and habitat*

Born in 2009 as a multi-sectoral initiative for the right to land, housing and habitat, broadening the sectoral base of the MRU, it's formed by the convergence of legislators from different political forces, non-governmental organisations, professionals, academic sectors and social movements. It promotes a new regulatory framework for public policies related to access to land, housing and habitat, and territorial and urban planning, with the aim of generating agreements and presenting proposals. Since its inception, Habitar Argentina has remained an important reference for the struggle for human rights linked to habitat, including a pioneering gender-focused approach. Among the objectives it pursues are:<sup>6</sup>

- To generate a regulatory framework to guarantee the right to housing, land and decent habitat for all.
- To influence the formulation of public policies linked to habitat.

- To encourage the participation and commitment of different actors to work collectively in order to guarantee the fulfilment of rights in this regard.



Socio-territorial inequality. Drawing published in *Prensa Libre* [Free Press] and photo by Pablo Añeli

In May 2010, the proposal and debate session “Access to urban land. Bases for a new regulation in favour of the right to housing and the city”<sup>7</sup> was held. Within this framework, four working groups were organised to address certain issues from different approaches: Evictions and Rents; Land Tenure Regularisation; Housing and the Social Production of Habitat; and Territorial Planning. Four national-level legislative proposals emerged from these working groups: Law on Territorial Planning; Law on Housing and the Social Production of Habitat; National Programme for the Regularisation of Land Tenure and Urban Land; and legal reforms to ensure compliance with General Comments Nos. 4 and 7 of the Committee on Economic, Social and Cultural Rights on evictions.<sup>8</sup> The organisations present in the Province of Buenos Aires joined and actively participated in the

<sup>5</sup> Interview with Ana Pastor, August 2019.

<sup>6</sup> Further information available at <http://www.habitarargentina.org.ar/quienes-somos/objetivos/>

<sup>7</sup> Available at <http://habitarargentina.blogspot.com/2010/06/ffffff.html>

<sup>8</sup> Habitar Argentina, Legislative Proposals, <http://habitarargentina.blogspot.com/p/proyectos-de-ley.html>

national debates on human rights linked to habitat and began to incorporate local proposals in this same trend.

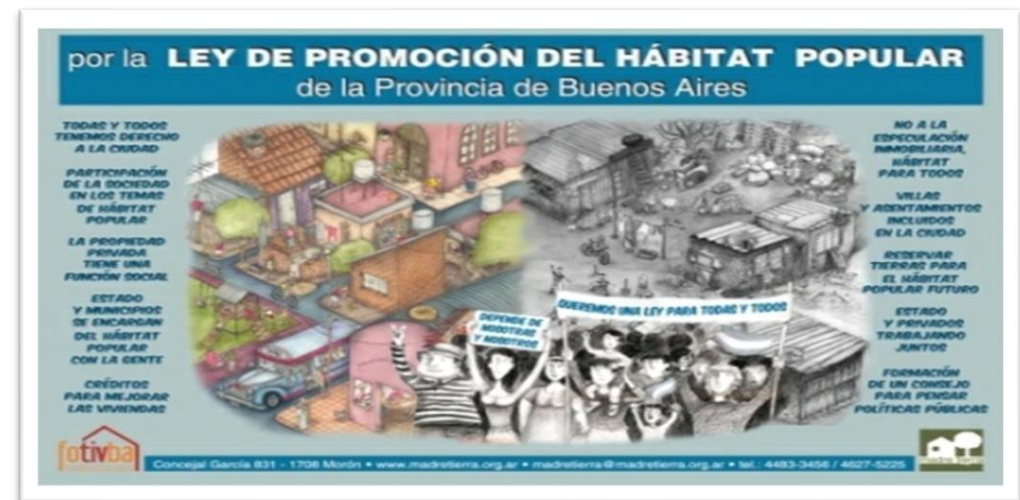
*The Forum of Land, Infrastructure and Housing Organisations of the Province of Buenos Aires (FOTIVBA)*<sup>9</sup>

The Forum emerged in 2004 as part of the Movement for Urban Reform in Argentina and within the framework of the national call to discuss housing programmes in the Province of Buenos Aires. It was constituted under the initiative of a group of six organisations linked to the theme of habitat in poorer sectors of society, and has increased over time to include 37 civil, cooperative and neighborhood organisations.<sup>10</sup> FOTIVBA's aim is:

*"To construct a space for coordination among the organisations and the State in order to: influence public policies related to habitat; guarantee the inclusion of the actors involved in the solution of problems linked to land, infrastructure and housing; promote the participation of other actors; and basically create an organised social force to contribute to the construction of a new management model for social policies towards public habitat."* (FOTIVBA brochure)

<sup>9</sup> FOTIVBA is a collective space for analysis, reflection, discussion and proposal, arising from the initiative of a group of social, technical and territorial organisations, linked to the theme of land and housing in the poorer sectors of the Greater Buenos Aires area <http://madretierra.org.ar/wp-content/themes/madre-tierra-theme/assets/docs/fotivba.pdf>

<sup>10</sup> Asociación Civil Madre Tierra ["Mother Earth" Civil Association], Asociación Civil San Cayetano [San Cayetano Civil Association], Asociación Civil KichariHuasi [Kichari Huasi Civil Association], Fundación Sagrada Familia [Sagrada Familia Foundation], Fundación Vivienda y Comunidad [Housing and Community Foundation, FVC], Instituto Internacional de Medio ambiente y desarrollo-América Latina [International Institute for Environment and Development - Latin America], Organización Barrial Vinso [Vinsó Neighbourhood Association] and Secretariado de Enlace de Comunidades Autogestionarias [Liaison Secretariat for Self-Managed Communities, SEDECA], Arquitectos sin Fronteras [Architects without Borders Argentina, ASFAR],



*Flyer supporting the 'Legislative Proposal for Fair Access to Habitat'*

In its first years (2005-2006), the Forum's activity focused on the discussion of the national government's housing policies from the provincial level. To this end, it participated in the organisation of workshops and regional forums and in the development of legislative proposals aimed at improving the proposed programmes. The 2005 discussion on housing programmes concluded with the recognition of an urgent need for a policy on land. Up until then, only one programme existed for this purpose, which financed companies for the acquisition of land. These companies acquired land at a low cost and the municipal governments established zoning and housing

*Amauta, Mutual El Colmenar* ["The Hive" Mutual Association], *Frente Barrial 19 de diciembre* [19 December Neighbourhood Front], *Grupo EDUM* [EDUM Group], *Cooperativa Una Luz de Esperanza* ["A Glimmer of Hope" Cooperative], *Grupo Virgen de la Esperanza* [Virgen de la Esperanza Group], *Mutual Almas Fuertes* ["Strong Souls" Mutual Association], *Asentamiento Latinoamérica* [Latin America Settlement], *Cooperativa El Amanecer* ["Sunrise" Cooperative], *Centro Comunitario Minka* [Minka Community Centre], *Comunidad Adsis* [Adsis Community], *CAI Tinku Guaguitas* [Tinku Guaguitas Comprehensive Care Centre], *Centro Cultural KichariHuasi* [KichariHuasi Cultural Centre], *Asentamiento 18 de Julio* [18 July Settlement], *Mutual 31 de Mayo* [31 May Mutual Association], *Mutual Comunal Solidaria* [Community Mutual Association for Solidarity], and the neighbourhoods of *El Nuevo Progreso*, *San Martín*, *Hardoy*, *Jupo*, *Basualdo*, *El Arco*, *Benavides*, *Nehuen*, *Javicoli*, *Unión*, *El Milenio*, *San Antonio*, *Presidente Sarmiento* and *Gardel*.

density indicators. This programme only applied to real estate companies, leaving it to the market to attend to the demand for housing in the middle- and low-income sectors.

The Fair Access to Habitat Law still had a long way to go. However, several initiatives were born, which, although not embodied in a policy, were transformed to shape the legislative proposal in 2009. This activity related to the discussion and proposal of policies was enriched by the implementation of the programmes in the neighbourhoods.

While FOTIVBA acts within the provincial framework, it is also an integral part of larger collectives, which were initially articulated at the national level through the Movement for Urban Reform, and later within the space *Habitar Argentina*.

## I. Development of the Legislative Proposal for Fair Access to Habitat in the Province of Buenos Aires

The Province of Buenos Aires is one of the 23 provinces that make up the Argentine Republic. It has a population of 15,625,084 inhabitants within an area of 307,571 km<sup>2</sup> and a population density of 50.8 inhabitants/km<sup>2</sup>.<sup>11</sup> It is constituted by 135 municipalities governed by a mayor elected by popular vote. The Constitutional reform in 1994 created the Autonomous City of Buenos Aires (*Ciudad Autónoma de Buenos Aires*, CABA) as the country's capital, having its own executive, legislative and judicial powers. There are two different states that maintain the same name of Buenos Aires: CABA, with almost three million inhabitants<sup>12</sup> and a population density of 14,450 inhabitants/km<sup>2</sup>, which is surrounded by a conurbation belonging to the Province of Buenos Aires — Greater Buenos Aires — with almost 10 million inhabitants, and a density of 2,700 inhabitants/km<sup>2</sup>, constituting 24.7% of the Argentine population. The population data gives an idea of the urban and population dynamics of this province, which is the third most populated in Latin America, following only Mexico City and São Paulo in Brazil.

<sup>11</sup> National Geographic Institute, Argentina, Political, Area and Population Division. Population data is in line with the Final Results of the 2010 Population, Households and Dwellings Census. Taken from [Political, Area and Population Division](#)



*Habitat Policy Management Board (From the MT archive 2010)*

FOTIVBA was formed in 2004 following the provincial call for the evaluation of national housing policies launched by the government of Néstor Kirchner. Emerging from this evaluation, carried out in workshops with the participation of over 500 referents from the Greater Buenos Aires area, was the proposal and implementation of the federal Housing Improvement Programme “*Mejor Vivir*” [“Live Better”]. This enabled the systematisation and analysis of experiences of implementation through participation in seminars and meetings between 2007 and 2009, following which a Management Board was set up with the Province’s Ministry of Infrastructure. Within this framework, work was carried out around a proposed programme for the production of plots with basic services and a programme of micro-credits for the improvement of housing, which later became part of the toolkit facilitated by the Fair Access to Habitat Law.

At the same time, legislative proposals emerged from FOTIVBA which, although they did not become policy, were gradually transformed into the Fair Access to Habitat Law in 2009.

The mobilisation of the poorer sectors of society described in previous paragraphs provided fertile ground for the proposals advanced in different fields. Although the initiative of the Fair Access to Habitat

<sup>12</sup> Source: General Directorate of Statistics and Censuses (Ministry of Economy, Government of Buenos Aires City [*Gobierno de la Ciudad de Buenos Aires*, GCBA]).

Law came from the grassroots organisations — from ‘villas’ neighborhoods, and settlements — it was soon taken up by municipal and provincial officials from socio-political movements linked to the public administration at the time, as well as by trade unions and universities. In the field of social and civil organisations, the participation of the association Madre Tierra stood out, promoting different spaces for political reflection with leaders of grassroots organisations and the general public.



*Mobilisations to raise awareness about the Law*

The primary objective of the Law is the promotion of the right to decent and sustainable housing and habitat in the Province of Buenos Aires. Its specific objectives are to produce urban land, facilitate the regularisation of urban land tenure in informal neighborhoods, comprehensively address the diversity and complexity of urban housing demands, and generate new resources through tools that also enable the speculative expectations of land valuation to be reduced. (Bustos, 2017)

The first draft of the Law was drawn up by Eduardo Reese — Architect, urban and regional planning expert, and Research Fellow at the National University of General Sarmiento (*Universidad Nacional de*

*General Sarmiento*, UNGS) — on the basis of a series of meetings held in the first months of 2005. Later, as the discussion progressed and new versions of the proposal were developed, the National University of La Plata (*Universidad Nacional de La Plata*, UNLP) formed the Committee on Land, Housing and Habitat within its Social Council, which gave a strong impetus to the discussion, and saw the adhesion of the Universities of Lanus (*Universidad Nacional de Lanus*, UNLA) and Buenos Aires (*Universidad de Buenos Aires*, UBA). The Rector of the University of General Sarmiento even convened a Council of Rectors of national universities in the Province of Buenos Aires to this end, which led to a meeting of specialists who evaluated, enriched and disseminated the legislative proposal.



*Multiplication and debate of the proposal in over 300 spaces of the Province of Buenos Aires (PBA)*

These discussions involved citizens, organisations, civil servants and universities from 30 of the Province's 135 municipalities. Among the participating municipalities included some from the metropolitan area such as Morón and Moreno, and others from the interior such as the Municipality of Zárate. The process saw progress as well as experiencing setbacks and uncertainty, moments of timely reaction and a recomposition of the strategy.

A range of actors such as human rights organisations, the ecclesiastical hierarchy, universities, recognised bodies such as the Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales*, CELS) and some trade unions gradually joined the grassroots organisations, movements, technical support organisations and the

National University of General Sarmiento that united under the umbrella of FOTIVBA. But the decisive incorporation was that of the Argentine Workers' Central Union (*Central de trabajadores argentinos*, CTA), formed by unemployed workers, who made it possible for the proposal to permeate broad sectors of the population. This support had been requested from the General Confederation of Labour (*Confederación General del Trabajo*, CGT), the space that brings together the strongest workers' unions, but no response was received.



The moment the Law was approved (29-11-2012), confetti fell from the balconies. (Photo from the MT Archive)

During the years 2011 and 2012, a great quantity of meetings, talks, workshops and courses were held to disseminate the legislative proposal.

The proposal was approved in November 2012, following 17 versions that were modified with contributions, corrections and adjustments

made in spaces that included different sectors of 30 municipalities in the Province of Buenos Aires. During this long process (2003-2012), discussion spaces, both institutionalised and non-institutionalised, were gradually won over by advocates the Law. It was finally published in the Official Gazette in October 2013.

Among the organisational strategies of the most noteworthy advocates were the creation of a central coordination space that could make rapid decisions according to the progression of the context, the development of an operational plan that could be adapted to different situations, and the setting up of small boards of advocates. Each of these boards was made up of one member of the Argentine Workers' Central Union, one from the universities, one from the technical support and collective action organisations (*organizaciones de apoyo técnico y acción colectiva*, OATyAC) and one from the territorial organisations. All of them met regularly once or twice a month.<sup>13</sup>

With regard to the political strategy for creating a consensus in favour of the initiative, talks were held with the presidents of all the political blocs who, at that time, were in both the Chamber of Deputies and in the Senate, and in particular with the deputies of the Cámpora party,<sup>14</sup> from whom the greatest commitment would be achieved. Three committees were organised: (1) Land Committee; (2) Budget Committee; and (3) General Legislation. Dialogue with mayors was sought in order to gain support for the approval of the Law at the municipal level, although not many responded to the call. The President of the Argentine Federation of Municipalities of the Province of Buenos Aires (*Federación Argentina de Municipios*, FAM) participated in some meetings,<sup>15</sup> and meetings were held with mayors and advisors during the legislative term. There was a favourable political context at both national and local level, and it was possible to explain and convince landowners and some business sectors of the benefits of the Law by facilitating planned and coordinated division of plots, building low-income housing, creating a municipal fund for

<sup>13</sup> Interview with Ana Pastor August 2019

<sup>14</sup> Argentine political group founded in 2006 with a Peronist and Kirchnerist orientation (see [The birth of La Cámpora](#) )

<sup>15</sup> The Argentine Federation of Municipalities is a non-profit public entity, created by National Law No. 24.807, empowered to represent all the country's municipalities through its voluntary association. Its objectives can be consulted at [ABOUT US – Argentine Federation of Municipalities \(FAM\)](#).

the management of the territory with genuine resources to improve habitat, and even for the acquisition of land.<sup>16</sup>

Special emphasis was placed on the communication strategy, promoting spaces for discussion that would make it possible to disseminate and counter the ideas disseminated by traditional media, particularly television channels. Adverts were broadcast on community radio stations and an explanatory booklet prepared by the Madre Tierra association was distributed, in addition to the organisation of courses for advocates of the Law.



*Mobilizations to achieve the sanctioning of the Law*

Many of the Provincial Constitutions include the social function of property among their basic premises; a matter that was not recognised in the Province of Buenos Aires. It must also be noted that much of what is contained in the legislative proposal comes from the

experiences of the organisations and the progress made in the Province's municipalities. What the Law does is condense of all this in order to allow for comprehensive action planning throughout the Province.

*"This Law isn't anything new. It doesn't have any new tools, it doesn't reinvent the wheel; it brings it all together."*

*Ana Pastor*

The grassroots organisations' experience of working in the field of habitat enabled the academic sectors to gather successful experiences. The history of 'villas' and settlement processes and their struggles for regulations to ensure their regularisation within the framework of urbanisation is documented in different works of the universities of the Province of Buenos Aires and the capital city. At that time, the association Madre Tierra, in collaboration with the Province, municipalities and the UNGS worked on an observatory for the application of the Law, which also provides a repository of the regulatory and programmatic tools developed in each of the municipalities. The first result of this work was launched on 12 June 2019.<sup>17</sup>

<sup>16</sup> Collective interview 2019

<sup>17</sup> <https://observatorio.madretierra.org.ar/>

## II. Law on Fair Access to Habitat in the Province of Buenos Aires<sup>18</sup>

The Fair Access to Habitat Law establishes:

### FOUR GUIDING PRINCIPLES

**Art. 11: Right to the City and to Housing.** All inhabitants of the Province are guaranteed the right to use and enjoy the city and housing.

**Art. 12: Social function of property.** Real estate fulfils its social function when it respects the requirements and determinations expressed in laws and general regulations, as well as in the plans, proposals and rules that regulate the production of habitat.

**Art. 13: Democratic management of the City** as a decision-making process that ensures the participation, leadership, deliberation and self-management of the community in general and citizens in particular.

**Art. 14: Equitable distribution of benefits and burdens.** Fair and reasonable use of regulatory powers by the State in urban planning and development processes, in order to prevent inequalities that encourage land concentration.

### FOUR TYPES OF TOOLS

**Support for social production of habitat and self-management initiatives** through new plots, the socio-urban integration of 'villas' and settlements, and the improvement of housing and habitat.

**Strengthening the operational and management capacities of territorial processes.** Readjustment of land, urban consortiums, obligation of use, areas of social interest, rapid resolution of issues, etc.

**Fiscal and extra-fiscal mechanisms for obtaining and administering resources. On land, money and works.** Provincial trust; in municipalities: for valuations, transfers, fines for unused properties, contribution for improvements, debt for land, etc.

**Participation mechanisms.** Inter-sectoral Provincial Housing and Habitat Council; Local Habitat Councils and Management Boards in each neighbourhood where interventions are carried out.

### EIGHT TOOLS FOR ACTION

**Section I. Promotion of social production of habitat and planned urbanisation processes.** Programming of plots, promotion of collective organisation processes, provision of a minimum infrastructure to be implemented progressively, access to drinking water and sewage systems, expansion of the urban area under certain conditions even when the area lacks running water or sewage services.

**Section II. Socio-urban integration of 'villas' and informal settlements.** Progressive, comprehensive and participatory actions, including: construction, improvement and enlargement of housing, social infrastructure and facilities; access to services; and treatment of open and public spaces. Orders the creation of the Provincial Public Registry of 'Villas' and Informal Settlements; orders the development of socio-urban integration plans.

**Section III. Provision of credit for the improvement of habitat.** Orders the creation and establishes the assets of the Public Trust Fund "System of Financing and Technical Assistance for the Improvement of Habitat", orders support for savings cooperatives so that their members have access to financial services and mortgage loans. (Art. 43)

**Section IV. Zones for the promotion of social habitat.** Orders the establishment of special zones and land reserves in urban plans and regulations to support the processes of urban and land tenure regularisation, attending to the permanence of the resident population and promoting the construction of housing and planned social developments. (Art 44)

**Section V. Access to land for the promotion of habitat and participation in the real estate valuations generated by the urban development action.** The municipality's participation in valuations, moments of enforceability, forms of payment, contributions, large

<sup>18</sup> Fair Access to Habitat Law. Law 14.449 amended text, available at [Law 14.449](#) .

property developments, and the authority of the Housing Institute are dealt with in this section.

**Section VI. Urban development consortiums.** Government bodies and private actors act jointly in the execution of urbanisation or construction projects where the value of the property units to be handed over to the owner must correspond to the value before the execution of the works plus a reasonable rate of profit.

**Section VII. Democratic management and participation.** Includes the duty of provincial and municipal bodies to promote the participation of citizens and entities established to defend their interests and values: a) Formalised multi-stakeholder bodies or authorities; b) Public debates, hearings and consultations; and c) Community initiatives for draft regulations linked to habitat and urban development plans, programmes and projects.

**Section VIII.** Establishes the creation and composition of the **Provincial Housing and Habitat Councils** as a multi-stakeholder body for consultation and advice on policies and programmes.

### III. Application of the law, progress on fair access to habitat

*"For me the most valuable thing is that it legalises the legitimate experiences of ordinary people, ...fighting for the rights of families and communities that do not have access to the city... generating spaces for the democratic management of the city, ...working as a community, in the Municipal Habitat Council, together with professional associations, universities, unions, schools; and that allows us to have an influence within each institution. ...What, then, is the power of the Law? That it strives for social justice and that it generates a framework for public policies where we can all live on the basis of these new practices, ones that are guided by the principle of human rights and require a new institutional framework. What does the law bring to the table? A true revolution of the city." Mariano García Colinas<sup>19</sup>*

The Law seeks to fundamentally address the problem of access to land and socio-urban integration for the sector of the population most in need of housing, which, for a long time, was forced to occupy land and endure long processes of urbanisation and regularisation. The regularisation actions and habitat and housing improvement programmes are foreseen for these people.

The resources come from the territory itself, in the form of new contributions on properties that have increased in value as a result of decisions or actions by the State in which the owner has not undergone any effort. They have to do with changes in regulations on land use and infrastructure works that improve the condition of locations and make them more profitable (Bustos, 2017). The value is recovered via a redistributive action for the benefit of the most disadvantaged sectors of society.

Another approach is the identification of unused pieces of land, for which the tax burden is gradually increased, and the owners are summoned to divide it into plots or build on it. This measure has

<sup>19</sup> Architect, Municipal Official, Director of Habitat, Housing and Land Tenure Regulation of the Municipality of Malvinas Argentinas, Argentina.

encouraged the identification of such land by organisations in the neighbourhoods, facilitating their incorporation into the land available in the municipalities.

The Law has a series of tools in place for territorial management such as urban planning consortiums, the preparation of municipal plans taking into account zones for the promotion of social housing, management boards for socio-urban integration, all under the intervention, control and oversight of the **Provincial Housing and Habitat Council (*Consejo Provincial de Vivienda y Hábitat, CPVyH*)** and the **local habitat councils** which were formed under Article 58(a) of the Law. This article refers to the use of formalised multi-stakeholder bodies or authorities to guarantee community participation in habitat policies, with the aim of ensuring the democratic management of the city.

Once the Law approved the creation of the Councils, their insititutionality was so great that, from the outset, there was interest among the legislators to enter this space. It must be recognised, however, that this may change according to the context, as elections are held every two years and legislators may not be interested in participating and putting effort into the issues dealt with in this space.<sup>20</sup>

Since the **Provincial Housing and Habitat Council** was set up in 2014, it has included 31 members from unions, grassroots and technical support organisations (six in total), professional associations and universities (six), municipalities from Greater Buenos Aires as well as the interior (four each), three deputies, two senators and six representatives of the enforcement authority of the Province of Buenos Aires.<sup>21</sup> The members of the Council participate in an honorary capacity and serve for two years, which is renewable for the same period of time once only (Art. 62).

In 2019, only 60 of 135 municipalities were using any of the tools and applying them regularly. A mere 24 have **local habitat councils** which

range greatly in their diversity, from those formed by organisations and universities that happen to be in the area to those called upon to participate by the municipality itself. The most valued are those that achieve a diversity of actors: social and corporate organisations, cooperatives, professional associations; all actors involved in the issue of habitat. One municipality in Patagonia even counts on the representation of the fire brigade.<sup>22</sup>

The Law is comprehensive and very complete, and efforts are now directed towards its dissemination, the training of actors and implementation by municipalities. For its execution, it is essential to train mayors, officials, staff and neighbourhood organisations in the municipalities not only in the procedures but also in the spirit of the Law and its principles — especially those whose work should not suffer changes due to electoral reasons, who can ensure its longevity.

There are deeply-rooted beliefs among public officials around the valuation of property rights over the social interest and the procedures applied over the years, especially those related to territorial regularisation. This creates an inertia that is difficult to overcome in the face of new and more complex provisions and procedures that are not fully known or understood. In addition to this, there are always powerful interests linked to real estate capital. At present, one of the most important tasks is the **launch of the Municipal Councils** as one of the first steps to guarantee the application of all the tools foreseen in the Law, since there are municipalities in which it is still not possible to put them into effect, as they lack the concurrence and political will of a range stakeholders.

In terms of dissemination and training for the management of the Law, various educational and facilitation materials have been produced, including:

- A Manual for Law 14.449 on Fair Access to Habitat, aimed at grassroots organisations, produced by the civil organisation Madre Tierra in 2016.<sup>23</sup>

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<sup>20</sup> In Argentina, deputies are elected for a period of four years, half of the legislators are renewed every two years. In the case of the Senate, they are elected for a period of six years and one third is renewed every two years.

<sup>21</sup> The decree establishing the creation, regulations and reports of the Council, as well as a list of its members, can be consulted at the [Provincial Registry of Slums and Settlements](#)

<sup>22</sup> Interview with Ana Pastor August 2019

<sup>23</sup> Available for download at [Manual for Law 14.449 on Fair Access to Habitat](#)

○ *Fair Access to Habitat Law: A guide to its application*<sup>24</sup> published by the Centre for Legal and Social Studies (CELS) in 2017, which aims to provide civil servants and decision-makers with an operational interpretation of each article of the Law and the Regulatory Decree, in terms of the management of public policies.

○ Tools for the application of the Fair Access to Habitat Law by CELS, aimed specifically at training in the use of three financing and urban management tools established by the Law: a) the collection and redistribution of property valuations; b) compulsory construction and urbanisation; and c) land readjustment.<sup>25</sup>

○ The *Right to the City and Housing* Module of the Luis Eduardo Duhalde Centre for Justice and Human Rights at the National University of Lanús<sup>26</sup> revisits the perspective of the historical struggles of the working class' access to urban space in Argentina since the beginning of the 20th century; struggles that, despite many setbacks, aspired to construct a human right to the city until achieving the Fair Access to Habitat Law (CPVyH, 2016).

The results of the application of the Law can be seen in the Progress Report on Habitat, Management 2014-2019. For the purposes of this study, the following points are highlighted:

HEADING	Applied results 2014-2019
<b>Provincial income</b>	1,419,000,000 ARS / 82 million USD
<b>Registered 'Villas' and Settlements</b>	1,584 neighbourhoods = 420,436 families = 1,900,000 people
<b>Infrastructure works and beneficiaries</b>	251 works for 273,019 families
<b>Habitat subsidies and NGOs</b>	7,756 families and 41 projects and organisations
<b>Family housing improvement</b>	113 projects and 6,222 families

<sup>24</sup> Available at [A guide to its application](#).

<sup>25</sup> Available at [Tools for the application of the Fair Access to Habitat Law](#).

<b>Family plots</b>	23,378 new family plots and 171 plots for division (64 municipalities) 28% in the Greater Buenos Aires area and 65% in small cities
<b>Dissemination and training</b>	196 organisations in 132 municipalities
<b>Suspended evictions</b>	17 evictions suspended
<b>Local Councils</b>	28 local councils constituted

Summary drafted by Ana Pastor

1. The authority for application was transferred from the Ministry of Infrastructure to the Ministry of Social Development, thus disassociating it from changes in the territory and defining it as a policy for vulnerable sectors. The responsible authority suffers constant changes to its composition (five undersecretaries) which limits continuity.

2. 92.4% of the resources of the Trust Fund "System of Financing and Technical Assistance for the Improvement of Habitat" are allocated to the municipal administrations and only 7.6% to the projects requested by community organisations.

3. With regard to the resources allocated for socio-urban integration by the Provincial Public Registry of 'Villas' and Informal Settlements (*Registro Público Provincial de Villas y asentamientos precarios, RPPVAP*), it is recognised that out of 83 parties (municipalities) that registered neighbourhoods, 29 used the entirety of the funds to promote socio-urban integration in those neighborhoods, 23 did not use the resources in the neighborhoods recognised under these circumstances, and the remaining 31 used the resources in both types of neighborhoods.

4. Habitat improvement works were carried out in 292 low-income neighbourhoods, benefiting 280,775 families in terms of access to

<sup>26</sup> Available at [IJDHUNLA](#)

water, drains, pavements, asphalt, kerbs and gutters, community centres, sports facilities, etc.

5. Concerning the number of NGOs registered per year, this has decreased over the years, with the period 2014-2015 accounting for 61% of all registrations.

6. With regard to the actors contributing land for the programmes of plots with basic services, 171 new neighbourhoods have been created in 64 municipalities, generating 28,378 family plots in various categories: 34% on municipal land, 47% through private urban development consortiums, 12% on land belonging to organisations and 7% on provincial land. In recent years, there has been an increase in the number of urban development consortiums (with land contributed by private landowners); 65% of these were concentrated in small municipalities where there is less scarcity of land as well as a small deficit, 7% in medium-sized municipalities and 28% in the Greater Buenos Aires area.

#### IV. How to preserve the policies that have been achieved in view of possible changes in administrations

Soon after its approval, the driving forces behind the Law were confronted with a change in government. As of 10 December 2015, new authorities were elected at the national, provincial and, in many cases, municipal levels, who were of a different political spectrum to the previous administration, opening up a new phase in the implementation of Law 14.449. Both the national Presidency and the administration of the Province of Buenos Aires were in the hands of candidates from the conservative Republican Proposal Party (*Partido Propuesta Republicana*, PRO).

The first challenge faced by the organisations in the face of a government that looked towards regression was the implementation of laws that were thought to have been outdated (such as the Decree-Law 8912/77 on Territorial Planning and Land Use) but which, since they had not been repealed, could be used to circumvent the provisions of Law 14.449. Another obstacle in this sense was the sectorisation of policies, based on the separation of infrastructure policies from housing policies, and a welfare-oriented approach for the sectors of the population with the greatest deficiencies linked to the latter.

The best way to combat this trend was to continue to set in motion the structures and procedures based on the prerogatives of the Law. The launch of and participation through the Provincial Housing and Habitat Council and local habitat councils therefore became particularly important. Another challenge was to win over and convince like-minded legislators with a background in the social movement to participate decisively in the application of a law that was very advanced, but of which there was a lack of awareness. This issue was particularly relevant since many of the decisions required the consensus and approval of the local councils, which meant that the decisions could favour the low-income sectors of society or not, and the powers afforded by the Law were, in some cases, also used to favour the regularisation of the areas illegally occupied by the most privileged sectors of society.

The pressure of the sectors organised under the umbrella of FOTIVBA and its allies convinced progressive legislators to chair the

commissions in the Provincial Congress that could favour the application of the Law, while the authority for application was in charge of incorporating legislators from the conservative sectors into the Provincial Housing and Habitat Council. This created an interesting space for debate on habitat policies within the Province, which began to transform the notions of some conservative sectors on habitat issues, yet only those linked to poverty, not to social/spatial justice. Thus, an unfavourable political context could eventually unify the action of progressive forces.

The October 2019 elections saw the victory of Alberto Fernández as President of the national government and Axel Kicillof in the provincial government, both nominated by the same coalition of parties. Kicillof, a Keynesian economist, had held the portfolio of the Ministry of Economy in the period 2013-2015 and a year before, in his capacity as Deputy Minister of Economy, he had presented the Argentine Bicentennial Credit Programme for Single Family Housing (*Programa de Crédito Argentino del Bicentenario para la Vivienda Única Familiar*, PRO.CRE.AR), on the basis of which land could be acquired for housing, or the house could be enlarged, improved or refurbished by its owners. In this new political scenario, it is hoped that better conditions can be expected to continue deepening and expanding the possibilities provided by Law 14.449.

## V. What can be done to build on what has been achieved?

Almost six years after the approval of the Law and its implementation, necessary adjustments to deepen and broaden its aim can be observed. Among these, the following have been highlighted by the activists of the movements and workers of the Province committed to this cause:

**1. Greater rigour in the application of the Law**, training for staff, and compilation of the missing manuals that accompany the legislation. Develop even more mechanisms for the education and training of technical political staff, people in the neighbourhoods themselves, and members of the Deliberative Council (the legislative power of the municipalities).

**2. Update the Provincial Registry of 'villas' and Informal Settlements.** The Law stops evictions from all registered slums and settlements. A

registry of these low-income neighbourhoods was initiated in 2015 and has been increasing very slowly in subsequent years. Progress must be made to integrate a registry that includes all those who are unable to take advantage of the benefits of the Law.

**3. Incorporate both urban and rural issues** into strategic territorial planning.

**4. Increase the volume of money collected to pay for expropriations pending payment.** This can be achieved by increasing the tax burden by 3% using the tools foreseen by the Law. To do this, it is necessary to generate frameworks for consultation with the real estate sector. The Provincial Housing and Habitat Council is currently working on this.

**5. Develop a non-bank financial system that enables the local-level financing of the personnel that** technically and professionally assist each neighborhood, each person carrying out self-building processes, in each cooperative, to begin to count on a political and cultural volume that confronts the powerful real estate sector and generates a new institutionality.

**6. Create a space for the collection and desystematisation of experiences** that constitutes an *acquis* to strengthen political action.

**7. Unify the management of the territory**, through a single leadership that coordinates the various provincial bodies with competences in planning, infrastructure, land, housing, habitat and environmental policies. The current sectorisation favours inequality and reduces the effectiveness and efficiency of actions.

Other achievements under the Law include changes in the way eviction execution deadlines are counted and the obligation to provide alternative accommodation for the family. The Provincial Council has developed an eviction protocol and a rehousing protocol, in agreement with the Supreme Court of Justice of the Province of Buenos Aires, to guarantee the safety of the citizens. It calls on the province and municipalities to intervene in the protection of their citizens, seeking alternatives to guarantee their right to housing.

## VI. Academic collaboration

The Fair Access to Habitat Law is the result of a long history of struggles in the country, in which broad fronts of community organisations,

workers, citizens, professional associations, academics and political sectors were formed. Each one of them has contributed to the construction of a common achievement.

The political context across the 12 years of the Kirchner government allowed for the creation of many universities and enabled them to move closer towards the working-class sectors of society, both in terms of the enrolment of the local population and the subjects they addressed. Universities with some academics committed to the cause have accompanied the experiences in the territories by exchanging knowledge with the population.

Law 14.449 orders the incorporation of representation from universities in the Provincial Housing and Habitat Council as well as in the local councils, which allows them to receive first-hand information in order to develop studies to evaluate its application, and generate the necessary proposals to overcome its limitations. The National University General Sarmiento and the University of La Plata have accompanied this process and have guided academic life — especially through their graduates — towards the development of issues related to a fairer habitat. Important efforts are also being made at the Jauretche University in Florencio Varela, as well as those of Moreno and Buenos Aires, although today, there is still a lack of interest and commitment from professionals from different disciplines to work in the area of low-income communities.

## VII. Some conclusions

- Great advances in regulations in favour of human rights linked to habitat have been preceded by periods of serious crisis and political struggle, which have led to readjustments in the governing sectors in order to recover confidence and the legitimacy and stability necessary to deal with situations of widespread crisis. These moments generate the necessary conditions to germinate that which has been pursued for a long time.
- Social groups and citizens have played a key role in achieving regulations that favour the right to housing and to the city: the Movement for Urban Reform, Habitar Argentina, and the Forum of Land, Infrastructure and Housing Organisations of the Province of Buenos Aires (FOTIVBA). In the case of the latter, the effort and struggle of the neighbourhood organisations was taken up and strengthened by the organisation and struggle of unemployed

workers, human rights organisations, ecclesiastical groups, as well as committed academics, the middle classes in the defence of their neighbourhoods, and municipal and provincial officials with a background in socio-political movements.

- The social movement and the organisations succeeded in using different strategies to achieve their objectives, from mobilisations in the streets to the development of legislative proposals preceded by wide dissemination among and the participation of the population. The capacity to make proposals and mobilise citizens was strengthened firstly by the participation of committed academics and later of universities which, as the process advanced, constituted a body of specialists to evaluate, enrich and support the dissemination of the legislative proposal.
- The initiative that gave rise to the Law takes up the experiences developed in several of the municipalities and concentrates it into a single legislative body. Although it has been approved since 2012 and was established in 2013, there is still a long way to go to achieve its implementation in the 135 municipalities of the Province. Among the strategies to broaden and deepen its scope are the development of materials to aid its dissemination and manuals for its implementation, although the establishment of local habitat councils in each municipality is considered key.
- When political conditions are unfavourable, the use of the urban planning tools set out by the Law are applied gradually. It is necessary to train new civil servants so that they understand the scope of the Law in favour of the city; organisations so that they have the capacity to channel their demands within the framework of this Law; and municipal staff — those that do not change with electoral movements — to enable the necessary procedures for a more agile and sound application of the Law.
- The promotion of permanent civil spaces for information on the implementation of the Law favours transparency, combats media disinformation by those who control the mass media, and leaves less margin for discretionary application by the public authorities. This is the

purpose of the recently-created Observatory of the Law on Fair Access to Habitat.<sup>27</sup>

- Advocates of the policy proposal maintain that the comprehensive application of the Fair Access to Habitat Law intends to achieve a territory that is economically equitable, socially inclusive, spatially integrated, environmentally sustainable, culturally respected, democratically planned and effectively managed.

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<sup>27</sup> Accessible at <https://observatorio.madretierra.org.ar/>

# Latin America, Mexico: the Mexico City Charter for the Right to the City<sup>1</sup>

Magdalena Ferniza

Habitat International Coalition. Latin America (HIC AL)

## Introduction

It is impossible to understand the process of the development of the Mexico City Charter for the Right to the City (henceforth CCMDC, *Carta de la Ciudad de México por el Derecho a la Ciudad*, by its Spanish acronym) without addressing the long struggle for the democratisation of the country, and of a city of almost nine million inhabitants that was only able to elect its Head of Government from 1997, and its Delegation Heads (now mayors) from the year 2000.

On 17<sup>th</sup> September 2018, the Political Constitution of Mexico City (henceforth CPCM, *Constitución Política de la Ciudad de México*, by its Spanish acronym) came into force, an extremely advanced Local Constitution that was the fruit of the debates of a Constituent Assembly composed of 100 representatives, of whom 60 were elected by citizens, and 40 appointed by Congress, the President, the Head of Government of the Federal District and the Senate. With the enactment and publication of the CPCM, the era of the Legislative Assembly of the Federal District came to an end to make way for the First Congress of Mexico City.

The CCMDC is arguably one of the most important documents that served as a basis for the discussions on the Local Constitution.

The struggle for the Right to the City (R2C), whose ideology and proposals are synthesised both in the World Charter and the Mexico City Charter, has a mobilising power that impacts different levels and

times. At the time, the scope of the CCMDC was questioned since it did not possess a binding character nor the means for its enforcement, but its proposals advanced until these were achieved. The results are clear. Yet, in many cases, the development of the instruments of the Charter and Local Constitution that enable the R2C to be implemented are still pending.

This document aims to explain the trajectory of the city's struggle for democratisation and the national and local conditions that led to the approval and signature of the CCMDC.

First, the background is presented, in which the situation of the country and the city's process of democratisation is recounted.

The next chapter addresses the struggles of the urban movements, the international discussions on the R2C that gave rise to the World Charter for the Right to the City, the process to formulate and approve the Charter, and an analysis of its relevance, seen from the perspective of three of the key actors in this process: the City Government, the Urban Popular Movement and Habitat International Coalition (HIC).

The final chapter presents the challenges by way of conclusions from the viewpoint of these three actors.

## I. Background

### *Political and social unrest in Mexico at the end of the century*

For over 70 years, Mexico lived under a hegemonic party political system; the so-called Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) held power from the year of its foundation (1929) until 2000, centralising all levels of government. Unlike the rest of Latin America, whose history was peppered with military dictatorships, in Mexico executive and legislative powers were regularly occupied during the constitutional periods established since the 1917 Constitution.

However, a series of circumstances gradually chipped away at the credibility and legitimacy of the one-party government, creating

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<sup>1</sup> We would like to thank Enrique Ortiz Flores, Architect, winner of the 2014 National Architecture Award, and Member of HIC since its foundation — within which he has

held the roles of President and Secretary General — for his collaboration in the development of this article.

fractures within the ruling party itself<sup>2</sup> and unifying the forces that were seeking change in the country:

- Elections that were repeatedly disputed; tight state control of the institutions responsible for electoral processes; and the assassination of a presidential candidate and the leader of the PRI party legislators in the Chamber of Deputies,<sup>3</sup> very probably by the same forces that held power.
- Strong repression of student movements (1968, 1971, 1977, 1986, 1999); low-intensity conflict unleashed against political opposition movements during the period 1960-1980 (the so-called Dirty War)<sup>4</sup>; repression of indigenous and *campesino* movements (the massacres of Aguas Blancas in 1995, Acteal in 1997 and El Charco in 1998); and the betrayal of the peace agreements with the Zapatista Army of National Liberation (*Ejército Zapatista de Liberación Nacional*, EZLN), in 1995.
- All this within an economic context tied to the interests of neoliberalism and plagued by acts of corruption.

Although there had been countless important political and social movements, it was the indigenous Zapatista movement grouped in the Zapatista Army of National Liberation that erupted in an armed uprising in the state of Chiapas, one of the poorest in the country. The EZLN declared war on the Mexican State at the time that the North American Free Trade Agreement (NAFTA) came into force on 1<sup>st</sup> January 1994, which caused huge upheaval within Mexican society.<sup>5</sup> The war lasted for 12 days and a truce was decreed in the face of the great national and international civil mobilisation resulting from the military inequality of this struggle and the conviction of the just reasons behind the uprising. The Zapatista rebellion is the first movement of national scale that openly raised the struggle against neoliberalism at an international level.

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<sup>2</sup> The decade of the 1980s saw the emergence of the so-called *Corriente Democrática* [Democratic Current] of the PRI, which sought to restore nationalist and socio-democratic principles, and to make the rules for the appointment of the party's presidential candidate more transparent. Since it was not successful, it disbanded and presented the candidacy of Cuauhtémoc Cárdenas Solórzano for the 1988 presidential elections, supported by the *Frente Democrático Nacional* [National Democratic Front], a coalition of political and social parties and groups of the centre-left that gradually joined forces to form the Party of the Democratic Revolution in 1989.

The crisis of legitimacy was firmly established, as were the contradictions within the dominant party. These factors led to a power struggle that resulted in the assassinations mentioned above just a few months after the Zapatista uprising. The President, Carlos Salinas de Gortari (1988-1993), with the subsequent ratification of his party's political council, appointed Ernesto Zedillo Ponce de León as the candidate to become his successor.

The bet on a campaign of fear over a campaign of change, with the uprising of the EZLN and other clandestine guerrilla organisations as an example, foretold that the country would enter a phase of instability and ungovernability. But it was also clear to citizens that the regime would not stop pursuing the path it had laid out, even at the cost of getting rid of its own party members. This campaign and the control of the systems responsible for organising and monitoring the elections led Ernesto Zedillo to win the elections in July 1994 over his opponents Cuauhtémoc Cárdenas Solórzano (Party of the Democratic Revolution [*Partido de la Revolución Democrática*, PRD]) and Diego Fernández de Ceballos (National Action Party [*Partido Acción Nacional*, PAN]).

#### *The national government. The Zedillo administration (1994-2000)*

A few days after the new President took office, the Mexican economy collapsed, leading to a 100% devaluation of the currency, triggered by over-indebtedness on the eve of NAFTA's entry into force.

The effects were reflected in the increase in interest rates for loans to 80%, which led to the bankruptcy of companies and households that could not cope with debts with skyrocketing variable bank rates. The government rescued banks and big businesses by converting public debt into private debt through an instrument known as the Banking Fund for the Protection of Savings (*Fondo Bancario de Protección al*

<sup>3</sup> In 1994, six months apart, Luis Donaldo Colosio, presidential candidate for the PRI, and José Francisco Ruiz Massieu, leader of the legislators in the Chamber of Deputies, were assassinated.

<sup>4</sup> The more than 500 forced disappearances and other murders of political opponents, organisations and leftist social movements by the Mexican State is known as the Dirty War.

<sup>5</sup> Further information available in the outstanding article by Pablo González available at <http://biblioteca.clacso.edu.ar/ar/libros/coedicion/casanova/15.pdf>

Ahorro, Fobaproa), which indebted the country with amounts unpayable for several generations.

On the political front, the national government broke the peace agreement with the EZLN and betrayed the proposal of a solution to the conflict through negotiations by sending the army to capture their military leaders. It also developed a counter-insurgency project that included the persecution and displacement of indigenous Zapatista communities at the hands of irregular armies (paramilitaries). The most serious point of this operation was the Acteal massacre in which 45 indigenous Tzotzil people (including women and children) were executed.

In addition to these incidents were others in the state of Guerrero, another of the poorest territories in the country, which once again witnessed the army's violence against *campesinos* and indigenous people: the Aguas Blancas massacre (May 1995) perpetrated by the police in the state of Guerrero, in which 17 *campesinos* died; and the El Charco massacre perpetrated by members of the Mexican army against indigenous Mixtecs and *campesinos*, which resulted in 11 deaths, several injured and the persecution of family members and communities.

Discontent grew throughout the country, particularly in Mexico City, as the seat of economic and political power, the main entity that articulates the national and international economies, and the privileged scenario of national political life, home to a politicised and participative citizenry. (Álvarez& Ziccardi 2015) (Ziccardi 2001).

#### *The democratisation of Mexico City*

Among the 32 federal entities of the Mexican Republic is Mexico City,<sup>6</sup> the country's capital and seat of the Union's powers (executive, legislative and judicial), which covers an area of 1,500 km<sup>2</sup>.<sup>7</sup> It is divided into 16 municipalities and is the most densely populated city in the country with a total population of approximately nine million<sup>8</sup> (5,868 inhabitants per square kilometre).

<sup>6</sup> Until 2017, the country was composed of 32 states and one Federal District, which changed its name to Mexico City in 2016 and obtained full rights as a state until 2018.

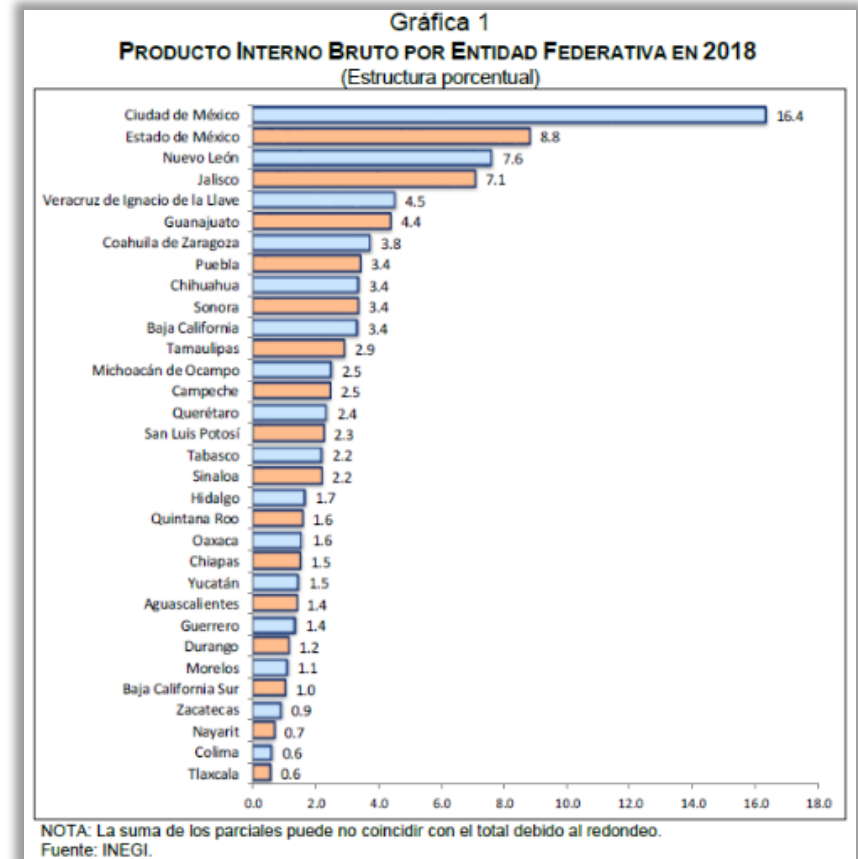


Image taken from Twitter @INEGI\_INFORMA

<sup>7</sup> <https://www.archivo.cdmx.gob.mx/cdmx/sobre-nuestra-ciudad>

<sup>8</sup> <http://cuentame.inegi.org.mx/monografias/informacion/df/poblacion/>



Source: National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadística, Geografía e Informática, INEGI). Intercensal Survey 2015

Since 1928, the Federal District had constituted a territory under the sovereignty of the national State, where the latter had direct and exclusive jurisdiction and delegated government to a regent elected by the President of the Republic. Until 2018, it did not have a Local Congress<sup>9</sup> nor full autonomy to choose the person responsible for public security, among other powers.

Mexico City was the object of a long political reform dating back to the mid-1980s, largely due to the popular and organisational insurgency resulting from the earthquakes of September 1985. The enormous destruction and loss of life caused an intense spontaneous reaction among the population that transcended the local administration and gave impetus to the construction of a strong

<sup>9</sup> The Congress of Mexico City was installed, with the representatives of the first Legislature taking oath on 17<sup>th</sup> September 2018.

<sup>10</sup> The Reform provided for the direct election of the Head of Government but reserved the budget and other important decisions for the Congress of the Union. The full text of the Reform can be found at [http://www.dof.gob.mx/nota\\_detalle.php?codigo=4719971&fecha=26/07/1994](http://www.dof.gob.mx/nota_detalle.php?codigo=4719971&fecha=26/07/1994)

popular movement that aimed to democratise the city and the country.

In 1988, citizens played a key role in the creation of the National Democratic Front, which nominated Cuauhtémoc Cárdenas for the Presidency and undermined the legitimacy of the government of Carlos Salinas de Gortari (1988-1994), constituting an important bastion of the left within the country ever since.

In August 1987, the *Asamblea de Representantes* [Assembly of Representatives] was created by decree; the first representative body whose members, belonging to political parties, were elected by universal, direct and secret vote by citizens at the local level. Its powers were to issue proclamations, bylaws and regulations on police and good governance. In 1993, a group of representatives called a citizens' plebiscite and intensive consultations took place around the election of the Head of Government and the restitution of full political rights to the inhabitants of the capital. This was partially achieved through several constitutional reforms, which gave rise to the enactment of the Statute of the Government of the Federal District,<sup>10</sup> which established, among other things, the direct election of the Head of the Government of the Federal District in 1997 and of the Delegation Heads (mayors) in the year 2000, in addition to the legislative powers of the then Legislative Assembly and the first Law on Citizen Participation, which stipulated the organisation of Citizens' Councils. In the local elections of 6<sup>th</sup> July 1997, the first elections for the Head of Government of the Federal District were held, leading to the victory of Cuauhtémoc Cárdenas Solórzano of the Democratic Revolution Party,<sup>11</sup> and resulted in this party gaining the majority of the seats in the new Legislative Assembly. Since then and to date, Mexico City has had different centre-left governments at the head of its administration.

The government of Cárdenas continued with this process of democratic opening, making progress with reforms to the institutional system. The *Instituto Electoral del Distrito Federal* [Federal Electoral

<sup>11</sup> Cuauhtémoc Cárdenas Solórzano had run in the 1988 presidential elections, achieving a very high vote in the capital city as a result of the organisation and mobilisation of the working class sectors of society. When he ran as a candidate for Head of Government of the Federal District, his candidacy was supported by a broad sector of the social movements despite the fear campaign orchestrated by his political opponents.

Institute] was created, progress was made in the decentralisation of political and economic resources to the delegations and, in particular, a new Law on Citizen Participation was enacted that included new tools for participation (Álvarez & Ziccardi 2015).

In the area of social rights, the Law on Social Development (2000) was approved based on an approach to fulfil economic, social and cultural rights; the initiative *Coalición Hábitat México* [Mexico Habitat Coalition] which aimed to institutionalise programmes for improvement and family housing plots was taken up again; and companies, universities and civil society organisations were invited to participate in the renewal of partial urban development plans through participatory planning exercises.

In July 2000, national and local elections were held again in the Federal District, this time to elect the Head of Government and, for the first time, for the Delegation Heads (16 municipalities). Andrés Manuel López Obrador was elected Head of Government (2000-2005).<sup>12</sup>

During his mandate, the administration's payroll is made public, a greater amount of resources are allocated to social development than in other of the country's institutions, progress is made in the universality of some citizen's rights — such as maintenance for senior citizens, the provision of school supplies and support for people with disabilities — and resources are allocated for 126,000 housing actions on owned plots.

His government received high public approval, and he was considered the second best mayor in the world in 2004, according to the results of the City Mayors Survey.<sup>13</sup>

These figures and actions made him the most popular politician in the country; and consequently the national government orchestrated a campaign against him, which led to his impeachment on 7<sup>th</sup> April 2005. Accused of having violated a legal order by building a road to

a hospital, he himself stepped down from his post and placed himself at the disposal of the judicial authority. Citizen mobilisation forced the President of the Republic to seek a political solution, resulting in the issuing of a decree on the non-exercise of criminal proceedings.

Months later, he asks for a leave of absence to run for the Presidency of the Republic. Following the electoral fraud of 2<sup>nd</sup> July 2006,<sup>14</sup> he contests the election and launches a national civil resistance movement to support the demand to open the ballot boxes and recount votes, in order to clarify the election result. The movement affects the country for 48 days, leading to countless complaints and even intervention by the Human Rights Commission. The Electoral Tribunal acknowledges many irregularities but finally validates the elections. The civil and peaceful resistance ends on 16<sup>th</sup> September 2006 with the holding of the *Convención Nacional Democrática* (National Democratic Convention), where it is agreed to disregard the election result and to proclaim López Obrador as the legitimate President.

During this period, political rights that had long been diminished in Mexico City begin to be exercised and policies based on social rights begin to take shape, these processes giving rise to the idea of a Charter for the Right to the City.

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<sup>12</sup> A detailed biography of Andrés Manuel López Obrador's political struggle and government can be found on the website of the Presidency of the Republic: <https://www.gob.mx/presidencia/estructuras/andres-manuel-lopez-obrador>

<sup>13</sup> The City Mayors Foundation has awarded the Best Mayor Prize since 2004. Every two years, it recognises mayors who have made outstanding contributions to their communities and have developed a vision for urban life and work that is relevant for

towns and cities around the world.  
[http://www.worldmayor.com/worldmayor\\_2004/results\\_2004.html](http://www.worldmayor.com/worldmayor_2004/results_2004.html)

<sup>14</sup> The Presidential elections held on 2<sup>nd</sup> July 2006 resulted in the victory of Felipe Calderón of the National Action Party over López Obrador by a narrow margin. The challenges arising from this narrow margin left the official proclamation of the winner in the hands of the Electoral Tribunal of the Federal Judiciary, which finally declared Felipe Calderón the winner.

## II. The process of constructing the Mexico City Charter for the Right to the City<sup>15</sup>

### *The Urban Popular Movement and the democratic opening of Mexico City*

The existence of an incipient urban popular movement has been recognised since the tenants' struggles that emerged in 1915 in the country's main cities, lasting until 1960, although a clear notion of identity persisted among the tenant population of the city's neighbourhoods, such as Tepito or the Guerrero colonia (residential area).

Later, with the process of industrialisation and the increase in rural-urban migration, independent movements of settlers emerged who carried out isolated incidents of the taking of land or illegal purchases to build houses. Popular colonias developed in the city's periphery, and families organised themselves and fought against the serious lack of basic services, equipment and infrastructure, and regularisation of tenure without a clear notion of the R2C, nevertheless demanding recognition of their most basic rights as inhabitants of these colonias.

In 1977, the Union of Popular Colonias of the Valley of Mexico (*Unión de Colonias Populares del Valle de México*, UCP-VM) was formed, and other organisations accompanied by ecclesiastical groups, credit unions and civil society organisations such as the Settlement and Housing Operational Centre (*Centro Operacional de Vivienda y Poblamiento*, COPEVI)<sup>16</sup> formed housing cooperatives. All of these emerging organisations continue to form broader alliances in the Valley of Mexico.

From 1980, a significant number of colonias, groups of housing applicants and tenants, became coordinated at local, regional and national levels, constituting the National Coordinating Committee of the Urban Popular Movement (*Coordinadora Nacional del Movimiento Urbano Popular*, CONAMUP) and its expression of the *Coordinadora Regional del Valle de México* [Regional Coordinating

Committee of the Valley of Mexico], which maintained a strong presence in the peripheral colonias of Mexico City.

The September 1985 earthquakes in Mexico City left thousands dead and more than 30,000 homes destroyed. The inability of the local and federal governments to deal with the tragedy was evident. At that time, the accumulated political and organisational experience of the tenants' organisations and of broad sectors of society not linked to traditional urban movements emerge, creating new organisations with different demands, uniting in the Sole Coordinating Committee of Earthquake Victims (*Coordinadora Única de Damnificados*, CUD). The impact of the mass mobilisation of the people affected and of various groups that had participated in the rescue, triggered a reconstruction policy that focused on responding to the demands to replace their homes in the same location (in almost all cases in the central areas of the city) and at accessible prices, which led to a broad programme of expropriation (4,312 properties) and the construction of around 43,000 properties in two years (Connolly, 2010). The participation of those involved, professional bodies, civil society organisations and the long struggle and reconstruction process consolidated urban organisations in the central areas of the city and opened up new possibilities for urban movements.

In 1987, it was these sectors that gave Cuauhtémoc Cárdenas' presidential candidacy a strong social base of support in the city, in the hope of ending the hegemony of the PRI. The majority vote obtained in favour of this candidate in the country's capital gave a strong impetus to the struggle for the democratisation of the city. In November of the same year, the *Convención del Anáhuac* [Anáhuac Congress] was set up, bringing together over 100 urban, student, trade union, environmental and women's organisations. The organisations proposed to fight for new constitutional reforms that would redefine the federal pact and generate new forms of government of direct and popular democracy in order to address to the old demands that had never been resolved, as well as to introduce and implement the movement's political programmes.

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<sup>15</sup> The extensive journey of the CCMDC was documented by Miguel Ángel Ramírez Zaragoza in *La construcción social del derecho colectivo a la ciudad* [The social construction of the collective right to the city] available at <https://leerlaciudadblog.files.wordpress.com/2016/05/ramc3adrez-la-construic3b3n-social-del-derecho-colectivo-a-la-ciudad.pdf>

<sup>16</sup> *Centro Operacional de Vivienda y Poblamiento*, COPEVI, A.C.; a civil society organisation dating back over half a century in the field of settlement and housing. Historic Member of HIC.

Although there were several attempts at unification between the two coordinating committees, in the end they both ceased to exist, splitting up into several urban movements which, nevertheless, could act together responding to the needs of the moment, as in the case of the opposition to the tenancy reforms in 1993.

At the beginning of 1994, with the eruption of the indigenous Zapatista movement, the political assassinations and the conjuncture of the national and local elections, the struggle of the city's urban sectors acquired a more radical character. Within the movements there were discussions about the validity of the armed struggle to achieve the democratic changes that seemed impossible to attain. By that time, other armed indigenous and *campesino* movements had already appeared across the country. In the midst of such a complicated scenario, democratic opening was unavoidable, especially in the country's capital, where political effervescence as well as the absence of basic political rights was evident.

In 1997, for the first time since 1928, elections were held for the Head of Government as a result of the constitutional reforms of 1993 and 1996, by which the President of the Republic lost powers in relation to the city government. The victory of the left is very broad and it manages to win a majority of seats in the Legislative Assembly. Yet, far from consolidating the urban movement, it demobilises it, given the incorporation of its leaders into the public administration or legislative power, and the difficulty of creating new political frameworks with the speed that the movement demanded. Added to this is the policy of moderation towards the local government that was imposed on part of the movement due to the constant pressures and attacks from the national government.

In the year 2000, after 71 years, the national presidential elections lead to the victory of an opposition candidate, even though he is from a right-wing party. In Mexico City, the Head of Government is elected for the second time, and now for a period of six years, the strongest candidate the left has ever had winning by a wide margin: Andrés Manuel López Obrador (AMLO).

When six years later he ran for the Presidency of the Republic and the fraud against him was committed, the majority of the urban movements in the city joined the civil and peaceful resistance; but only one of them took on the commitment to fight this struggle in the long term, renaming itself the Urban Popular Movement of the

National Democratic Convention (*Movimiento Urbano Popular de la Convención Nacional Democrática*, MUP-CND).

*The World Charter for the Right to the City* (WCRC)

The process that gave rise to the initiative of a World Charter for the Right to the City was initiated as part of the preparatory activities for the second United Nations Conference on the Human Environment held in Rio de Janeiro, Brazil, in 1992 under the title 'Earth Summit'. On this occasion, Brazil's National Forum for Urban Reform (*Fórum Nacional para Reforma Urbana*, FNRU), Habitat International Coalition (HIC) and the Continental Front of Community Organisations (*Frente Continental de Organizações Comunitárias*, FCOC) joined forces to draft and sign the Treaty on Urbanisation 'Toward Just, Democratic and Sustainable Cities, Towns and Villages'.

Treaty on Urbanisation '**Toward Just, Democratic and Sustainable Cities, Towns and Villages**' three basic principles:

- *The Right to Citizenships, which is understood as the participation of habitants of cities, towns and villages in deciding their own future.*
- *Democratic management at local level, which is understood as a form of planning, producing, operating and governing, cities, towns and villages with control and participation of civil society.*
- *The social function of the city and property, which is understood as the common interest prevailing over individual rights to property.*

Taken from *The Right to the City around the World*, page 42

Years later (1995) several HIC members participated in the meeting 'Towards the City of Solidarity and Citizenship' convened by UNESCO, where the discussion on urban rights was positioned. At the same time, in Brazil, the Charter for Human Rights in the City - the precursor of the City Statute - was discussed and the European Charter for Women in the City (Brussels 1995) was made known. The latter contains an assessment of the current situation of women based on an analysis of five priority themes: urban planning and sustainable

development; safety; mobility; habitat; and local facilities and strategies. More than a document of commitments, it is a platform for debate.

The first World Assembly of Inhabitants, an important reference in the drafting of the World Charter for the Right to the City, was held in Mexico City under the theme 'Rethinking the City from the People', which brought together community organisations and urban popular movements to define a common strategy for mobilisation on a global scale. The country's urban organisations began to shape and drive the struggle for the defence of human rights and an initial vision of the R2C. Workshops and roundtables were prepared well in advance in different entities of the Republic, producing documents that would serve as contributions to the World Charter for the Right to the City and, 10 years later, as a result of this, the CCMDC.<sup>17</sup>

The **World Assembly of Inhabitants** in the year 2000 debated the concept of a collective ideal that would provide the basis for proposals aiming to build:

- Democratic cities
- Educational cities
- Inclusive cities
- Liveable, sustainable, healthy, productive and safe cities.
- Cities that are safe from disasters.
- Cities that are secure from urban violence.

This discussion took shape and the process for the formulation of the Charter was initiated at the first World Social Forum (WSF, Porto Alegre, Brazil, 2001) (HIC-AL, 2008:18),<sup>18</sup> advancing throughout the successive

<sup>17</sup> Interview E. Ortiz 2020

<sup>18</sup> The World Social Forum began in 2001 by social organisations and movements that, based on an initial proposal, self-convened and mobilised for a major meeting in Porto Alegre, in opposition to the neoliberalism represented by the World Economic Forum, which took place at the same time in Davos, Switzerland.

annual meetings. At the Americas Social Forum (ASF, Quito, Ecuador, 2004), the need for two instruments was discussed — one for human rights and the other political — in order to expand and activate social mobilisation. At the Mediterranean Social Forum (FSMed, Barcelona, Spain 2005) the structure, contents, scope as well as the contradictions were addressed.

Other regional, national and local efforts began to generate legal instruments to regulate human rights in the urban context, among them the European Charter for the Safeguarding of Human Rights in the City (1998), the City Statute (Brazil, 2001), the Montreal Charter of Rights and Responsibilities (2005), and the Charter for Women's Right to the City (Barcelona, 2004).<sup>19</sup>

**World Charter for the Right to the City:** 2nd version approved at the ASF (2004), World Urban Forum (WUF, Barcelona, 2004), WSF (Porto Alegre, 2005) and revised prior to FSMed (Barcelona, 2005)

- Part I. General Provisions: The Right to the City; Principles and strategic foundations of the Right to the City.
- Part II. Rights relative to the Exercise of Citizenship and to Participation in the Planning, Production and Management of the City.
- Part III. Rights to Economic, Social, Cultural and Environmental Development of the City.
- Part IV. Final Provisions: Obligations and responsibilities of the State in the promotion, protection and implementation of the Right to the City.

*The Mexico City Charter for the Right to the City Promotion Committee*

<sup>19</sup> The process to develop the World Charter is extensively documented in the publication: HIC-AL (2008), '*El Derecho a la Ciudad en el mundo. Compilación de documentos relevantes para el debate.*' ['The Right to the City around the World. Compilation of relevant documents for the debate.'] Habitat International Coalition, Regional Office for Latin America. Available at <https://hic-al.org/wp-content/uploads/2018/12/El-Derecho-a-la-Ciudad-en-el-Mundo.pdf>

Although the R2C issue had been on the international agenda since the World Assembly of Inhabitants (Mexico City, 2000) and the World Social Forum (Porto Alegre, Brazil, 2001), it was in 2005, during the *Encuentro Nacional del Movimiento Urbano Popular* [National Meeting of the Urban Popular Movement], that the organisations present resolved to defend and adopt the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) and international agreements on environmental issues, as well as to disseminate the WCRC.

At the meeting, they pronounced themselves in favour of a comprehensive urban reform, expressing the need for a new housing law that would clearly state the institutional recognition of housing as a collective human right. As part of the activities for World Habitat Day, the first public debate on the R2C was held with the participation of public officials, and civil and social organisations. The mobilisation around the local and national elections in 2006 prevented further progress on this issue.

It was in mid-2007, at the beginning of Marcelo Ebrard Casaubón's (PRD 2006-2012) mandate as Head of Government of the Federal District,<sup>20</sup> that the process of constructing the CCMDC was resumed. The social movement in the city, with progressive governments in three consecutive periods, saw the opportunity to advance by consolidating achievements in terms of the R2C.<sup>21</sup> The local government faced questions over the inaction of the public forces in the face of citizen mobilisations with a public policy agenda that revolved around human rights. Two important initiatives emerged from this: the Promotion Committee of the Charter for the Right to the City, and the Promotion Committee for the *Programa de Derechos Humanos del Distrito Federal* [Human Rights Programme of the Federal District].<sup>22</sup>

<sup>20</sup> Ebrard had participated as a member of the Federal District's government in the *Programa de Renovación Habitacional Popular* [Popular Housing Renovation Programme], aiming to assist the those affected by the 1985 earthquakes.

<sup>21</sup> "...in the first period it barely allowed progress to be made in modifying the regulatory framework to enable the programmes to operate. The next administration, based on the experience of the work of the movements, made the citizen support programmes accessible to all, and the Ebrard administration made them more open

The members of the MUP recognise the contributions of each actor in the Promotion Committee:

- **HIC-AL** in the transmission and systematisation of experiences at the international level, contact with the advocacy organisations, the structure of the document and a matrix that emphasises the interrelations that occur in the planning, production and management of the city.
- The Human **Rights Commission** in guidance on the nature of human rights in the Charter and the thematic axes.
- The **City Government** in the effort to bring together public actors and the will to institutionalise the result.
- The **MUP** contributed its experience, as well as forums, exhibitions, its facility to convene actors, and its work with partners.

*Contributions of each actor in the Promotion Committee<sup>23</sup>*

To develop the CCMDC, in April 2008, a broad advocacy group was formed, which gradually evolved into a compact but highly operational group composed of the Urban Popular Movement of the National Democratic Congress (MUP-CND), the Latin American Office of the Habitat International Coalition (HIC-AL), which included civil organisations, the Government of the Federal District (Gobierno del Distrito Federal, GDF) through the Undersecretary of Government, and the Federal District Human Rights Commission (CDHDF). Later, the *Espacio DESC*<sup>24</sup> [Coordination Space of Civil Organisations on

(referring to citizen participation... many forums and activities were held on the problems of the city)." (Collective interview of the MUP, January 2020).

<sup>22</sup> Interview with Juan José García Ochoa, who led local government representation in the CCMDC Promotion Committee, October 2019.

<sup>23</sup> Collective interview with members of the MUP January 2020.

<sup>24</sup> Coordination Space for Economic, Social and Cultural Rights, composed of civil organisations, and advocates of development and human rights. Mexican chapter of the Inter-American Platform for Human Rights, Democracy and Development

Economic, Social and Cultural Rights] and the *Procuraduría Social del Distrito Federal* [Federal District Social Attorney's Office] also joined the group.

In July 2008, the procedure for the formulation and consultation of the content to be included in the Charter, called 'The city we want', was launched. Some of the axes to be discussed had already been proposed since the World Assembly of Inhabitants, and were taken up again in a general manner. In this process, the participation of academics was rather occasional. Both the representatives of the movement and the government convened specialists and researchers from the urban sphere to participate in the roundtable discussions, yet these were not coordinated with one another.



Photograph taken from the publication of the Mexico City Charter for the Right to the City.

In December, the first forum towards the CCMD<sup>25</sup> was held, which brought together members of civil and social organisations, academics and public officials, so that they could contribute to the six strategic foundations that make up the Charter. A few months later, on International Human Rights Day, the Promotion Committee organised the installation of a thematic tent at the Human Rights Fair held in the city's Zócalo. Various activities were held there with the participation of children, young people and adults, in which important information was collected to be included in the Charter.

The Promotion Committee carried out various coordination, discussion, systematisation and drafting activities, as well as monitoring and evaluation. Booklets with texts on the R2C, a blog, videos and pamphlets were developed, along with conferences, courses, workshops and radio programmes.

In September 2009, the Draft of the CCMD was handed over to the administration of the Federal Government with the aim of implementing a new round of dissemination and discussion sessions. In March 2010, a polished version was presented at the 5th World Urban Forum convened by UN-Habitat and the Brazilian Ministry of Cities.

Finally, on 13<sup>th</sup> July of the same year, the Head of Government Marcelo Ebrard, representatives of the Executive, Legislative and Judicial branches, the Charter Promotion Committee and representatives of more than 250 organisations — including academic institutions; guild associations; civil, neighbourhood and communal land organisations; trade, transport, women's and LGBTI cooperatives and unions; and social organisations — gathered in a public ceremony to sign the final version of the Mexico City Charter for the Right to the City.<sup>26</sup>

[Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo, PIDHDD]

<sup>25</sup> Programme available at <http://hic-gs.org/content/programa-carta-ciudad-mex.pdf>.

<sup>26</sup> The text of the Charter as well as the process followed and the considerations that guide its development and promotion can be found via the link: [https://hic-al.org/wp-content/uploads/2019/02/CARTA\\_CIUADAD\\_2011-muestra.pdf](https://hic-al.org/wp-content/uploads/2019/02/CARTA_CIUADAD_2011-muestra.pdf)



Mexico City Charter for the Right to the City logo

To the surprise of its promoters, the signing of this Charter was followed by others at the level of the delegations (today's municipalities), which included different actors that reflected their own diagnoses, histories and struggles, and sought to concretise the demands formulated therein within the territory of the localities, but without ceasing to appreciate the city as a whole.

The development and subsequent signing of the CCMDC set its sights on a right that had been hitherto ignored in the country, the R2C. The strategic foundations of the Charter were a reflection of the civil demands for a city that was respectful of human rights, inclusive, solidary, equitable, democratic, socially productive, sustainable, educational and liveable. Thanks to the process of collective construction of this instrument, the principles for a new city were put forward, which, although developed in a very general way, served as a basis for the process of drafting the Constitution of Mexico City, thus

consolidating them into a legislative instrument of greater scope with an obligatory nature.

Videos of the dissemination of the process were also produced:

- 'Carta por el Derecho a la Ciudad, lo que me gusta y no me gusta' ['Charter for the Right to the City: What I like and what I don't like']

[https://www.youtube.com/watch?v=ZcVQbAWoVh8&feature=emb\\_logo](https://www.youtube.com/watch?v=ZcVQbAWoVh8&feature=emb_logo)

- 'Carta por el Derecho a la Ciudad ¿qué sigue?'

['Charter for the Right to the City: What next?']

[https://www.youtube.com/watch?v=iRLiKAJdZ3Y&feature=emb\\_logo](https://www.youtube.com/watch?v=iRLiKAJdZ3Y&feature=emb_logo)

Which strategies had the biggest impact?

*"There were few mobilisations, but the most important thing was the sum of actors, discussions, forums, proposals, the work of bringing them together and maintaining unity around a single strategy. The work of the CNDHDF that dedicated a team to this task, as well as spaces such as DESC were key. HIC-AL, the CNDHDF and the MUP were the fundamental pieces of the Promotion Committee."*<sup>27</sup>

The MUP recognises the strong integration and effective communication among the government, movements, civil and social organisations within the Promotion Committee, of which the National Human Rights Commission of the Federal District (*Comisión Nacional de Derechos Humanos del Distrito Federal*, CNDHDF), the Coordination Space for Economic, Social and Cultural Rights (*Espacio DESC*), the Latin American Office of the Habitat International Coalition (HIC-AL) and the Urban Popular Movement of the National Democratic Congress (MUP-CND) were fundamental elements. For the local government, a process without tensions can be observed since the discourse, from its point of view, was set out in very general terms that did not fundamentally change the orientation of the programmes that were already in place.

<sup>27</sup> Collective interview with members of the MUP-CND

*"I think that the most successful thing was communication; it managed to position the concept, the Right to the City as such, that idea. Everyone can interpret it in many ways, but it is a concept that did not exist 10 years ago and today there is no political-social actor that doesn't talk about the Right to the City: that, I think, is the most important thing."*<sup>28</sup>

Regarding the weight of international standards within the framework of United Cities and Local Governments (UCLG), the interviewees acknowledge the major influence of events such as the 3rd Americas Social Forum (Guatemala, 2008) and the first World People's Conference on Climate Change and the Rights of Mother Earth (Cochabamba, 2010). These served to disseminate the Charter process and to keep international social movements' eyes on what was happening in this city.

The activity related to the process of approval of the Charter provided some recognition to both the national and local governments, as can be seen with the awarding of the City Mayors Foundation 'World Mayor Prize' to the Head of Local Government for his activities in favour of citizens, positioning him as the "Best Mayor of the World" in December 2010.<sup>29</sup>

The members of the urban movement who participated in the Promotion Committee had to deal with strong criticism from within the movement, since some sectors considered that the Charter should not be signed by the local government, but maintained as an axis for their demands and an agenda for the mobilisation of civil and social organisations. They believed that the involvement of local government would be a well-intentioned act, but would have little effect because the governments were not making any commitments to comply with what had been approved.

At the institutional level, the process went smoothly; there was strong leadership from the Head of Government over the Congress and the Tribunal, and a relationship of trust among the organisations and the Delegation Heads (now mayors).<sup>30</sup>

<sup>28</sup> Interview with JJ Ochoa. October 2019

<sup>29</sup> [http://www.worldmayor.com/contest\\_2010/world-mayor-2010-results.html](http://www.worldmayor.com/contest_2010/world-mayor-2010-results.html)



HIC-AL pamphlet to promote the discussion of CCMDC

## Content of the CCMDC

In the CCMCD, the collective human right to the city is understood as:

*[...] The equitable usufruct of cities within the principles of*

<sup>30</sup> Interview with JJ García Ochoa October 2019.

*sustainability, democracy, equity, and social justice. It is the collective right of the inhabitants of cities, [...] that confers upon them legitimacy of action and organisation, based on their uses and customs, with the objective to achieve full exercise of the right to free self-determination and an adequate standard of living. The Right to the City is interdependent of all internationally recognised and integrally conceived human rights [...]. (CCMDC, 2010:7)*

The preamble to the Charter identifies the conditions of life in cities, acknowledges the challenges posed by the World Charter and establishes as the objectives of the Charter: 1) To contribute to the construction of an inclusive, liveable, just, democratic, sustainable and enjoyable city, and the promotion of processes of social organisation; 2) To contribute to the strengthening of the social fabric and the construction of active and responsible citizenship; and 3) To contribute to the construction of an equitable, inclusive and solidary urban economy that guarantees the productive insertion and economic strengthening of the popular sectors.

It determines and makes explicit as guiding principles of the R2C: 1) Free determination or self-determination; 2) Non-discrimination; 3) Equality; 4) Gender equity; 5) Social equity; 6) Priority attention to persons and collectives in situations of discrimination; 7) Solidarity and cooperation among peoples; 8) Participation; 9) Transparency and accountability; 10) Co-responsibility; and 11) Distributive justice.

It stipulates as strategic foundations: 1) Full exercise of human rights in the city; 2) Social function of the city, land and property; 3) Democratic management of the city; 4) Democratic production of the city and in the city; 5) Sustainable and responsible management of the natural commons, energy resources, and public heritage of the city and its surroundings; and 6) Democratic and equitable enjoyment of the city.

In the section called 'Commitments for the Implementation of the Charter', the rights subjects are expanded, authorities and public servants are included as obligated subjects, and organisations and

academic institutions as co-responsible actors. The tasks of each of the political and social actors that must be incorporated in order to make this right effective are clearly specified: local government, autonomous public bodies, education entities, civil society bodies, social organisations, the private sector and people in general.

*How can we preserve what has been achieved?*

Although the signing of the Charter was an important step in order to position the discussion of the R2C, its most relevant influence has been the use of its strategic principles in much of the work of drafting the Constitution of Mexico City.

Ten years after the signing of the Charter, and following the enactment of the Local Constitution, the interviewees, advocates of the Charter, consider that the discourse of the R2C still needs to be spread further among the different urban-popular movements in the city, incorporating representatives of indigenous peoples and the population of the rural areas in general into the discussion, in order to build the Charter "from the bottom up", with very concrete demands in each territory, seeking the commitment of the local authorities to achieve them. Joining forces to disseminate the Local Constitution with reference to the Right to the City, explaining each concept, highlighting the advanced and progressive vision that is reflected within it, and building a broad and concrete agenda that defines objectives and goals for advocacy on this basis.

Over the course of these years, the relationship with local government administrations has had its ups and downs. Following extensive participation in the years prior to the signing and later in the municipalities to ensure the signing of the CCMDC in each of the 16 delegations of the city, the administration of the next Head of Government, Miguel Ángel Mancera (2012-2018), focused on the negotiation of the constitutional reform to article 122 at the federal level, in a bid to eliminate the special status of Mexico City and thus achieve its recognition as one more of the states of the Federation and federal capital,<sup>31</sup> rather than deepening the commitments derived from the signature of the Charter.

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<sup>31</sup> On 29<sup>th</sup> January 2016, the Decree by which various provisions of the Political Constitution of the United Mexican States were Declared, Reformed and Repealed, with relation to the Political Reform of Mexico City, was published in the Official

Gazette of the Federation. As a result of this, the Constituent Assembly was formed, which was in charge of drafting the CPCM. It was enacted on 5<sup>th</sup> February 2017 and

While recognising the significance of this achievement, for the actors in the urban movements, the discussion on the resulting Local Constitution took place mainly within the framework of the parties and the national and local governments; society and social movements remained on the sidelines, or had very limited possibilities of intervention. Nevertheless, the CCMDC was taken up again by the Constituent Assembly as a basis for the incorporation of the R2C. As can be seen in the following tables:

### **Mexico City Charter for the Right to the City**

#### Chapter one General provisions

#### 1. Definition and characterisation of the Right to the City

##### 1.1. Definition of the Right to the City.

The Right to the City is the equitable usufruct of cities within the principles of sustainability, democracy, equity and social justice. It is a collective right of the inhabitants of cities, conferring to them legitimacy of action and organisation, based on respect for their differences, expressions and cultural practices, with the objective to achieve full exercise of the Right to Free Determination and to an adequate level of life. The Right to the City is independent of all the integrally-conceived, internationally recognised human rights, and therefore includes all civil, political, economic, social, cultural and environmental rights regulated in international human rights treaties.

### **Initiative with a draft of the Political Constitution of Mexico City**

#### Art.11 Right to the City.

1. Mexico City recognises the Right to the City, based on principles of social justice, democracy, equity, and sustainability, which confers on its inhabitant's legitimacy of action and organisation to exercise their rights to self-determination and an adequate standard of living.

2. The right of present and future generations to enjoy a democratic, educational, solidary, productive, inclusive, liveable, sustainable, safe and healthy city is recognised.

3. The people who live in the city have the right to participate, individually or collectively and at the highest possible level, in the planning and management of the city, as well as in driving self-productive activities of service and social coexistence.

4. Urban and rural development, the use of land and of public and private spaces and goods must give priority to social, cultural and environmental interests.

### **Constitution of Mexico City**

#### Art.12 Right to the City.

1. Mexico City guarantees the Right to the City, which consists of the full and equitable use and usufruct of the city, based on the principles of social justice, democracy and participation, equality, sustainability, and respect for cultural diversity, nature and the environment.

2. The Right to the City is a collective right that guarantees the full exercise of human rights, the social function of the city, its democratic management, and ensures territorial justice, social inclusion and the equitable distribution of the commons with the participation of citizens.

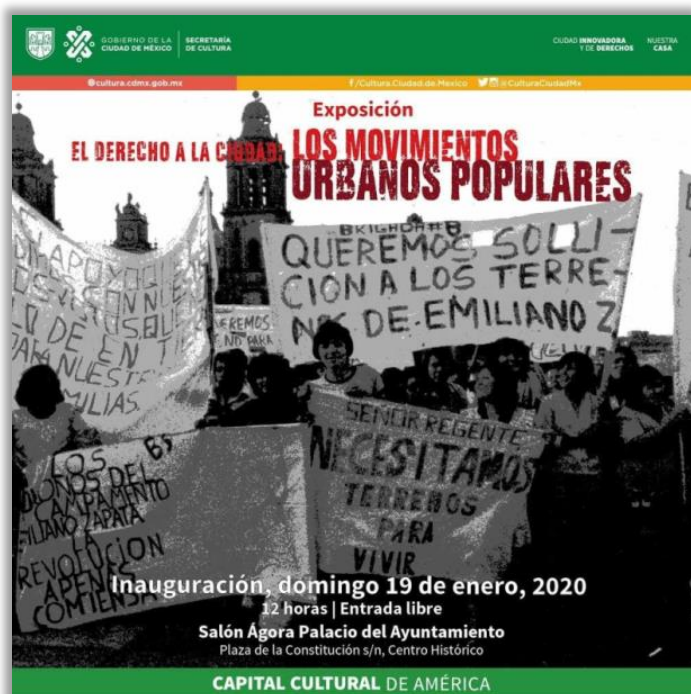
*Taken from the publication 'El Derecho a la Ciudad en la Constitución de la Ciudad de México' [The Right to the City in the Constitution of Mexico City]. A proposed interpretation, page 38*

Although the R2C was incorporated into the Local Constitution, there is still a long way to go in terms of its recognition and incorporation into the demands and struggles of social organisations and movements.

Some believe that the space for the consolidation of this right is not within the scope of the Local Congress, since it is subject to pressure from the private and real estate sectors and some sectors within the

government with a conservative bias. Nor is it a matter of large mobilisations; the key could be to position the issue on social networks, in newspapers, and in public opinion, in order to form a current of opinion among citizens that would force legislators and other political actors to place the issue of the Right to the City at the top of the agenda.

The movements continue to endorse the struggle for the R2C every day, and its experience is highlighted in an exhibition developed in collaboration with the city government on the history of the urban movement in Mexico City that will continuously renew its materials, including a section on the signing of the CCMDC.<sup>32</sup>



### III. Conclusions

<sup>32</sup> The exhibition was inaugurated in January 2020.

#### *Some challenges by way of conclusion*

The process in Mexico City highlights the importance of greater ownership of the Local Constitution and the rights it embodies by citizens and social movements. It is also fundamental that the meaning of the R2C be understood in the specific demands of each territory, so that the population can demand public policies that guarantee it.

The signing and updating of the Charter in the 16 political delegations (today municipalities) is a pending task, affirming the importance of incorporating representatives of indigenous peoples and the population of rural areas and other organised sectors into the discussion and follow-up processes, encouraging the formation of Charter Promotion Committees in each locality.

It is necessary that the R2C is duly reflected in the regulations, in social programmes and public policies that are supported by the Law, that these are not only applied during the six-year term of the local government in power, that indicators of compliance are constructed, and that elements of non-regression are considered in its implementation.

Today, there are sufficient conditions in both national and local government and in the legislature to take action on the right to adequate housing and the R2C. The different actors, the political actors, need to have more elements at their disposal, and more information needs to be provided in this respect.

Regarding the social function of property — a topic that generated great controversy in the discussions of the Constitution — it would be necessary to build the arguments so that it is understood that this can strengthen the development of a fairer and more accessible city. It would also be necessary to improve regulations to provide greater security to all parties.

For the social movement, the CCMDC is still in force. The discussion did not end with the enactment of the Local Constitution, although several of its elements are included. It is therefore imperative to build the unity of the urban movement around the CCMDC, since it allows for a long-term vision. The Charter can be one of the elements that helps to bring together many of the movements for social and

territorial justice in the city, leaving aside the short-term vision and rethinking the city from the perspective of the people. It is also fundamental to recognise the role of the urban movement in the transformation of the city.

# Latin America, Brazil: Tools to reduce inequalities in the city

*The Urban Development Fund (FUNDURB) of the Municipality of São Paulo, Brazil.<sup>1</sup>*

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## Introduction

The proposal and implementation of the Urban Development Fund (*Fundo de Desenvolvimento Urbano*, FUNDURB) and the tools that enable the incorporation of human rights and the Right to the City components into its management and public policies cannot be analysed without understanding Brazil's social and political context over the last two decades, which led to the development of one of the most advanced legislations related to urban rights: the City Statute.

This work is fundamentally focused on the social and political process of constructing an urban policy for the city of São Paulo and the creation of tools such as FUNDURB, whose purpose is the recovery of land value and the redistribution of this value for the benefit of the most disadvantaged sectors of the city.

The first part of the paper highlights the formation of the National Urban Reform Movement and National Forum on Urban Reform as an indicator of the mobilisation of broad sectors of the population that lead to a change in the direction of the national government.

The second part deals with the coming to power of Luiz Inácio Lula da Silva and Dilma Rousseff (January 2001-August 2016), whose

progressive governments pave the way for the discussion of the issues raised by the popular movements, and support the initiatives generated in those spaces, building the necessary institutionality to enable the permanence of the proposed changes.

The third section addresses the process of developing the Master Plans (2002-2012 and 2014-2024), and within the latter, the Urban Development Fund, which is explored in detail in the fourth part of the paper, explaining what this tool entails and highlighting some figures that allow its importance with relation to the municipal budget to be gauged.

The fifth section recounts the progress made and the dangers of regressive processes within an unfavourable context and an atmosphere of great political tension. Finally, the last section addresses the conclusions drawn from this process.

## I. A long struggle for urban reform in Brazil

*From the National Urban Reform Movement to the National Forum on Urban Reform and the approval of the City Statute.*

The struggle for Urban Reform in Brazil began in the 1960s, and the initiative was taken up by Congress in 1963, but was cut short by the military coup a year later. Movements, civil organisations and the social pastoral offices of the Catholic Church revived the discussion in the following years, in the face of a scenario in which the urban population rapidly increased as a result of the exodus from the countryside to the city, amid a situation of serious inequality and with great deficiencies in urban infrastructures and services. The struggle for the demands of the neighbourhoods became more political.

Towards the mid-1980s, the hegemony of the military entered into a crisis; civil liberties were restored and the President of the Republic was directly elected. Within this context, the struggles and social organisations were rekindled, forming the **National Urban Reform Movement** (*Movimento Nacional para Reforma Urbana*, MNRU) at the beginning of 1985, which articulated the struggle of diverse social actors (civil society organisations, movements, professional bodies, non-governmental organisations and trade unions). It presented an

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<sup>1</sup> For the development of this article we would like to thank the generous collaboration of Evaniza Rodrigues, Municipal Councillor and member of Union of Housing Movements (*União dos Movimentos de Moradia*, UMM); an invaluable social

activist in the defence of human rights linked to habitat both in her country, Brazil, and internationally.

Urban Reform Popular Amendment to the National Constituent Assembly, responsible for formulating a new Constitution, which was drafted, discussed, disseminated and signed by over 130,000 social organisations and individuals.

The amendment consisted of 23 articles and proposed 10 general principles: (1) the democratic management of cities; (2) the expropriation of urban property in the social interest; (3) urban land value capture; (4) popular initiatives and the vetoing of laws; (5) the autonomy of municipal government; (6) the social right to housing; (7) the right to regularisation of consolidated informal settlements; (8) separation between ownership and building rights; (9) state control of rents; and (10) combating property speculation in urban areas (Fernández 2010; Bassul, 2010).

Despite strong mobilisation, the initiative was scarcely integrated into the nascent Federal Constitution of 1988, through a chapter on 'urban policy' that includes two articles, 182 and 183, which establish the bases for the development of Urban Reform. They define the responsibility of the municipalities to determine urban development policy, the obligation to approve a Master Plan in municipalities with more than 20,000 inhabitants — in which the development of the social functions of the city is taken into account — and the possibility of the municipal authority to intervene in urban land that is not built upon, under-utilised or not utilised, in order to promote compulsory parcelling and/or building. It also defined the imposition of progressive tax burdens or the expropriation of such land. Article 183 determines the possibility of granting ownership, once only, to families inhabiting an urban plot of up to 250 m<sup>2</sup>, and for the first time it attempted to place some limits on the absolute right of ownership. Yet, the regulation of these rights still had to undergo 13 years of mobilisations and struggles until the enactment of the City Statute, a law regulating the aforementioned constitutional articles.

The **National Forum for Urban Reform** (*Fórum Nacional de Reforma Urbana*, FNRU) was created by the same organisations involved in the **MNRU** and came into being after the Constituent Assembly, with the immediate purpose of putting pressure on Congress to regulate the urban policy chapter of the Constitution (Saule & Uzzo 2011). It thus became a focal point of the struggles around urban reform. Over the years, the large national movements such as the Confederation of Popular Movements (*Central de Movimentos Populares*, CMP), the

National Confederation of Inhabitants' Associations (*Confederação Nacional das Associações de Moradores*, CONAM), the National Struggle for Housing Movement (*Movimento Nacional de Luta Pela Moradia*, MNLM) and the National Union for Popular Housing (*União Nacional por Moradia Popular*, UNMP) joined forces within this space. They were also joined by various regional and municipal organisations and movements, since by granting greater powers to municipalities within the Constitution, local organisations were able to promote and advance urban development policy experiences that later fed the debates around Federal Law No. 10.257, known as the '**City Statute**'.

Since the 1990s, the FNRU has maintained a strong presence at the international level: it participated in the first Earth Summit (Rio de Janeiro, 1992) where the Treaty 'Towards Just Democratic and Sustainable Cities, Towns and Villages' was agreed, as well as in the preparations for the second World Habitat Conference (Istanbul, Habitat II, 1996), in which the bases of the right to adequate housing were defined, which form part of the 'Habitat Agenda' signed by the States in Istanbul (Sugranyes, 2009).

At the national level, the main achievements of the FNRU's mobilisation and proposal were:

- The incorporation of the social right to housing into the 1988 Federal Constitution, which was achieved through the adoption of Constitutional Amendment No. 26 in 2000.
- The approval of the federal bill regulating the constitutional chapter on urban policy, (Arts. 182 and 183 of the Constitution): Law No. 10.257 approved by the Brazilian National Congress on 10<sup>th</sup> June 2001, which was named the **City Statute**.
- The approval of a bill born of a popular initiative, which proposed the creation of a National Fund for Social Housing (*Fundo Nacional de Habitação de Interesse Social*, FNHIS) — Federal Law No. 11.124 approved in 2005 — and an appropriate institutional mechanism at the national level that would promote urban planning and policy. The result of this demand was the creation of the **Ministry of Cities (2003)** and the **National Council of Cities (2004)**.

The **City Statute** (*Estatuto da Cidade*, EC) Law No. 10.257 of 2001, crystallises the spirit and proposals of the wide national movement for Urban Reform throughout 12 years of struggle.

The Brazilian Constitution of 1988, promulgated at a time when the social forces fighting for the democratisation of the country were rising, awards municipal authorities with the competence to define the use and occupation of urban land, and the EC reinforces this autonomous and decentralised approach (Maricato, 2010).

The EC develops and regulates the application of constitutional provisions (Arts. 182 and 183) and defines the policy and tools for urban development and management based on the principles of the social function of property and the democratic management of the city. This vocation is clearly endorsed from the very first lines of the EC.

*For all effects, this Law, known as the City Statute, establishes norms of public order and social interest that regulate the use of urban property in favour of the common good, the safety and well-being of citizens, as well as environmental equilibrium. (Art. 1 sole paragraph).*

Urban policy has as an objective [...], through the following general guidelines [...] IX – the fair distribution of the costs and benefits resulting from the urbanisation process (Art. 2, Paragraph IX).

It contains 53 articles grouped into five chapters: I. General guidelines; II. The tools of urban policy; III. Of Master Plans; IV. Democratic administration of the city; and V. General measures. Among them, we highlight the following:

- In terms of democratic administration, it takes into account the promotion and installation of Councils, debates, hearings and public consultations, as well as conferences at national, state and municipal levels. In terms of legislation, the right to popular initiatives related to bills of law and plans, programmes and urban development projects, as well as popular referendum and plebiscite, and free technical and legal assistance for poorer communities and social groups (Art. 4).

- In terms of land management, it considers forms of recognition of occupied plots as land of public interest, and urban land occupied by low-income populations, but without transfer of ownership, as well as various mechanisms to include social housing on urban land; it determines the **tax on built property and urban land (*Imposto sobre a Propriedade Predial e Territorial Urbana*, IPTU) as progressive** over time; and it allows the municipality to progressively increase, over the

years, the percentage of IPTU for property whose owners do not respect the deadlines set for obligatory parcelling, building or use.

**Expropriation** for the purpose of urban renewal can only take place if the owner does not comply with the obligation to make proper use of the property after five years of application of the progressive IPTU; the **special usucapion of urban property** that regulates the guarantee provided for in Art. 182 of the Constitution, whereby anyone who occupies an urban property of up to 250 m<sup>2</sup>, who does not own another property and who has not yet benefited from this measure, may acquire ownership, for which purpose they must also prove that they have occupied the property for at least five years, unopposed, and that they use it as their home; **surface rights** creating a separation between ownership of the land and the right to use the surface of such land (the urban property owner can concede the right to use the surface of their land to another party Art. 21.); the **right to pre-emption** that guarantees the public authority preference in the acquisition of property that is being conveyed — the owner who wishes to sell the property must first inform the public authority which, if it so wishes, can purchase the property under the same conditions as those offered by a third party.

- Among the tools, special mention should be made of the so-called **Onerous Grant on the Right to Build (*outorga onerosa do direito de construir*, OODC)** incorporated in Articles 28 to 31 of the Law, due to its innovation in urban planning law. This tool integrates the guidelines related to the “just distribution of the costs and benefits arising from the urbanisation process” and the “recovery of investment by the public authority resulting from the price appreciation of urban properties” (Clauses IX and XI of Article 4 of the Statute). Together with the separation of the right to build from the right to ownership and the fulfilment of the social function of property, it supports the argument that it is legitimate for the public authorities to recover the increased value of the properties generated as a result of public investments for the benefit of the community (Furbino, Santos, Todman 2010). It establishes that the Master Plan must determine the coefficient of basic and maximum use considering the proportion between the existing infrastructure and the increase in density foreseen in each area — the resulting floor area ratio is the relationship between the built area and lot size. Changes in land use, where the Plan permits it and within the limit of maximum use, may be carried out through the handing over of a counterpart sum by the beneficiary. Specific

municipal laws shall establish, in accordance with the Law, the formula for calculating the charge, the cases liable for exemption from payment of the grant, and the counterpart sum to be paid by the beneficiary. The resources obtained shall be applied for the benefit of the city.

- It permits and regulates **consortiated urban operations** (urban interventions by different actors coordinated by the municipal government), which must have an urban consortiated operation plan.

- It establishes the **Transfer of the right to build**: A municipal law, based on the Master Plan, may authorise the owner of an urban property, whether private or public, to exercise in another location – or to convey, by means of a public deed – the right to build established in the Master Plan or in related urban planning legislation, when the said property is considered necessary for purposes linked to the improvement of facilities, the preservation of the property or the regularisation of areas occupied by low-income populations (Art. 35).

The chapter devoted to the development of the Master Plan (Arts. 39-42) clearly establishes what is understood by the social function of property, when it defines that “Urban property fulfils its social function when it meets the basic requirements for ordering the city set forth in the Master Plan, assuring that the needs of citizens are satisfied with regard to quality of life, social justice and the development of economic activities...” (Art. 39). Consequently, it stipulates, among others:

- Once approved, it becomes a Municipal Law and constitutes the main tool of urban development and expansion policy.

- Its development is mandatory in cities with over 20,000 inhabitants, metropolitan regions and urban conglomerations, areas of special tourist interest, and zones with developments or activities with significant environmental impact. Its revision at least once every 10 years is also mandatory.

- It determines the minimum content that must include: a) the delimitation of the urban areas in which compulsory parcelling, building or use may be applied, taking into account existing infrastructure and the demand for use; b) the provisions required to guarantee the right to pre-emption; c) the onerous grant on the right to build; d) the areas in which a change in land use is permitted by means of the awarding of a counterpart sum; e) consortiated urban

operations; f) the transfer of the right to build (Arts. 25, 28, 29, 32 and 35); and finally g) a system of oversight and control.

- It commits to the promotion of a wide debate by guaranteeing publicity and that citizens and organisations have access to documents and information produced.

Once the EC was approved, two major challenges arose: the first to disseminate and popularise it, so that it could be applied in Brazilian cities, and the other to train social actors (popular leaders, professionals, academics, parliamentarians, public administrators) in its importance and perspectives for the presentation of urban policies based on this platform. Between 2001 and 2002, various educational materials were produced, and two national multiplier workshops, organised by the FNRU, were held, attended by 200 grassroots urban leaders (Saule & Uzzo 2011).

## II. The government of Luiz Inácio Lula da Silva and the institutionalisation of urban policy.

*The creation of the Ministry of Cities, the National Council of Cities (Concidades) and the National Conference of Cities.*

One year after the approval of the EC, Luiz Inácio Lula da Silva, nominated by the Workers' Party (*Partido dos Trabalhadores*, PT), won the presidential election and later re-election for a second term (2003-2010), with Dilma Vana Rousseff, who had a political orientation and management style that was in line with the previous government, succeeding him as President (2011-2016).

With the PT in power, participatory practices were adopted on a large scale and at the national level, and institutions were revived to open up spaces for organisations and citizens in the policy-making process. Existing National Councils were strengthened, scaled up and redesigned, and others were created. Several focused on policies specifically targeting minority groups, such as women, indigenous people, young people, senior citizens and people with disabilities. The National Policy Conferences were redesigned and expanded from 2003. They brought together various social and political actors and organised broad deliberative processes that contributed to feeding public policies (Tanscheit & Pogrebinschi, 2017).

With a history of a wide prior involvement articulated by the FNRU, urban policy acquired a strong impetus and was definitively

consolidated as a public policy across Brazil. The first year of the PT's government saw the creation of the Ministry of Cities – which integrated urban development, housing, mobility and sanitation policies – and established the National Conference of Cities as a broad deliberative space, and the National Council of Cities as an advisory body to the Ministry, with the aim of implementing the National Urban Development Policy.

The **National Council of Cities** constituted the instrument of social control and participation with the greatest impact, and was also the result of the process of the struggle for democratic management undertaken in the battle for the EC. (Rodrigues & Barbosa, 2010). Linked to the Ministry of Cities as a collegiate body of a consultative, deliberative and permanent nature, it was responsible for formulating, studying and proposing guidelines for urban development and accompanying their implementation, composed of 86 members with the right to voice and vote from various social segments: social movements and organisations, non-governmental organisations, professionals, academic and research organisations, trade unions, governmental actors and entrepreneurs, elected officials of the National Conferences. The Council promoted a space for negotiation and decision-making around the policies implemented by the Ministry of Cities.

The **National Conferences of Cities** were created by Presidential Decree in 2003. The first of these saw the participation of 3,400 municipalities out of a total of 5,564, all the states of the Federation, and more than 2,500 elected delegates to debate the national urban development policy. More than 1,200 proposals presented by the Ministry of Cities were analysed and voted on based on the deliberations in municipal, regional and state conferences. This Conference was followed by three others in 2005, 2007 and 2010, the latter reflecting on the application of the EC and Master Plans and the social function of urban land ownership. (Pessina, 2012; Tanscheit & Pogrebinschi, 2017).

In September 2004, the Ministry of Cities and the National Council of Cities created, through Resolution No. 15, *“a National Awareness and Mobilisation Campaign focused on the elaboration and implementation of participatory Master Plans, with the aim of constructing inclusive, democratic and sustainable cities”*, around the following axes:

- **Territorial inclusion:** to ensure access to urbanised and well-located land for poorer people and to guarantee secure and unequivocal tenure of housing in the areas occupied by the low-income population;
- **Democratic management:** to provide instruments to ensure the effective participation of those who live in and construct the city in decisions and the implementation of the Master Plan; and
- **Social justice:** fairer distribution of the costs and benefits of urban development.

The campaign was launched in 2005 and was coordinated by the institutions involved in *ConCidades*, from the nuclei participating in each state and municipality, which took on the task of mobilising, monitoring and disseminating. The popular movements participated with great fervour, with the aim, among others, of deconstructing the idea that the plans were focused on technical aspects and dissociated from daily struggles, as well as insisting on the obligatory nature of the participatory processes before the municipal executive and legislative powers (Rodríguez & Barbosa, 2010).

### III. Urban Reform within the Municipality of São Paulo

#### *The construction of the Master Plans, a great challenge for the Social Movements*

From the 1988 Constitution to the EC, there were 13 long years of meetings and mobilisations to make progress in municipal policies under the chapter that regulated urban policy. Innovative experiences were seen, such as Participatory Budgeting in the City of Porto Alegre, and in São Paulo, urban planning tools such as 'the sale of building rights' and 'urban operations' were applied even before the EC was approved.

The city of São Paulo<sup>2</sup> is the capital of the State of São Paulo, the country's largest metropolis, the financial centre par excellence, and also the space where great inequalities and a thriving social movement are concentrated.

In the 1960s and 1970s, the city had experienced economic growth that produced a boom in migration and boosted civil construction and the production of real estate on an accelerated scale, triggering the expansion of the city. The city's first urban plan and first law on urban development date from the years 1971-1972, regulating urban development for 30 years.

The approval of the chapter on urban policy in the 1988 Constitution and the advent of direct elections set the stage for the discussion of a new strategic plan in 2002.

#### *The Strategic Master Plan 2002-2012 (Law 13.430/02)*

This was conceived and approved under the administration of Mayor Marta Suplicy, a member of the PT (2001-2004), and its development generated great controversy. Three fronts were organised to discuss the Plan and incorporate participants' points of view: (1) the real estate business sector; (2) the social housing movements – which were very strong in the peripheral areas – with some NGOs working on the issue, universities and professionals that were very active in the struggle for urban reform; and (3) a sector of middle and upper class

residential dwellers together with environmentalists who mobilised against the construction of high-rise and commercial buildings.

The Plan is the result of the tensions and negotiations among them, but it had the advantage of incorporating practically all the tools of the EC (Rolnik, 2002); such as the transfer of development potential,<sup>3</sup> the onerous grant on the right to build, urban operations in planning regions in which plans are elaborated in greater detail, and the urban development fund, which is formed by the revenue collected by the application of the planning tools, and which can only be used for improvements in infrastructure or the environment, the purchase of public space, and solutions for the urban development of the favelas (Wilhem, 2004).

Mayor Suplicy's administration was followed by two conservative administrations: that of Mayor José Serra of the Brazilian Social Democracy Party (*Partido da Social Democracia Brasileira*, PSDB), who remained in office between 2005 and 2006 and resigned a year later to run for state government; and that of Mayor Gilberto Kassab of the Social Democratic Party (*Partido Social Democrático*, PSD), who, as Deputy Mayor, took the place of the resigning Mayor and would be elected for a second term between 2008 and 2013.

In this second mandate, the opportunity arose to renew São Paulo's 2002-2012 Master Plan, and the conservative municipal government sought to approve a proposal favourable to the interests of the city's real estate sectors, large companies and large construction investors, outside of a democratic process. In 2010, social movements, universities, NGOs and a sector of the dissatisfied middle class mobilised and formed the **Front in Defence of the Participatory Master Plan**, demanding the opening of a public debate on the Plan before the competent judicial authority, thus managing to halt the process of its approval.

Gilberto Kassab ended his term as one of Brazil's worst-rated mayors. As a result, when a new electoral period began in 2012, Fernando Haddad, the PT's candidate, was elected (2013-2017).<sup>4</sup> He exercises his mandate in accordance with the participatory policies

<sup>2</sup> The municipality of São Paulo is the capital city of the state of São Paulo, one of the 26 states into which Brazil is divided. In 2019, the municipality had an estimated population of 12 million inhabitants in a territory of 1,500 km<sup>2</sup>.

<sup>3</sup> Transfer of the right to build from a place where it is not possible to exercise this right due to public interest, to another private plot with the capacity to receive this potential.

<sup>4</sup> Fernando Haddad had held the Education portfolio in Lula da Silva's government.

institutionalised by the national government; however, he faced the problem of a divided parliament with little possibility of forging alliances.

*The construction of the Strategic Plan 2014-2024 (Law 16.050/2014)*

The Strategic Plan, which expired in 2012, needed to be renewed promptly, redressing the omission of the participatory process by the previous mayor, which led to sanctions by the judiciary, compelling the restitution of the process. The revision was carried out after the renewal of the municipal administration in 2013, initiating a broad process of discussion promoted from within the institutional sphere and accompanied by important mobilisations that led to its enactment on 30<sup>th</sup> June 2014.

The **Front in Defence of the Participatory Master Plan** (*Frente em Defesa do Plano Diretor Participativo*, FDPDP) was the space that led the mobilisations and that articulated social movements, NGOs, the Faculty of Architecture and Urbanism of the University of São Paulo and some professional councils. This space gained legitimacy in the streets and Mayor Haddad worked in agreement with these and other key players in the social, academic and professional spheres, which was an important factor in convincing a divided local parliament to approve it.<sup>5</sup>

The municipal government and the Municipal Council for Urban Policies (*Conselho Municipal de Políticas Urbanas*, CMPU) – in which members of civil society participated – set up a working methodology for the discussion of the Master Plan. The construction of the new proposal for the Plan was prepared on the basis of public hearings in the neighbourhoods themselves, with the movements and with the private sector; everyone had their chance to speak. Proposals were made and those coming from the municipal government were evaluated, and many mobilisations were carried out during the most intense phase, which lasted for about four months, reaching its maximum expression in June 2013.<sup>6</sup>

<sup>5</sup> Legislative power is represented by the *Câmara de Vereadores* [Municipal Chamber], the local parliament that prepares and votes on the laws. On the other hand, the 1988 Constitution establishes the cooperation of representative associations in municipal planning (Article 29, Paragraph X), citizen participation, consultation and transparency in the exercise of government. Therefore, there are a series of municipal

## UMM / SP EN LA DISCUSIÓN SOBRE EL PLAN DIRECTOR DE LA CAPITAL

Martes, 12 de marzo de 2013



Taken from <http://sp.unmp.org.br/a-ummsp-na-discussao-sobre-o-plano-diretor-da-capital/>

For the development of the discussion process, the use of the online platform called 'Gestão Urbana' ['Urban Management']

councils that complement and support each other, among them the Municipal Council for Urban Policies.

<sup>6</sup> *Gestão Urbana SP* [Urban Management SP] and the new Master Plan for São Paulo contain data on the participatory process, tools, proposals, goals and some infographics used to encourage participation: [https://gestaourbana.prefeitura.sp.gov.br/plandirector\\_es/](https://gestaourbana.prefeitura.sp.gov.br/plandirector_es/)

administered by the Municipal Department of Urban Development (*Secretaria Municipal de Desenvolvimento Urbano, SMDU*) stands out; a website where the schedule, results, news and files were gathered and made available to citizens in an open format. An online proposal form, a shared map and a collaborative draft bill were also available on the platform, where any citizen could post specific comments and suggestions for each article.

Participatory activities undertaken by the executive and the legislative branches include:

*"... 114 public hearings were carried out, with the participation of 25,692 people who provided 10,147 contributions for the improvement of the Master Plan. In addition, 5,684 proposals were made in meetings and workshops, and another 4,463 suggestions were sent via the digital tools – 1,826 through online forms, 902 interventions on the shared map and 1,204 in the collaborative draft bill available on the 'Urban Management' website, as well as 531 proposals on the City Council's website."*<sup>7</sup>

The Plan, with the support of society expressed through the CMPU, reached the Municipal Parliament for approval. The members of Congress promoted new dialogues and negotiations to discuss the text of the law. In the discussion with the real estate sectors, new connections were created with other urban movements, and from these emerged the proposal to use the empty properties in the city centre for social housing, a demand that was echoed by the local government (interview Evaniza Rodrigues, 2019).<sup>8</sup>

Despite the affinity with the municipal authority, which fostered a favourable political climate, the proposal still had to face a divided parliament. In an agreement that required a qualified majority, it was necessary to convince and lobby the group of councillors, in which the mobilisation of the population played an important role.

<sup>7</sup> Taken from [https://gestaourbana.prefeitura.sp.gov.br/plandirector\\_es/](https://gestaourbana.prefeitura.sp.gov.br/plandirector_es/) 25<sup>th</sup> October 2019

<sup>8</sup> Some of the proposals of the *União dos Movimentos de Moradia da Grande São Paulo e Interior* [Union of Housing Movements of Greater São Paulo and the Interior]

*"...the public hearings, the legislative proposals, were not enough; it was necessary to mobilise. Demonstrations were carried out, and on the eve of the approval, they decided to stay outside the parliament facilities, for which they were repressed.*

*Evaniza Rodrigues, 2019*

There was both institutional pressure in terms of the negotiations with the different sectors of society, and direct pressure, or direct action, in the streets with relation to its approval. The role of the academic sectors in proposing alternatives for negotiation to the members of the FDPDP is noteworthy.



Taken from [https://sp.unmp.org.br/wp-content/uploads/2014/04/carta\\_movimentos.pdf](https://sp.unmp.org.br/wp-content/uploads/2014/04/carta_movimentos.pdf)

The experience of the 2002 plan, which had unexpected and last-minute changes that had not been agreed, led to extreme vigilance by the Plan's advocates and the Public Prosecutor's Office (an independent audit body) to ensure that what was approved was drafted as agreed.

can be found at [https://sp.unmp.org.br/wp-content/uploads/2013/07/Plano\\_Diretor\\_UMM\\_Documento\\_2aetapa\\_final2.pdf](https://sp.unmp.org.br/wp-content/uploads/2013/07/Plano_Diretor_UMM_Documento_2aetapa_final2.pdf)

## LA GENTE PRESIONÓ: ¡PLAN MAESTRO APROBADO!

Miércoles, 2 de julio de 2014



la tarde del 30 de junio, luego de más de 9 meses de trámite y mucha presión popular, el Ayuntamiento de São Paulo finalmente aprobó el Plan Maestro de la ciudad. El texto pasa ahora a

Taken from <http://sp.unmp.org.br/o-povo-pressionou-plano-diretor-aprovado-2/>

The new law (Law 16.050/2014) establishes that its objectives must be achieved by 2029 (Art. 4) and that the municipal executive branch must present a proposal for the revision of this Master Plan, to be prepared in a participatory manner, to the City Council in 2021 (sole

<sup>9</sup> De Queiroz Barbosa Eliana Rosa, *De la norma a la Forma: urbanismo contemporáneo y la materialización de la ciudad, Primer lugar*. [De Queiroz Barbosa Eliana Rosa, *From Norm to Form: Contemporary Urbanism and the Materialisation of the City, First Place*.] University Programme of City Studies (Programa Universitario de

paragraph). The Strategic Master Plan that was enshrined in Law defined a set of guidelines for the development and growth of Brazil's most populated city (12,252,023 inhabitants) that would remain in effect for the next 16 years, hence its importance.

Among the most prominent urban development tools are:

- **Onerous Grant on the Right to Build (*Outorga Onerosa do Direito de Construir*, OODC).** The Plan defined a relationship between the basic and maximum parameters of the built area in relation to the lot size (Floor Area Ratio, FAR). Developers can increase building rights through financial compensation to the city, which is channelled through the fund. Although this instrument had already existed since the 2002 Plan, the scale was increased<sup>9</sup>. The importance of this figure was highlighted in the statements of João Whitaker, former Secretary of Housing of São Paulo: "In São Paulo, 30% of the funds collected from the onerous grant on the right to build are invested in acquiring land for social housing."<sup>10</sup>

- **Solidarity share.** Establishes that real estate projects of more than 20,000 m<sup>2</sup> must allocate 10% of the area for social housing to low-income populations. The share can be credited by contributing a specified amount of square metres in the same buildings, by building houses on another site with a commitment to the amount of square metres, or by paying the equivalent in money. "It is important because before the densely urbanised areas of the city had four times the right to build and the city gave them the right to build more; now they have to pay and the payment is to build social housing or a hospital, a school..." (interview Evaniza Rodrigues, 2019).

- **Special Zones of Social Interest (*Zonas Especiais de Interesse Social*, ZEIS).** Constitutes an urban planning tool by which the inhabitants can put into effect their claim to occupy those spaces of the city that are located within areas sufficiently served with urban services and facilities; the determination of these areas obeys both the purposes of regularisation of tenure and the construction of new housing units or their improvement. In the spaces declared as ZEIS within the Master

*Estudios sobre la Ciudad*, PUEC) of the National Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM) PUEC-UNAM, Mexico 2018. P 230

<sup>10</sup> <https://www.suelourbano.org/participe-en-el-primer-lab-mecanismos-e-instrumentos-de-financiamiento-para-el-re-uso-y-densificacion-de-suelos-con-fines-de-vivienda/>

Plan, affordable housing must be built on at least 80% of its surface area.

Since 2002, the population began to identify the so-called “**empty ZEIS**”, abandoned land or buildings that could be occupied with affordable housing. The urban organisations mapped the city by identifying and promoting the determination of the ‘floor area ratio’. This action generated a greater involvement of the social movement and a better understanding of how the concrete application of the plan works in each area (interview Evaniza Rodriguez, 2019).

The **Urban Development Fund (FUNDURB)** is another important tool, which will be discussed in the next chapter.

#### IV. Urban Development Fund (FUNDURB)

##### *Regulatory framework*

Although it had existed since the 2002 Strategic Master Plan (*Plano Diretor Estratégico*, PDE), it is in the 2014 PDE that it is consolidated not only as a tool for recovering urban land value and reducing inequalities in the territory through the redistribution of resources generated by tax burdens, but also as an important space for participation and discussion around the allocation of resources.

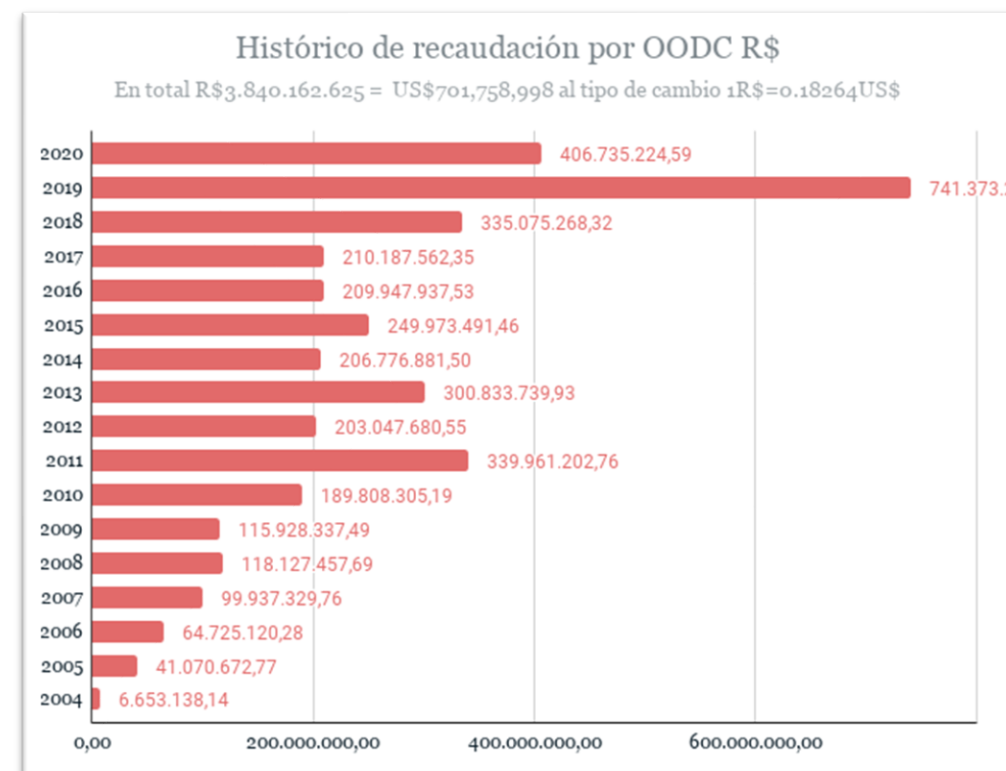
FUNDURB is specifically regulated in Chapter IV of Law 16.050/2014, Articles 336-342. It establishes the sources of funds (Art. 337), their destination (Art. 339), the percentage of allocation per heading (Art. 340) and their administration (Art. 341).

A more specific regulation is provided by Decree No. 57.547/2016, in which: 1) the structure and functions of the members of the Management Council are established, as well as the functions of the plenary session; 2) the origin of the fund's resources is established and the application of funds is determined by establishing the investment priorities according to the 2014 law; and 3) the annual application plan and the movement and release of accounting resources is determined.<sup>11</sup>

##### *Source of funds*

<sup>11</sup> The complete text is available at [https://www.prefeitura.sp.gov.br/cidade/secretarias/urbanismo/participacao\\_social/fundos/fundurb/index.php?p=227432](https://www.prefeitura.sp.gov.br/cidade/secretarias/urbanismo/participacao_social/fundos/fundurb/index.php?p=227432)

The main source of funds comes from the collection of payment for building rights beyond the ratio defined as basic and up to its maximum limit (OODC) (Freire & Vichr & Linderberg, 2016) (Paim, 2019), which has reached an amount of almost 702 million dollars over 17 years of consecutive collection.

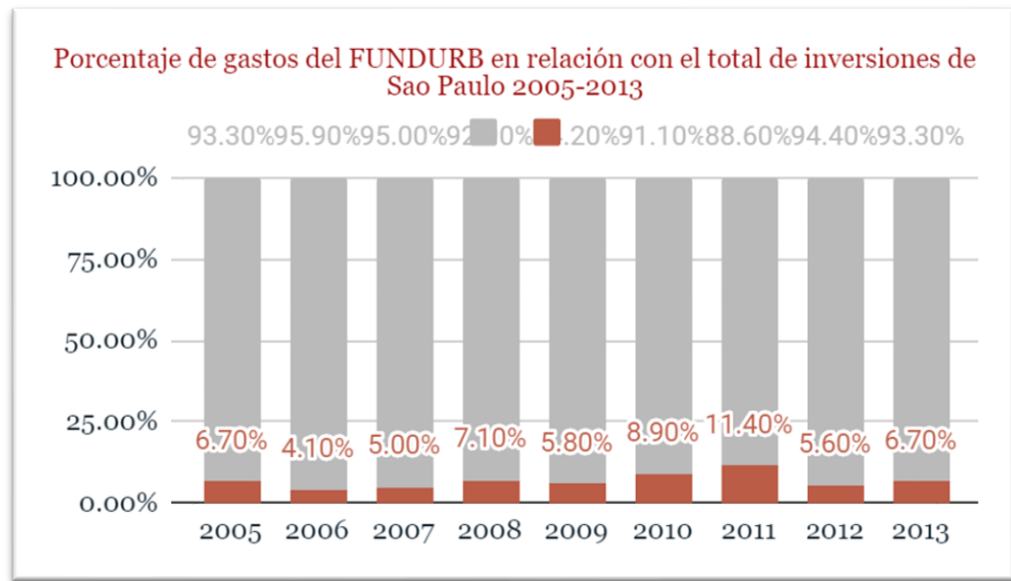


Prepared by the authors using data from the Municipal Department of Urban Development.<sup>12</sup>

For the period 2005-2013, it was estimated that FUNDURB funds constituted 7% of the municipality's budget, as can be seen in the graph. The amount is significant when considering its proportion to the

<sup>12</sup> Available at [https://www.prefeitura.sp.gov.br/cidade/secretarias/urbanismo/participacao\\_social/fundos/fundurb/index.php?p=202443](https://www.prefeitura.sp.gov.br/cidade/secretarias/urbanismo/participacao_social/fundos/fundurb/index.php?p=202443)

budget of each entity, in particular that corresponding to the Municipal Department of Housing (45%).



Source: Paím, 2019, with data from the Municipal Department of Urban Development (SMDU)



Taken from [https://gestaourbana.prefeitura.sp.gov.br/wp-content/uploads/2015/02/inf\\_gestao\\_ES.pdf](https://gestaourbana.prefeitura.sp.gov.br/wp-content/uploads/2015/02/inf_gestao_ES.pdf)

Priority areas

Article 339 of the Law establishes six areas of urban policy that should receive resources from FUNDURB: 1) for the implementation of social housing programmes, in which it includes actions of regularisation and renting; 2) public transportation; 3) urban infrastructure works; 4) urban and community facilities; 5) protection, recovery and valuation of areas with historical, cultural or scenic value; and 6) the creation of environmental conservation or protection units.

Comparison of FUNDURB's expenditure per Department, with respect to budgetary implementation for the 2016 portfolio.		
Department	% of FUNDURB resources used per Department	% of FUNDURB resources in relation to budgetary implementation
SEHAB*	12%	45%
SIURB**	2%	31%
SMC***	2%	2%
SMDU****	3%	8%
*SEHAB, Secretaria Municipal de Habitação [Municipal Department of Housing]		
**SIURB, Secretaria Municipal de Infraestrutura Urbana e Obras [Municipal Department of Urban Infrastructure and Works]		
***SMC, Secretaria Municipal de Cultura [Municipal Department of Culture]		
****SMDU, Secretaria Municipal de Desenvolvimento Urbano [Municipal Department of Urban Development]		
Source: Taken from Paím (2019) with data from the Municipal Department of Urban Development (SMDU).		

### Mandatory requirements

The 2014 PDE defines minimum mandatory requirements for the implementation of funding:

- At least 30% (thirty percent) for the acquisition of land for social housing in well-located areas of the city.
- At least 30% (thirty percent) for community mobility projects such as bus corridors or cycle lanes.
- 40% for projects that apply to the Plan's objective to reduce inequality: pavements, land regularisation,<sup>13</sup> the improvement of favelas, to reform or provide cultural spaces, for neighbourhood improvements, etc.

### *On the Management Council (CG-FUNDURB) and decision-making*

The figure of a Management Council (*Conselho Gestor do FUNDURB*, CG-FUNDURB) for the Fund has been in place since the 2002 PDE and initially included eight municipal secretaries, government representatives, but only two representatives of civil society — members of the Municipal Council for Urban Policies (CMPU). Following the revision of the PDE in 2014, this Council becomes more balanced between the government and civil society, which begins to elect its representatives from among the members of four other councils. (Freire & Vichr & Linderberg 2016).

The 2014 PDE laid the foundations for more effective social control over the city's urban development, and in particular over FUNDURB's resources; it defined priorities such as the allocation of 30% of resources for the acquisition of land for social housing, which were used by social movements for the management of publicly-funded housing programmes within the federal programme '*Minha Casa Minha Vida-Entidades*' [My Home My Life-Entities].

Since the introduction of the OODC, revenue has increased each year, and progress has been made in terms of management transparency, increased possibilities for public debate and civil society participation in both the planning and monitoring of resource use.

<sup>13</sup> This refers to the process of regularisation of informal settlements and includes both legal regularisation – property deeds – and urban and environmental regularisation.

## V. Defending what has been achieved amid an unfavourable political context

In 2016, a judicial process was opened against the President of the Republic, Dilma Rousseff, which ended with her dismissal. At the same time, municipal elections were held, influenced by the media campaign to discredit former Presidents Lula Da Silva and Rousseff, as well as other officials in their administrations, with accusations of corruption.

The electoral battle for the São Paulo Mayor's Office is impacted by these events, resulting in the election of **João Agripino da Costa Doria Junior** (PSDB), a conservative businessman and politician. He later left his position within the Mayor's Office to run for Governor in April 2018, with Deputy Mayor Bruno Covas of the same party at the helm.

As early as the process of drawing up the Plan, the conservative sectors used the press to express themselves and speak out against the proposed measures, indicating serious repercussions for the population and the construction industry. There is constant pressure by the real estate sector through the media, and their arguments become stronger in times of economic crisis, when the conservative government claims a lack of resources to invest; thus, private investment is presented as a solution. (Interview with Evaniza Rodrigues, 2019).

Once in power, the national administration headed by Jair Bolsonaro promoted institutional disassembly, with the disappearance of 7 of the 29 ministries, including the Ministry of Cities, whose functions and personnel were integrated into the new Ministry of Regional Development. While it maintained the '*Minha Casa Minha Vida*' programme, it suffered a significant reduction to its budget (41% less by 2020), and although it announced a new housing programme called '*Casa Verde e Amarela*' ['Green and Yellow House'], the full text of the proposal is not yet known and it only refers to the "lowest interest rates in history". There is great concern among various sectors of society as there are no actions for the benefit of the most needy sector of the population.<sup>14</sup>

<sup>14</sup> *Sustituto de Minha Casa Minha Vida no atende a los más necesitados* [Substitute for My Home My Life does not attend to the most needy], news item in the digital

The latter greatly affected the process of building housing units for the most disadvantaged populations in São Paulo. The City Council had acquired land with FUNDURB funds but had no possibility to access resources for construction. The Mayor opted to approve a new programme, ignoring the Master Plan, through which 30% of the resources destined for the acquisition of land can now also be used for the construction of houses, which reduces the scope in terms of the number of families that can benefit from it.<sup>15</sup>

Another action in retrogression of what had been achieved is to put forward the land acquired with public resources as a guarantee fund for private sector investment programmes that produce housing for a higher-income population without any kind of control of the income of the people benefiting from this support by the public administration or control mechanisms such as councils.

However, the greatest danger lies in the proposals to modify the established zoning, and thus reduce the value of the land in order to favour private initiatives with lower tax burdens due to OODC, FUNDURB's main source of funds. Although this has been brought to a halt until now, thanks to an informed public opinion that knew about and participated in the process to develop the 2014 PDE, there is a danger of this discussion being swept under the carpet with the revision of the PDE next year, which would once again test citizens' power to stop regulations developed without public involvement.<sup>16</sup>

FUNDURB's resources are highly relevant both to guarantee access to land for the construction of housing for the most disadvantaged sectors of society and to support actions to improve mobility and care for the city's heritage and environment.

The alliance among the sectors that mobilised in the past has been maintained, but it has been difficult to meet in the midst of the health emergency of the COVID-19 pandemic. On the other hand, Brazil is entering into a new electoral period in which the mayors of 5,564 cities will be renewed and 56,810 municipal councillors will be elected, which has focused attention on this process.

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publication <https://congressoemfoco.uol.com.br/informe-fenae/substituto-do-minha-casa-minha-vida-nao-atende-aos-mais-carentes/>

<sup>15</sup> See *La Ley cambia el uso del FUNDURB* [The Law changing the use of FUNDURB] video news item dated 24<sup>th</sup> October 2019, taken from <https://globoplay.globo.com/v/8030763/>.

With all the limitations to mobilisation, urban organisations face an unfavourable context in terms of information, public opinion and action. They will also prepare for new struggles to gain access to elected positions that will allow them to defend agendas that are continually being undermined.

*"Society is extremely dynamic, it renews itself and continuously generates new social movements; it is important to maintain openness to alliances with these new actors."*

Evaniza Rodrigues, 2019



Taken from <http://sp.unmp.org.br/categoria/lutas-atos-mobilizacoes/> with image from <http://chargesbruno.blogspot.com/2020>

<sup>16</sup> See *Gestión de recursos para la vivienda* [Housing Resource Management], with Raquel Rolnik, Evaniza Rodríguez, and Luciana Royer, broadcast live on 10<sup>th</sup> Nov. 2020 at <https://www.youtube.com/watch?v=tuGNsftwdok>.

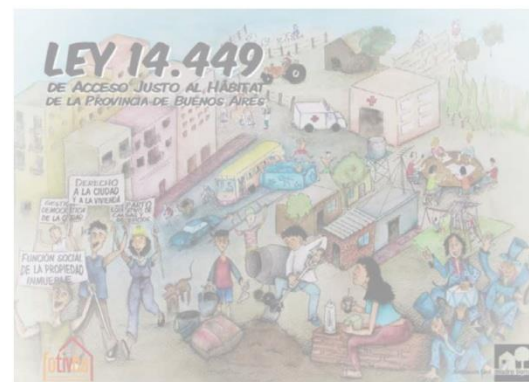
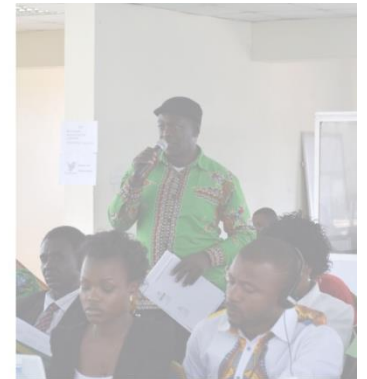
The collaboration with academia contributed to the creation of a critical vision among the various actors, strengthening understanding, especially on issues such as the right to housing and the Right to the City. With some universities, especially public ones, in which there are many critical and committed academics, reflection continues on the scope of the operation of institutionalised figures such as the Councils, and the application of the urban planning tools expressed in the Plan are evaluated, seeking to strengthen them in order to achieve an improved performance in favour of the sectors that need it most.

## VI. Conclusions

- The National Front for Urban Reform and the Front in Defense of the Participatory Master Plan, spaces in which social movements, NGOs, universities and professional councils participated, were key to unifying the dissatisfied population and coordinating the process of discussion and proposal that led to the approval of the City Statute and the Strategic Master Plan of the municipality of São Paulo 2014-2030. This led to the election and strengthening of the governors who committed themselves to the citizens' demands.
- The main objective of these spaces of citizen struggle was to reduce inequalities in the city. To this end, they built instruments, including the FUNDURB, to advance the social function of property by establishing the limits of private property by separating the right to own land from the right to build. However, it is not enough to achieve changes in the regulations, it is necessary to mobilise, propose, publicly discuss and participate in institutionalised and non-institutionalised spaces to guide decisions effectively.
- Struggles in defence of the city are constant and occur at multiple scales, from public debate, to mobilisation in the streets, to participation in institutionalised and non-institutionalised spaces. Progress in this area was also made possible by the participation of mobilized actors in elected positions and the incorporation of local administration technicians and professionals.
- The capacity to make proposals and the mobilisation of citizens were strengthened by the participation of committed academics, mainly from public universities.
- Although the PDE 2014 and the instruments designed in accordance with its objectives are valid for 16 years, the operating mechanisms,

the priorities of the annual investment plans, the monitoring of actions and the criteria of the responsible mayor's authority are matters that must be examined. This requires a favourable political environment that is achieved on the one hand with informed, organized and mobilized citizens and on the other hand with the participation of public officials who share the same vision of the city's development.

- It is important to strengthen the institutional spaces for citizen participation (such as the municipal council for urban policy), so that its functions are deliberative and not merely consultative.
- Strengthening social communication, and particularly online communication, is also considered relevant, since issues that people do not understand encounter a lot of resistance when something new is to be done. Furthermore, those who hold economic power and who express themselves in the media can have considerable influence on the population.
- The current withdrawal of rights promoted by the Bolsonaro government is reflected in cities, both in social rights and public investments, and in the promotion of the neoliberal formula for other levels of government.
- Special attention must be paid to the alliances between the government and the private sector that sell a message of "efficiency" and propose the deregulation of the territory, thus going against the redistributive measures of territorial policies.



# Europe, Introduction

## Background

This introduction is based on a report prepared for the Habitat International Coalition (HIC) by a team of students from the University of Sheffield under the framework of the International Urban Development Consultancy project. The objective was to provide an informed discussion on HIC's project 'Asserting People's Habitat Rights at All Levels' (APHRAL). The team was requested to produce a report in contribution to the European component of this Action Research, exploring Human Rights (HRs) and Right to the City (R2C) elements and actions of local governments, civil society and grassroots organisations in that region.

Using grey and academic literature, case studies and interviews, the report studies the approaches adopted in Europe towards HRs and R2C, in particular after the start of the economic crisis in 2008. The report is divided into three main sections. The first section introduces a temporal context of European cities after the year 2008, with a detailed discussion on its impacts on contentious politics. The second section analyses the four major strategies employed by Civil Society actors and the outcomes of social movement and civil society actions on local government policies. The final section reflects on the lessons learnt from civil society and local governments, including recommendations and examples that could be replicated throughout Europe. Only the 'main trends' and 'conclusions' sections of the original report are included in this text. The content has been adapted to the main themes explored by this Action Research.

## Main trends

The report provides a trend analysis and recommendation of housing movements organised by civil society actors, particularly grassroots organisations. Five major trends were identified from this analysis:

**The rise of contentious politics:** Under a political legitimacy crisis, civil society actors turned to alternative ways to call for rights, including the R2C as well as a major opposition to the financialisation of housing. Contentious politics has given rise to spaces outside formal politics where grassroots organisations can engage government and push claims for various agendas.

**Political squatting by migrants:** In Southern and Western Europe, civil society actors have strategically built alliances and cooperate with local communities to foster social-inclusive policies for migrants that have been adopted by various European cities.

**Protests against gentrification processes caused by economic activity:** An excessive influence of the tourism sector on the economy and the commodification of housing in major cities around Europe have limited housing availability and affordability as well as caused an overall increase in rent prices. This has created a gentrified and often touristic landscape that has undermined local residents' R2C. This resulted in major demonstrations and confrontations against local governments and their policies. In many cases, these strategies succeeded and forced local councils to engage in policy reform.

**Utilisation of vacant housing:** Vacant housing caused by unruly real estate market demand and supply has been used to alleviate homelessness and affordable housing shortages in Western Europe. This has required partnerships among local authorities, financial institutions and social organisations.

**Internal transformation of institutional politics:** In some case, grassroots organisations strategically reorganised as political parties, entering local and national elections to put forward changes in institutional structures and starting policy reforms. While some of these new political parties won elections, they had to confront rigid opposition to the policy reforms that were included in their political programmes.

From the trend analysis, it is certain that both formal political decision-making and informal actions taken by grassroots organisations aim to secure the right to the city in local policies. In order to build their

capacity and scale up their influence, grassroots organisations created stronger alliances among themselves and with emerging political parties so as to counteract the status-quo more swiftly and effectively.

## Conclusion

The economic crisis triggered a political shift in Europe. It brought to the surface a brewing crisis of political legitimacy that had been growing as citizens felt a loss of local autonomy and self-governance of the state and local governments. This political shift was also due to an increase in austerity measures, the decrease in social welfare and an increasing financialisation of housing and basic services. Housing, decent livelihoods and social security plans were at the centre of this political shift's social agenda.

One of the major trends was an effort to house and integrate migrants across many cities in Europe. There were temporary gains for migrants in countries like Spain and Italy, whereby grassroots organisations occupied vacant buildings to house migrants. In parallel, media campaigns were used to change the perception of migrants and to demand their social inclusion. Another trend was led by grassroots movements tackling the issue of tourism-led gentrification in many cities across Europe. Movements tackling this issue in countries like Ireland and Spain have employed the strategy of occupying buildings, such as the 'Take Back the City' campaign<sup>1</sup> or direct political action. This resulted in the campaigns gaining the attention of the public and bringing the topic of gentrification to the forefront of mass media. Social movements' ability to use the media to change public perceptions and create a flash talking point around housing issues has resulted in some gains in the pursuit of housing rights in Europe.

However, the trends discussed above also revealed that the end goal of some grassroots movements is to engage and collaborate with local/national governments in order to gain more permanent housing right gains. They opt to engage directly with politics and impact public policies. There is a varied approach to engaging with politics deployed by grassroots organisations and street demonstrators (such as the 15M movement in Spain). As a result, new political parties such

as Podemos brought these issues to the Spanish parliament. Hence, grassroots organisations are not only trying to change politics 'informally' by raising contentions outside of formal political institutions; but also attempting to change the political system from within.

In the trend of migrant squatters, there has been more formal collaborations between grassroots movements and local and national governments. Cities such as Ghent and Utrecht witnessed concrete collaborations between civil society actors, NGOs, and local authorities in obtaining more permanent housing gains for migrants whilst integrating them into the local social and economic fabric. The trend of 'vacant housing' also revealed how social movements were collaborating with local authorities in securing the return of housing units from financial institutions and investing groups. This was particularly notable in Spain, using formalised approaches in securing the R2C for those affected by the lack of affordable housing.

The final trend, 'transforming institutional politics from within', provided concrete examples of civil society actors bringing change in political institutions after the financial crash. This led to the emergence of two methods, 'rights of initiative' and the creation of 'new political power', with the latter seeing the birth of new political parties in contexts like Spain with the formation of 'Barcelona en Comú' local political party. The party was formed with members of different grassroots groups which consequently were partially disbanded and had to rebuild their teams. But this created a fundamental shift in the political system and public policies that started to systematically confront social exclusion and inequality. The references to the 'R2C' and 'human rights' were common during the discussion and implementation of these new policies.

When looking at the trends, what becomes apparent is that 'context' matters. In many cities across Europe, grassroots movements continue to formally engage with politics and protest in order to attain small but essential gains. Although evidence reveals that more permanent gains are made through collaborations with local/national authorities or changing institutional conditions from within the political system, it is important to note that this is not attainable in all European contexts.

Europe is a region of great disparity with different levels of poverty and significant levels of social exclusion and the 2008 crisis hit the right

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<sup>1</sup> More information at <https://www.facebook.com/TakeBackTheCityDublin/>

to housing and housing affordability to different degrees. While housing in Europe is generally affected by the processes of commodification, housing stock and its accessibility is very diverse, with countries where renting is predominant (central Europe) and others where tenure is dominant (southern Europe). Hence, it is not possible to build a homogeneous vision and even joint actions find it difficult to gather support throughout the region, as was the case of the 'Housing for All' campaign.<sup>2</sup>

However, as this research highlights, there are a multitude of initiatives and actors at the local and in some cases national level that are changing the European landscape on issues of adequate housing and the R2C. To the cases presented from France, Germany and Spain, we can add the pan-European network 'European Action Coalition for the Right to Housing and to the City',<sup>3</sup> a convergence process between movements from different countries which, after having campaigned independently for years, have joined forces and took common action and common positions on European Housing issues.

The cases included in the following chapters are inspiring and reflect the emergence of changing the production and management of housing in Europe through public policy and ensuring that these changes are implemented and sustained over time.

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<sup>2</sup> [https://europa.eu/citizens-initiative/initiatives/details/2019/000003\\_en](https://europa.eu/citizens-initiative/initiatives/details/2019/000003_en)

<sup>3</sup> <https://housingnotprofit.org/>

# Europe, Germany: Berlin, a radical bottom-up impact on housing policy

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## Introduction

In the past decade, Berlin has arguably seen one of the most successful progressive grassroots campaigns to secure a Right to the City and wider habitat rights. Neoliberal housing policy, one of the hallmark changes in urban development in Berlin and Germany more widely after reunification, is being successfully contested by a grassroots movement of tenants, activists, and regular citizens. For the first time in 30 years, this agenda has begun to shift towards a set of progressive housing policy changes adopted by the State of Berlin.<sup>1</sup> Social and municipal housing construction; popular support for the expropriation of housing from giant landlord investors; rent controls; and robust tenant protections are all either at the highest level of public discourse, being implemented, or have been enshrined in policy. Yet more remarkable, not just relative to Germany but to Europe and, arguably, globally, is that this policy reform has been driven near entirely by decentralised, local grassroots campaigns that comprise what can be known as the “Tenant Movement”.

<sup>1</sup> Berlin is not governed as a municipality. Rather, within the structure of Germany's Federal state structure, Berlin is governed as one of the country's sixteen States (Länder) - within the State of Berlin are twelve municipal Districts (Bezirke), subdivided into neighbourhoods (Ortsteile). As a German State, Berlin is governed through two



Parade supporting the 'Deutsche Wohnen & Co Enteignen' campaign.

Picture available at <https://reimaginingthecity.scot>

This chapter seeks to understand how the Tenant Movement has achieved such a strong influence over housing policy and examines the efficacy and significance of the strategies they have employed to do so. The research has largely been desk-based and is supplemented by an interview with Liza Vollmer of the *Stadt von Unten*<sup>2</sup> activist group.

The first two sections contextualise the present situation by charting the erosion of Berliner's habitat rights in Berlin. It introduces a brief history of the city's habitat challenges, identifying the social and political shifts since Berlin's reunification and, up to the financial crisis, the policy agendas that manufactured and intensified these problems. The second section examines the grassroots reaction and strategies used to challenge this policy framework. Finally, Section 3 draws the analysis together, suggesting lessons that can be derived from the Tenant Movement for those fighting for habitat rights for all.

elected chambers, the lower house (Abgeordnetenhaus), and Senate (Senat von Berlin), with an executive Governing Mayor (Regierender Bürgermeister).

<sup>2</sup> More information available at <https://stadtvonunten.de/>

## I. Habitat Issues in Berlin

### Berlin's Housing Crisis

The central issue in Berlin in terms of habitat rights and the Right to the City has in the past decade been housing affordability. This has been a rapid and dramatic change for a city once renowned for its low cost of living, particularly in terms of housing costs. Figures can be disputed as to how rapid these changes have been, but all point sharply upwards. Some estimates place average rents increasing between 2008 and 2018 by 37% when including tenants on long-standing social housing contracts.<sup>3</sup> Other reports indicate that rents have doubled in real terms for Berliners between 2009 and 2019.<sup>4</sup> This increase in rents has not reflected an increase in incomes in the city – whereas prior to unification rent before utilities represented approximately 18% of average income in the city, since 2019 this has been close to a third.<sup>5</sup> Rents for apartments leased to new tenants have seen even more dramatic of an increase - 78% in the decade after 2008, an average of just under 9% annually.<sup>6</sup>

At the same time, the stock of available housing is declining. Construction of new housing is far below the needed rate, and of that which is constructed, little has been affordable or directly available for rent. Between 2011 and 2016, only 40,000 new housing units were constructed, most of which were luxury condominiums intended for direct sale as opposed to leasing – in the same period, immigration to the city constituted 200,000 new residents alone.<sup>7</sup> Further, as housing rapidly becomes unaffordable and unavailable, public and social options have all but vanished for new tenants. Where once living in subsidised or municipal-owned housing was commonplace in the city, the stock of such housing was just 300,000 units in 2018.<sup>8</sup> - some 43,000 of these are expected to “expire” on their social function and become private stock by 2030.

<sup>3</sup> A Holm (2019). 'Housing Crisis in Berlin: Displacement as Business Model', Gentrification Blog [Online].

<sup>4</sup> Dolls, M. et al. (2020). *Ökonomische Effekte des Berliner Mietendeckels*, in: ifo Schnelldienst (73.3). München, ifo Institut.

<sup>5</sup> M. Baleo (2019). 'Berlin: the challenge of affordable housing in a city of low-income tenants', in *La Fabrique de la Cité* [online].

### Reputational and image risks

Both negative reporting in the media and legal proceedings against decision-making bodies or employees of Deutsche Wohnen may have negative consequences.

The balance of supply and demand in German conurbations is delicate, which means that private-sector owners of housing are in the focus of policymakers and the media. This results in both political demands and corresponding media reports. For this reason Deutsche Wohnen strives for open communications

**Demand for residential property in German remains high:** The German residential investment market was very successful again in 2019. The transaction volume of residential properties and portfolios came to just over EUR 20 billion, according to estimates from JLL. This represents an increase of 7% compared with 2018 and is thereby the second-fastest rise since the record year 2015. The main reason is the increase in property prices.<sup>7</sup>

### Earnings

Deutsche Wohnen closed its financial year 2019 with a profit for the period of almost EUR 1.6 billion (EUR -0.3 billion or 13.9% down on 2018). Although the operating result was higher, the decline was mainly due to a lower year-on-year increase in the value of the investment properties.

Overall, operations in the financial year 2019 went according to plan. We believe that Deutsche Wohnen is still in a strong position. The increase in the number of inhabitants in German metropolitan regions, which causes rising demand for housing, supports our long-term strategic focus on major cities.

*Excerpts from Deutsche Wohnen's Annual and Financial Report 2019 mentioning policymakers and the “media” in their reputational and image risks section. Its economic performance and strategic focus is illustrated with deserted playgrounds but only highlights profits, with no mention to the obvious linkages to these reputational risks (DW Annual Report 2019 available at <https://ir.deutsche-wohnen.com/download/companies/dewohnen/Annual%20Reports/DE000A0HN5C6-JA-2019-EQ-E-01.pdf>)*

The crisis of housing affordability in Berlin underpins its other habitat issues - displacement of long-standing communities, forced evictions, rapid gentrification, and the erosion of public and social spaces at the hands of developers. These problems affect nearly all Berliners in some capacity given that 85% of the city's population live in rented apartments, and that rent increases have been a universal reality

<sup>6</sup> A Holm (2019). 'Housing Crisis in Berlin: Displacement as Business Model', Gentrification Blog [Online].

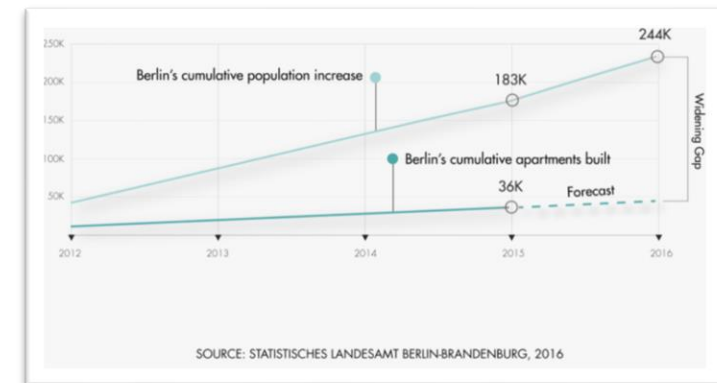
<sup>7</sup> M. Baleo (2019). 'Berlin: the challenge of affordable housing in a city of low-income tenants', in *La Fabrique de la Cité* [online].

<sup>8</sup> A. Pittini (2019). *The State of Housing in the EU 2019*. Housing Europe, Brussels.

across much of the city.<sup>9</sup> Additionally, there has been a marked drop in the quality of maintenance in existing housing stock, with tenants reporting increasingly hostile landlords seeking to pressure them to leave by refusing to perform basic repairs. In Berlin, as well as representing a crisis for families and communities, the rapid change to the city is undermining its fundamental character - with mass displacement and gentrification, a vibrant and unique city that's identity has emerged from delicate and contentious reconciliation with its complex 20th century history is seen by many to be engaged in a fight for its very soul.<sup>10</sup>

### *A Crisis by Design? The Neoliberalising of Berlin*

The roots of the present housing crisis are historical, grounded in the creation of a neoliberal housing system post-reunification. The fall of the Berlin wall saw the need to integrate a state-controlled economic and social support system into the capitalist system of West Germany. Where no private housing market existed in East Berlin, state owned housing was transferred to new state-owned companies - by 1991, the state of Berlin owned 19 such companies, representing 28% of the city's housing units.<sup>11</sup> Privatisation of these units began in 1995, with said companies instructed to sell of 15% of their stock.<sup>12</sup> This proved challenging, as demand was suppressed in the city due to out-migration, low wages, and a glut of vacant housing. In East Berlin, some 80% of the housing stock was sold to investors as opposed to their original tenants. This rate of privatisation increased rapidly in between 1997 and 2008, with two of the state owned housing companies sold to private buyers. Entire housing estates were sold by the bloc to investors, representing 100,000 units privatised by the selloff of these two companies alone. By 2008, via a process of mergers, only 6 state housing companies remained, some of which were close to bankruptcy, and that in total represented just 15% of the city's total housing stock.<sup>13</sup>



*Real estate companies and investors define Berlin as 'a highly liquid market, with plenty of opportunities for investors to take advantage of' and where 'demand is far outstripping supply, meaning that apartments are always highly sought after.'*  
<https://www.everestate.com/why-invest-in-berlin>

<sup>9</sup> C. Copley (2019). 'Berlin activists march to demand city seize housing from landlords'. *Reuters* [online].

<sup>10</sup> B. Arandelovic and D. Bogunovich (2014). *City profile: Berlin*. [online].

<sup>11</sup> S. Uffer, (2011). *The Uneven Development of Berlin's Housing Provision*. PhD Thesis, London School of Economics and Political Science.

<sup>12</sup> M.B. Aalbers and A. Holm (2008). 'Privatising social housing in Europe: the cases of Amsterdam and Berlin', in K. Adelhof, *Urban Trends in Berlin and Amsterdam*. Geographisches Inst. der Humboldt-Univ, Berlin.

<sup>13</sup> S. Uffer, (2011). *The Uneven Development of Berlin's Housing Provision*. PhD Thesis, London School of Economics and Political Science.

In addition to direct selloffs, the direction of social housing companies was altered via the influence of the State of Berlin. At the federal level two changes saw the responsibility of social housing being transferred to the city. In 1990 laws regulating the non-profit housing sector (The Wohnungsgemeinnützigkeit) were overturned. In 2006, all the responsibility for social housing was transferred to States, increasing the burden on the regional level while offering no additional support to meet said responsibilities - a common strategy for the neoliberalisation of housing and other services.<sup>14</sup> The scope of the social responsibility of social housing companies was reduced in 2001 by ruling that social housing should only be eligible to a restricted constituency of society's very most destitute. While Germany's States have no right to interfere in the operations of social housing companies even when state owned, a 2007 agreement in Berlin sought to retain the 15% housing stock owned by these companies - on the provision that they should become "economically viable". Effectively, this meant that they should engage in direct competition with the private sector, rather than being seen as 'separate'<sup>15</sup> to it. All in all, this amounted to a rapid reduction in the availability of social housing in the city, in favour of private sector ownership.

While the state's provision of housing retreated, private sector provision expanded rapidly, particularly after the 2008 financial crisis. With other major, traditionally attractive cities globally being seen as high risk for investors and international capital, particularly in the housing sector, Berlin was seen as a "safe haven" on account of its low land and rent rates, and its relative economic isolation from the effects of the financial crisis.<sup>16</sup> The subsequent flood of capital to the city had two consequences. First, it triggered a shift in demography, with tech companies and financial services attracting a far wealthier professional to the low wage city, creating both a population boom and a dramatic increase in gentrification. Second, fuelled by this influx of capital to the city, the rate of private investment trading the existing housing stock, alongside mass speculation on property values,

saw rents pushed higher. As a result, the nature of renting in the city radically changed over the past decade - today only 5% of landlords are "small landlords" with less than 5 holdings.<sup>17</sup> The majority of housing stock is now owned by large companies, including investors and hedge funds. One of the largest, Deutsche Wohnen, owns 150,000 of apartments across the city. It is not uncommon for a Berliner's landlord to effectively be considered "part of the stock market", with decisions surrounding the rents and services provided for tenants driven entirely by market logic. In addition, policy structures disincentivised housing construction, with considerably more profit to be found in signing new tenants to existing properties. The result is a disconnect between the social function of housing and the profit motives of their owners. Standards of building maintenance have fallen dramatically, and major landlords have strong incentives to drive rents as high as they can.

What can be seen is that, a structure of neoliberal policies has been implemented since 1990 that have had profound implications for the right to the city and other habitat rights in Berlin. In theory, existing measures should have softened the blow - the German system of *Mietspiegel* (rent indexing) that sets limits to rent increases on a neighbourhood by neighbourhood basis is one such example.<sup>18</sup> Deregulation is relative - despite rolling back certain provisions, the rules in Berlin with regards to legitimate reasons for increasing rents and the grounds on which a person can be evicted, as well as minimums for the quality of housing, remained stringent compared to other European countries. That said, deregulation opened a space in which landlords could increasingly circumnavigate these rules. Landlords increasingly began to perform unwanted "upgrades" to flats, one of the means by which they can legitimately raise rents beyond the thresholds set in legislation. Most of these upgrades are non-essential, such as balconies on to interior courtyards.<sup>19</sup> Additionally, tenant protections for tenants of privately owned apartments are far weaker than those in place for social or public

<sup>14</sup> Ibid.

<sup>15</sup> Under German law, non-profit housing companies are and have always been considered technically part of the private sector. This change was not a relinquishing of the companies to the private sector, rather a change in their mission.

<sup>16</sup> I. Helbrecht (2016). *Gentrifizierung in Berlin Verdrängungsprozesse und Bleibestrategien*. Transcript, Urban Studies [online].

<sup>17</sup> F. O'Sullivan (2019). 'Berlin will Freeze Rents for Five Years'. *Citylab*. [online].

<sup>18</sup> F. O'Sullivan (2015). 'Berlin Just Showed the World How to Keep Housing Affordable'. *Citylab*. [online].

<sup>19</sup> Ibid.

housing. As such, rent increases affect more and more people, with a small provision for truly affordable housing in place to compensate. Consequently, the city suffers from mass displacement of the urban poor and long-standing communities, rapid gentrification, the non-availability of social or public housing for the urban poor, and a collapse in the standard of living due to neglect and destruction of old housing stock.

Since 1990, Berlin has seen the policies surrounding its role in terms of providing for housing being rewritten at the State and Federal level, while allowing large, unaccountable private investors to come to dominate the market. Housing in Berlin has been recast in its framing from an accepted common need with a social function to an asset for trade and profit. Consequently, tenants find themselves with less control and less channels for grievances and participation, living under the threat of displacement - their right to the city is effectively being undermined in favour of capital interests. The following section will lay out the civil society response to this crisis, and the remarkable success they have had in reversing this policy direction.

## II. The “Tenant Movement” and a Shifting Paradigm

Civil society has played a pivotal role in reversing the neoliberalisation of Berlin’s housing provision, with “tenant organisations” leading a remarkably successful grassroots effort to influence policy. Since 2008, the trajectory of Berlin’s housing policy has seen a gradual but significant shift towards more progressive approaches that better support inhabitants rights and right to the city. Privatisation of public lands has been dramatically slowed, affordable housing is high on the political agenda, and radical proposals such as the expropriation of the holdings of mega-landlords have serious traction in public discourse. Much of this change has been the result of persistent, decentralised activism utilising innovative and diverse strategies targeting reform at all levels. This section will now outline the nature of this movement, and a timeline of their successes in terms of influencing housing policy. It first offers an overview of tenant

organisations and their “movement” towards housing affordability and tenant rights, before exploring in greater detail examples of their strategies and successes.

### *Tenant Organisations and the “Tenant Movement”*

“Tenant organisation” is a broad term describing the formal organising of groups of tenants and renters, most usually in public, social, and cooperative housing but also in private housing as well. These have variously been styled as “tenant councils”, “tenant unions” and “renters unions”, as well as the related but distinct housing cooperatives. These organisations are formed in the interest of collectively representing their interests to landlords and administrative officials, as well as build community support and pool resources for expenses such as legal fees.<sup>20</sup> Tenant organisations, alongside the neighbourhood-focussed activist groups that emerge alongside them, have since the 2008 financial crisis become increasingly politically active, organised, and indeed successful in their objectives - today, it can be said that there exists a loose “tenant organisation movement” in Berlin that seeks to make housing affordable.<sup>21</sup>

This “movement” has never had a unifying network organisation directing their efforts, and it remains entirely decentralised. Consequently, the precise nature of their objectives in terms of policy changes range from the vague (such as Housing Berlin’s “Rent is not for profit”, and “The city belongs to the people”), to the highly specific (Such as the prevention of specific sell-offs and redevelopments).<sup>22</sup> Generally speaking, however, the central interest of the movement is making housing genuinely affordable and justly let to tenants. Further, while decentralised, tenant organisations alongside housing activists will “scale-up” their efforts, banding together with other organisations in campaigns with specific objectives - No “movement” exists without such collective efforts across organisations.

As well as defying a unified set of objectives for the movement, its decentralised nature also means that it has no single unifying strategy. Rather, its strategies have been formulated and executed on a case

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<sup>20</sup> K. Card (2018). ‘Thinking Across Tactics of Tenant Movements: Los Angeles and Berlin’, Progressive City [online]

<sup>21</sup> J. Dohnke (2013). ‘Was bleibt von Mediaspree versenken?’ In Holm, A. (ed.) *Reclaim Berlin. Soziale Kämpfe in der neoliberalen Stadt*. Assoziation A, Berlin/Hamburg

<sup>22</sup> Ibid.

by case basis, though tend to focus on grassroots campaigning, knowledge sharing, public demonstration, petition, the garnering of public support for referenda, and the co-opting of official processes for the procurement of land by private investors. The movement is entirely non-violent, and recognises the need to win over state and federal politicians and bureaucrats in order to secure actual policy change. Animosity and distrust exists towards private developers, against whom the movement has campaigned against for most of its history - ultimately, however, their wider policy targets have manifested as public campaigns to win referenda, and the lobbying and backing politicians supportive of the cause.<sup>23</sup>

While difficult to define, not least because organisations within the movement tend to be short lived, research by Andrej Holm has identified four broad "categories" of tenant organisation - while not categorical in nature, organisations tend to engage in campaigning with similar objectives and strategies along these lines. These are:<sup>24</sup>

- Interventionist street protests - Smaller, campaign-like protests formed against luxury builds and other investment projects. Use of demonstrations, poster campaigns, disruption of official events - some approaches used by activists highly contentious e.g. targeting buildings with rocks and other projectiles.

- Neighbourhood initiatives - Have been formed in approximately 15 (as of 2015) neighbourhoods of the urban core to critically observe changes in their neighbourhoods, support neighbours in their arguments with landlords. Many document cases on their websites. Organise meetings, petitions, demonstrations, provide information, make themselves present at evictions and other conflicts. Many also seek to reform district policy. e.g. ban holiday lets, increased application of Vorkaufsrecht ("right of first refusal"), extension of protected neighbourhoods.

- Organised housing cooperatives - More than 100 across the city as a whole, set up to enforce their right to housing. Use legalistic attempts to avert rent rises, refurbishment etc.. Protests tend to be fragmented, but nevertheless has seen banding together to try and formulate policy demands at the State level, e.g. 2012 the "dossier on rent

policy" and subsequent formulation of events and conferences to develop proposals for social housing reform.

- Subject-specific campaigns - More strongly institutionalised initiatives established as an element of tenant's protests in Berlin. Subject-specific expertise and political dialogue, campaign to influence different instruments of urban and housing policy. e.g. "Initiative - Thinking the City Anew", founded 2011 by architects, planners, cultural works, as a means of re-orienting real estate policy. Works with, as opposed to being comprised by, tenant organisations.

### *Activist Groups within the Tenant Movement*

There is an enormous diversity to the types of organisations in the Tenant Movement. However discussing the strategies of individual organisations is challenging because groups often operate for a short period of time – it is not uncommon for organisations to come together and subsequently disband after a year or less. We include in the following pages case studies of three groups within the Tenant Movement that have lasted for a substantial period of time, and are engaged actively in knowledge sharing and wider organisation of the Movement: Kotti & Co, Bizim Kiez and, based on an in depth interview with Liza Vollmer, Stadt von Unten. These cases illustrate the importance and innovation of such organisations, and their contribution to the Tenant Movement as a whole.

#### *Kotti & Co*

Kotti & Co was founded in 2012 by residents of a social housing block in Kottbusser Tor. The residents, frustrated with the rising rents in their neighbourhood and the lack of input they were offered in developing the area, banded together and built *Gecekondü*, a wooden constructed protest "house" occupying a public plaza. The structure was intended to serve as a permanent presence in the neighbourhood, a form of community centre that served as a physical manifestation of protest, a place of knowledge exchange, and a

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<sup>23</sup> See for example: C. Wilder (2017). 'In Berlin, a grass-Roots Fight Against Gentrification as Rents Soar'. *New York Times* [online].

<sup>24</sup> A. Holm (2017). 'Berlin: anti-gentrification between protest and program', in *i Quaderni* (13) [online].

place that the community could come together to organise protests and other collective actions.<sup>25</sup>



Meeting at Kotti&Co 'Gecekondu', picture available at [http://kotti-info.de/wp-content/uploads/2019/09/kotti\\_info\\_2\\_2019\\_web.pdf](http://kotti-info.de/wp-content/uploads/2019/09/kotti_info_2_2019_web.pdf)

<sup>25</sup> For more information see *Rent Eats Soul*, a publicly available documentary available here: [https://www.youtube.com/watch?time\\_continue=4&v=qS6KrHbcvVU](https://www.youtube.com/watch?time_continue=4&v=qS6KrHbcvVU)

<sup>26</sup> H. Lock (2018). 'Google go home': The Berlin neighbourhood fighting off a tech giant'. *The Guardian: Cities*. [online]

Members of Kotti & Co come together to support one another in resisting the effects of the commodification of housing on the one hand, and campaigning to find ways to reverse it on the other. Acts of resistance include helping one another through complex paperwork, challenging landlords who do not complete basic repairs and maintenance, and taking on banks and other institutions that frustrate tenants and residents. Kotti & Co helps pool the community's knowledge in these areas, but also draws on expert help from lawyers and other professional practitioners.<sup>26</sup> A specific example of Kotti & Co's practices include, for example, supporting tenants when they are seeking to municipalise their homes. When private landlords sell housing stock to one another, tenants have the right to request that their property be purchased by one of the State's municipal housing companies. Success in this endeavour requires a lot of publicity, and so Kotti & Co, allied with other organisations such as Stadt von Unten, looks at approaches not only for making the municipalisation process successful, but for putting pressure on said municipal housing companies to make their management processes more engaged and democratic.<sup>27</sup> Kotti & Co is also important in mobilizing the community through protests and other manifestations. Some of these are specific to the neighbourhood, such as when resisting the deportation of migrants and refugees or protesting individual cases of gentrifying development. Others have been more wide-reaching – Kotti & Co was instrumental in the signature drive for the rent control referendum Berlin, for example.<sup>28</sup>

#### *Bizim Kiez*

Formed when activists came together to prevent the eviction of a family-run fruit and vegetable shop in the Kreuzberg neighbourhood, Bizim Kiez's mission is, broadly, the preservation and protection of the cultural diversity and history that defines the Kreuzberg neighbourhood. Rather than focussing on rent increases per se, Bizim Kiez is driven by an outrage at the consequences of gentrification. The displacement of long-standing migrant families and the importing of a

<sup>27</sup> From an interview with Lisa Vollmer, conducted on 14/11/2019.

<sup>28</sup> C. Wilder (2017). 'In Berlin, a grass-Roots Fight Against Gentrification as Rents Soar'. *New York Times* [online]

far wealthier, more mobile professional class has begun a process of radically changing the nature of the Kreuzberg neighbourhood; it is these “neighbours at risk” that Bizim Kiez seeks to build solidarity with.<sup>29</sup>



*In their struggle against gentrification and the removal of longtime tenants, Bizim Kiez successfully confronted the termination of Bizim Bakkal's tenancy agreement, a grocery store that served the neighbours for 29 years. Bizim Kiez paid tribute to the shop owners who eventually had to shut down the shop.<sup>30</sup>*

Bizim Kiez protects the neighbourhood by offering solidarity and practical help to victims, but also engages in solidarity with other movements, such as the wider rent control referendum signature drive

<sup>29</sup> For more information see Bizim Kiez's web presence: <https://www.bizim-kiez.de/>

<sup>30</sup> Full story available at <https://www.bizim-kiez.de/en/>

in 2019. Bizim Kiez offers knowledge sharing and expertise, such as the rights of tenants facing evictions. Supporting victims can take the form of political rallies in defence of those threatened with evictions, which has the dual effect of pressuring the landlord into capitulating, while also showing the evictee that they are not alone and are supported by the whole neighbourhood. Bizim Kiez has also seen some wider successes in influencing policy. For example, in 2017 Bizim Kiez joined with other activist groups to form the *No Google Campus Alliance*, in opposition to Google seeking to establish a large private facility in the site of a former electrical station in Kreuzberg.<sup>31</sup> In 2018, the efforts of this Alliance, such as protests and other delaying actions, forced Google to step down, thus sparing the neighbourhood from a powerful gentrifying force.

#### *Stadt von Unten<sup>32</sup>*

Stadt von Unten was founded in 2014 in response to criticism of the tenant movement that emerged following the '100% Tempelhofer Feld' campaign. Critics, including politicians, developers, and citizens unconvinced by the Tenant Movement's arguments insisted that the focus of the movement's campaigns were consistently anti-development - that they were effectively "NIMBY" towards new housing was, according to politicians and real estate actors, the solution to the affordability crisis in Berlin. Tenant organisations and activists, who largely represent residents within existing housing stock and therefore were most concerned with strengthening protections for tenants, argued that the problem was not development per se, but development that would displace and disrupt existing communities and serve capital over the population. Stadt von Unten, therefore, was founded to seek to demonstrate that progressive development is possible, if executed properly.

Bringing together activists and members of tenant organisations, Stadt von Unten sought to produce a model housing development in line with the movement's priorities - that housing should be affordable for all and democratically managed. An opportunity arose in 2014 to bid for Federally owned land on the site of a former Prussian military barracks in central Berlin, Dragonerareal. In line with the process for

<sup>31</sup> V. Turk (2018). 'How a Berlin neighbourhood took on Google and won.' *WIRED* [online].

<sup>32</sup> From interview with Lisa Vollmer, conducted 14/11/2019.

privatizing public land in Berlin, the land was to be auctioned to the highest bidder - in this instance, the highest bidder was to be a large Austrian real estate firm backed by a Swiss stock company. Stadt von Unten was therefore established to put forward an alternative proposal.



Stadt von Unten's 'four 100% principles' proposal, available at [https://stadtvonunten.de/wp-content/uploads/2018/05/180404\\_Flyer\\_Textexport\\_Druck.pdf](https://stadtvonunten.de/wp-content/uploads/2018/05/180404_Flyer_Textexport_Druck.pdf)

The proposal, in short, was a housing model that drew on the discourse of the 100% Tempelfeld campaign, with four “100%” principles:

- 100% Affordable- The housing in the model must be genuinely affordable to all, as defined as costing less than 30% of the monthly income of a person on unemployment assistance

- 100% Democratic - The housing model must be fully participatory in its management, and accessible to all citizens regardless of background.

- 100% Self-Managed - The model must be governed entirely by its residents. All decisions with regards to upgrades and other matters must be made by the residents themselves.

- 100% Social - The model must fulfil its social function within the city, with regards to design and public space.

The actual proposals for implementation was derived from public workshops and knowledge exchange - the process matched the principles of the desired outcome of Stadt von Unten. The proposed model sought to combine the best elements of two housing development approached. On the one hand, it sought to draw on the Municipal Housing Company model, with their proven scalability, existing efficacy in the provision of a substantial amount of housing in Berlin, but largely undemocratic processes. On the other, it sought to bring into this approach the democratic aspects of radical, leftist housing collectives - highly participatory and self-governed, but non-scalable in their implementation due to the large amount of social and cultural capital required of applicants to find residence in such places.

Advocacy took two both a public and private direction. In terms of public actions, Stadt von Unten hosted workshops, talks, and participatory exchanges on their model proposal, alongside demonstrations such as the squatting of the site with local artist collectives. Advocacy also took the form of lobbying. A strong personal connection was established with the Berlin finance minister of the time, a left wing politician who was sympathetic to the campaign and strongly opposed to privatizing more public land. Pressure was applied through protests and other public avenues as mentioned above, capitalising on the connections Stadt von Unten had to the tenant movement, which offered legitimacy to the campaign. The fact that the most likely winner of the auctioning process was akin to a villain in public discourse surrounding housing issues further meant that activist efforts played off the progressive vision of Stadt von Unten against the known realities of privatisation - higher rents, displacement, and gentrification. Hence, rather than using the momentum of the Tenant Movement to garner widespread public support for referenda on a specific issue, the target of Stadt

von Unten was those politicians directly involved with the auctioning process.

In 2015, for the first time in the history of the process, the Housing Minister's of the German States, who had to collectively agree to any sale of land valued over 15 million Euros, failed to approve the sale of Dragonerareal, and favoured placing the land in the hands of the Berlin state instead. This ran counter to the wishes of the Federal Minister of Finance, Wolfgang Schäuble, and was contradictory to the neoliberal approach to Federal holdings in Berlin and wider Germany since 1990. After much resistance, the Ministry of Finance accepted the decision and gifted the land to the Berlin state instead. This was the first and only time a privatisation bid in Berlin has seen the land go to the state instead of a private developer, and the first time the Tenant Movement had succeeded in campaigning for development as opposed to running counter to it.

Since this decision, Stadt von Unten's work has been diverted away from advocacy and towards implementing the progressive vision that they put forward during the bidding process. Stadt von Unten is not a developer - it is a political platform - and hence has relied on drawing on outside expertise. Workshops and public forums continue so as to draw up the exact mechanisms for democratic management and affordability within the existing policy regime. It is unclear how long this work will take, or what the final form will be. Without the legitimacy of being a Tenant Organisation, public forums and workshops remain vital to ensure that the developers listen to the desires of the campaign.

Stadt von Unten is, therefore, significant for two reasons. In their approach, they innovated the Tenant Movement by challenging the "NIMBY" narrative that was being constructed following the success of '100% Tempelhofer Feld'. Second, the narrative of Stadt von Unten's reveals the challenge the Tenant Movement faces in overturning the neoliberalisation of housing. Neoliberalisation affects not just policies, but the political placements of Ministers at all levels of the German system – progressive victories in just one bidding process required the alignment of sympathetic ministers across Germany. If wider policy structures are to be successfully overturned, consistent alignment of

political placements favourable to the movement may be necessary. As a final note, Vollmer reports a tension in the trajectory of the movement, in that the antagonistic positioning of Stadt Von Unten from which its success stems runs counter to the deep cooperation required with instruments and actors of the state and realty market in order to implement their project. Hence, as the Tenant Movement continues in its successes, it runs the risk of derailing the very approach that led to its success.

### III. Other achievements of the Tenant Movement

This section will now look at three key moments in the Tenant Movement's rise to prominence in Berlin in the past ten years. The strategies employed in these events encapsulate the strategies used by the Movement to influence policy, which by and large have followed a similar trajectory: identify a common point of contention that brings together different tenant, community, and activist groups; garner public support for a referendum on the issue through a combination of innovative public protests, advertising, community workshops and other actions; and, in the event of victory, leverage this referendum to see policy changes.

*Mediaspreeverсенken! - The fightback for the Right to the City*<sup>33</sup>

The catalyst for such organisations shifting from disparate localised interest groups to a wider decentralised movement was born of the collaboration of left wing activists and tenant organisations located in the working class neighbourhood of Kreuzberg, in a campaign against a proposed private office development on the river Spree called "MediaSpree". Residents and local activists feared the gentrifying effect of installing high end offices and the damage to the community that would be caused by restricting access to the riverfront. As such, in 2006 *Mediaspreeverсенken!*, or "Sink MediaSpree!", was launched to try and prevent this outcome. The same year, the Berlin State government introduced *Bürgerbegehrens*, or "Citizens Initiatives", referendums that could be triggered by a relatively small number of signatories (20,000) to which the State would then be legally bound to hold and adhere to within 6 months.

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<sup>33</sup> For a full account of this campaign see: J. Dohnke (2013). 'Was bleibt von Mediaspree versenken?' In Holm, A. (ed.) *Reclaim Berlin. Soziale Kämpfe in der neoliberalen Stadt*. Assoziation A, Berlin/Hamburg

Numerous tenant organisations and activist groups came together to campaign for the referendum - prominent banners and posters, workshops, and marches were all deployed to bring local attention to the matter. Publicity was raised through many innovative channels: Some 5,000 attended the "Spree Marches"; an investor party hosted on a boat in the river was blockaded by small ships; and advertising space was bought in local cinemas to promote the campaign. Through this highly localised campaigning by disparate tenant groups, the campaign secured some 80,000 signatures for a referendum on the development. The resulting referendum was won by the campaign and MediaSpree never came into fruition - the campaign represents one of the most successful Citizens Initiatives in the city to date.



A blockade by small ships protesting, one of the multiple 'Spree Marches'<sup>34</sup>

Citizen's Initiatives became the key target for influencing policy by the tenant movement - strategies have therefore focussed on generating momentum in public support to secure enough signatures to force a referendum to be held over a specific matter of policy. Such support and unity of message can only truly be secured by 'scaling-up' the efforts of disparate groups of tenants, activists, and other community stakeholders. The success of Sink MediaSpree demonstrated the potential for tangible success on part of tenant organisations, and the strength that can be sourced from scaling-up actions with like minded groups. The following decade saw a proliferation of such campaigns, most of which have focussed on preventing gentrifying developments and the displacement of vulnerable members of the community.



During the "100% Tempelhofer Feld" campaign, the pivotal point of pressure for influencing policy proved to be the Citizen's Initiative. Picture available at [https://www.visitberlin.de/system/files/image/tempelhoferfeld11\\_DL\\_PPT\\_0.jpg](https://www.visitberlin.de/system/files/image/tempelhoferfeld11_DL_PPT_0.jpg)

### 100% Tempelhofer Feld'<sup>35 36 37</sup> campaign

<sup>34</sup> Available at <https://caira.info/p/mediaspree-versenken/>

<sup>35</sup> For the official campaign website see: <https://www.thf100.de/start.html>

<sup>36</sup> C. Fahey (2015) 'How Berliners refused to give Tempelhof airport over to developers'. *TheGuardian: Cities*. [online]

<sup>37</sup> L. Vollmer (2019). 'Vom Tempelhofer Feld auf die Straße'. *Zeit Online* [Online].

Not all groups within the Tenant Movement are strictly focussed on housing - others are self-organised community groups campaigning over issues such as public space, which have at times risen to the top of the policy discourse agenda. In May 2010, Berlin's famous Tempelhof airport was gifted to the people of the city as a public park following cessation of its operation two years prior. The park became immensely popular given its centrality to the city, its size, and the openness of its permitted usage (the name of the park is literally Tempelhofer Freiheit, or "Tempelhof Freedom").

In 2014, the city sought to sell 33% of the land as housing and office space. Fearing gentrification and the restriction (both in terms of size and permitted uses) of a much loved public space, a campaign called "100% Tempelhofer Feld" sought to prevent this development. The approach of the campaign was the similar to Sink MediaSpree - generate enough public support to force a referendum on the matter via Citizens Initiative. More challenging this time was that the campaign would have to mobilise support across the city, not just from a single neighbourhood to be directly afflicted.

Drawing from the same approach of 'scaling-up', the 100% Tempelhof campaign represented a temporary organising logic for disparate groups, such as Allmende-Kontor, a community gardening initiative, active and unorganised users of the park, and neighbouring tenant groups concerned for the gentrifying effect of the housing developments. The campaign initially focussed on intense, contentious protests, before switching to focussing on a more gentle advocacy approach of publicity raising through, for example, peaceful demonstrations. Some 173,000 signatures were gathered city-wide, and the resulting referendum successfully prevented the sell-off of the park. Here again, the pivotal point of pressure for influencing policy proved to be the Citizen's Initiative, allowing for autonomous grassroots action without depending on the support of political parties.

*Mietenvolksentscheid - The "Housing Referendum"*<sup>38 39</sup>

The 2015 *Mietenvolksentscheid* (Housing Referendum) represented a pivot in the Tenant Movement, as it saw a shift away from resisting the

consequences of a neoliberal housing agenda, to an active attempt to reform policy. Following the success of 100% Tempelhofer Feld, critical developers and politicians began to create a narrative surrounding the tenant movement that framed them as being counterproductive to the housing crisis. Thus far, tenant organisations primarily (though, not entirely) focussed on preventing gentrifying developments and displacement. This was to be expected given that the movement was decentralised and hence tended to focus at this stage on local issues, which within the remit of policy structures limited efforts to preventing developers from undemocratically reforming parts of the city. Because of this criticism, tenant organisations began to "scale-up" in new directions, seeking policy reform as opposed to preventing development, and hence demonstrating that they are indeed "for" something.

The adopted focus of the Tenant Movement was to try and force a city-wide policy reform to strengthen the protections of people living in social and municipal housing against rent increases, since tenant organisations overwhelmingly represent people living in social, public, and cooperative housing. With the mission and direction of social housing having been reformed in 2006, the stock of said housing diminished, and private rents increasing rapidly, social housing rents also saw dramatic increases. With a common point of mutual interest, tenant organisations began to secure policy changes to better protect tenants in social housing. Crucially, this focus allowed "scaling-up" on a city-wide basis on a greater scale than 100% Tempelhofer Feld.

The strategies employed reflected previous efforts, only now on a much broader scale across the city – marches were held, tenant organisations were mobilised to collect signatures towards a referendum, and efforts were made to bring tenant organisations together to create a policy agenda, drawing on external expertise to do so. When it became clear that the campaign for more stringent rent controls was bound to result in a successful referendum, the Berlin government opted to adopt new policies along the lines of the tenant movement's demands to reform the structures of social and municipal housing. These reforms, which came into force in 2016 under the

<sup>38</sup> F. O'Sullivan (2015). 'Berlin Just Showed the World How to Keep Housing Affordable'. Citylab. [online].

<sup>39</sup> U. Paul (2015). 'Neuregelung zum sozialen Wohnungsbau in Berlin: Wen das neue Sozialmieten-Gesetz entlastet und wen nicht'. *Berliner Zeitung* [online].

*Berliner Wohnraumversorgungsgesetz* (Berlin Housing Supply Act) stipulated that no more than a third of the gross incomes of low income people (€16,800 annual income, or €25,200 for couples) living in social or municipal housing to be spent on rent, falling to a quarter of gross income where energy costs are high.



Deutsche Wohnen & Co Enteignen campaign  
Picture available at <https://www.dwenteignen.de/>

*A radical proposals Referenda on Rent Freeze and the Expropriation and Socialisation of Housing*<sup>40 41</sup>

<sup>40</sup> T. Smith (2019). 'A Berlin initiative is calling for the expropriation of private housing companies. A crazy idea or a nexessary step?'. *The German Times* [online].

<sup>41</sup> F. O'Sullivan (2019). 'Berlin Will Freeze Rents for Five Years'. *Citylab*. [Online]

In 2018, the Tenant Movement expanded once again the scope of its policy reform ambitions. Rather than focussing on reforms that protect those already living in the much diminished social and municipal housing stocks, the Movement sought to expand said housing stocks through expropriation and socialisation of housing stock held by large, corporate landlords. Crucially, the experience of constructing a policy agenda meant that the use of external legal and policy expertise was strengthened this time around, creating a more robust and airtight series of proposals that could not be challenged on the basis of their impracticality as had been raised in 2015 – the proposals were grounded in provisions in the German constitution for expropriating property. Another major difference was that the 2019 referendum was driven to a certain extent by a unifying campaign: *Deutsche Wohnen & Co Enteignen*. (Deutsche Wohnen & Co Expropriate). Attaching Deutsche Wohnen & Co, a huge German company owning thousands of Berlin properties, to the name of this campaign it was clear who the target was – deeply unpopular large private landlords. The momentum of the Tenant Movement had grown to such a point that the city-wide campaign for expropriation policies was more easily mobilised.

Alongside this radical proposal, the Tenant Movement further pushed for a referendum calling for a five-year rent freeze. With widespread support, the marches and drives for petitions gathered some 77,000 signatures. The referendum was successfully held, with the new laws due to be implemented in 2020. The success of the rent-freeze referendum has had the unintentional effect of diminishing the momentum of the expropriation campaign, though the campaign has legitimised the State of Berlin in massive housing stock purchases, notably purchasing 670 flats in central Berlin in 2019.<sup>42 43</sup> The rent-freeze is expected to face resistance from the Federal government, which will likely seek means of challenging the legality of the expropriation measures. As such, the 2019 referendum raises the question: how far can the decentralised approach of 'scaling-up' policies and winning local referendums reform policies, given that for these reforms to be

<sup>42</sup> A. Blackman, 'Berlin's Biggest Landlord has a Warning over Soaring Rents'. *Bloomberg* [online].

<sup>43</sup> P. Oltermann (2019). 'Berlin buys 670 flats on Karl-Marx-Allee from private owner'. *TheGuardian*. [online]

protected changes must occur to both policies and the political make-up at State *and* Federal levels.

*Where does the Tenant Movement go from here?*

What can be seen, then, is that the trajectory of the Tenant Movement has, in spite of its decentralised nature, adopted an approach that has expanded exponentially in scope and ambition:

- Identify a point of common interest. This might be an unpopular development, or a specific area of policy – crucially, it must bring together the disparate Tenant organisations with enough urgency that they are willing and able to work together to push for the change.
- Collectively formulate a citizen's initiative.
- Through a combination of marches, advertisements, and community engagement activities, draw attention to the proposal and gather support at the local level.
- Mobilise a signature drive to comfortably pass the threshold for a referendum. This often results in a successful referendum for the Tenant Organisations, as the momentum of a given campaign by this point means that there is likely to be popular support for it.

Crucially, these individual successes have led to a major shift in the Berlin political climate in favour of progressive housing reform. The Tenant Movement has had a profound, albeit fragile, impact on the direction of housing policy in Berlin. Housing affordability now sits firmly atop the public policy agenda in the city. In 2016, the city saw a new coalition win power in the State of Berlin comprised of the SDP, the Greens, and Die Linken, a shift from a right to a left leaning government. Notably, the coalition agreement features housing as a primary issue - some 26 pages of the document are dedicated to the issue. In the writing of this agreement, tenant organisations were called in to offer input, and much of the phrasing of the housing section of the document was contributed directly by tenant organisations. Within the agreement are commitments to much expanded housing construction from the private sector; a strengthening of the provision of public and social housing by the state; greater protections for tenants; and the upholding of continued deliberation over rent controls. Though campaigners say this does not go far enough on account of these “shallow” as opposed to deeper changes to policy (i.e. the underlying market logic is still the basis of the solution offered), this is a remarkable shift since the reunification of the city when neoliberal approaches to housing, including the sale of

public land and the opening of the market to private investors, were deeply entrenched.

#### IV. Final analysis

*What can be learned from the experiences of the tenant movement on how to influence policy?*

As has been stressed throughout, Berlin's historical peculiarities as an urban centre and the long-standing existence of tenant organisations combine to make the exact circumstances of the movement's success somewhat unique. That said, the general conditions - gentrification, the financialization and commodification of housing, the neoliberalisation of housing policy to facilitate these facts, and the existence of other organisational logics for tenants such as renters unions - do exist in many cities around the world. As such, drawing lessons from this experience is not an exercise in "copying" the movement, but from observing, within the city's particular set of circumstances, what has worked and why, which may well be of use to those seeking to replicate its success. Lessons that might be learned include:

- *Housing affordability and availability is an issue that transcends traditional politics and offers a large, motivated base for a movement*

The Tenant Movement has been criticised in the past for its near exclusive focus on issues of housing affordability. However, this narrow focus taps into the fact that nearly all Berliners are negatively impacted by the spiralling cost of housing in the city. While the movement has its activist roots in left-wing organisations, it has seen widespread support from across the political spectrum. This is no doubt because housing affordability transcends traditional political divides, recasting the city along the lines of tenants and landlords – landlords that, in Berlin at least, are extremely unpopular. Hence, a common opponent and ambition is created. This arguably facilitates the decentralised nature of the movement – housing affordability is so ubiquitous that there is no shortage of people willing to band together to fight the issue, meaning organisations can come and go rapidly as the need arises.

- *Movement decentralisation can be extremely powerful when organically driven by community groups.*

That said, success in influencing policy undoubtedly comes from the existence of the organisations in the first instance - a "pre-made" organising logic for pushing on housing issues. Tenant groups have a built in, easy to mobilise and highly motivated membership. A shared but flexible identity grounded in issues common to majority of residents in Berlin further offers a political affiliation that is not tied to traditional party allegiances, which is important in an era where trust in the established political groups and orientations is at an all time low. While it can be difficult to "link them up" to create specific policy platforms, activist groups have been successful in this regard. That they are highly localised and independent of these campaigns allows them to maintain their legitimacy. If they stopped focussing on tenant needs, they would cease to be useful to the movement or to their members.

- *... but this also has drawbacks.*

This decentralisation of the "movement", however, also poses its biggest problems. Grouping together at key points for campaigns allows it to push for specific pieces of reform, or the prevention of harmful development. It struggles, however, to create a detailed policy platform. This is problematic when the focus of the movement remains squarely on housing affordability - a problem that has complex causes and requires structural changes to the policy agenda, which is difficult to manifest through a decentralised movement. Other issues don't get much of a hearing - campaigns have featured issues of social use of space and the city, but housing affordability always the principal concern and is where the actual policy change has occurred. The city and its government are undoubtedly left-leaning, and hence other habitat issues do appear on the agenda, but in terms of policy campaigning the focus is near exclusively on the affordability of housing.

- *Reversing neoliberalisation requires challenging, wholesale reform at many levels.*

It is also difficult to determine how, precisely, these gains will be maintained should political fortunes change. Many of these policy successes have been accounted for by fortunate alignment of circumstances by activists. Larger campaigns especially see success on account of favourable politicians at different levels. At the State level, the Berlin government has seen a left leaning coalition enter power with housing at the centre, and sought the advice of tenant

organizations on the policy agenda. What, then, if this coalition is replaced by a right-leaning coalition, or its initiatives are challenged by the right-leaning Federal government?

Something to note is that the specific strategies worked in Berlin in part because of the low threshold of support required to force a referendum in a Citizen's initiative - local issues and even wide-ranging, city-wide issues could be pressed into a binding referendum over policy with as few as 20,000 signatures. As such, getting an issue into serious policy discussion with the government has a relatively low bar in the city, and an effective ground campaign can tip the balance effectively. This is true of the targets of their activism, not necessarily the ground game itself.

*A final note to show our gratitude to the members of Kotti & Co, Bizim Kiez and Stadt von Unten for the warm welcome they gave Habitat International Coalition in May 2019 during our visit to Berlin and the very interesting details they shared with us about their work. Thanks also to Klaus Teschner (TRIALOG/MISEREOR) for accompanying HIC and facilitating this great exchange of experiences.*

# Europe, France: Paris, Social Housing and Urban Struggles

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## Introduction

This research aims to identify and analyse the strategies implemented by social movements to achieve recognition of their rights to housing and to the city, and their demands related to municipal public policies. These mobilisations are studied in relation to access to social rental housing as well as its use and/or rehabilitation.

The first step is to identify the changes in French social housing policies since the industrial revolution at the end of the 19th century. Starting out as a mechanism to maintain the class interests of employers, social housing stock became an important issue in Keynesian public policy after the Second World War, facilitating the emergence of French monopoly capitalism. In the decade of the 1970s, a neoliberal shift was introduced that led to a gradual decoupling of the State from the management and financing of social housing, with a consequent rupture in the social function and use of housing. The territorialisation of urban and housing policies from the late 1980s helped to strengthen the role of the municipalities in urban planning, confirming the relative withdrawal of the State.

These different processes were accompanied by a growing privatisation of the sector and the commercialisation of social housing, which has accelerated considerably in recent years, benefiting private and financial actors, and is reflected in the restructuring of the methods of capital accumulation in cities.

Thus, accompanying the financialisation of the sector and under the imperative of 'social diversity', the production, distribution and management of social housing at the end of the 20th century was carried out to the detriment of the working classes, who faced a situation of precarity. All these dynamics were reinforced by a series of liberal measures, characteristic of urban policies between 2000 and 2010, such as the 2003 Law on Guidance and Programming for the City and Urban Renewal or, more recently, the ELAN Law of 2018, which benefit the main property groups and globalised financial actors, while aggravating the housing crisis in France. We will also analyse how these different processes have contributed to transforming the modes of action of local decision makers when it comes to social housing policy.

Faced with such a situation, the 'struggles for housing' attempt to take advantage of the opportunities of the urban context to organise protest. Through specific modes of action and significant collective mobilisations, people in substandard housing, homeless people and activists for the right to housing and to the city are taking over public, political and media spaces to make visible the demands and situations that were being ignored. To illustrate the way in which social movements penetrate the field of local policies and influence the definition and direction of measures taken in favour of social housing, the struggles led by the association *Droit au Logement* [Right to Housing] between 2006 and 2010 in Paris' *Rue de la Banque* [Bank Street] are noteworthy and merit analysis. This synthesis will be the subject of the second part of this report.

## I. The political genealogy of social housing in France

*French social housing: between philanthropy and productivism*

In order to introduce this study, it should be recalled that French social housing is not an epiphenomenon: it forms a part of a particular history.

The social housing model is set within its historical proximity to the French industrial business community. As early as the industrial revolution at the end of the 19th century, French social housing was conceived by the capitalists<sup>1</sup> as a tool at the service of its class

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<sup>1</sup> Those who own productive assets.

interests, both in a productivist perspective by grouping the labour of the working class close to the production centres, and by facilitating the control of the insurrectionary potential of the proletariat. Social housing for workers is conceived as a pared-down model of bourgeois housing, however, it notably prohibits subletting, which was, for working class families, a way of compensating periods of lay-offs. This 'paternal' housing regulation would also be enacted within social housing itself. Thus, social housing is a product of private initiatives that combine industrial interests and private philanthropy.



A model of 'low-cost housing' in Aubervilliers (Seine-Saint-Denis), the first form of social housing built according to the Siegfried Law of 1864. Credits: Mémoire2Ville

However, the Strauss Law, voted in 1906, allows municipalities to finance social housing. Under the impetus of the municipalist and radical movement, public offices for low-cost housing [*Offices publics*

*d'habitation à bon marché*] were created, which found their funds by borrowing from the State, as was the case with the Paris office.

### Post-war Keynesianism

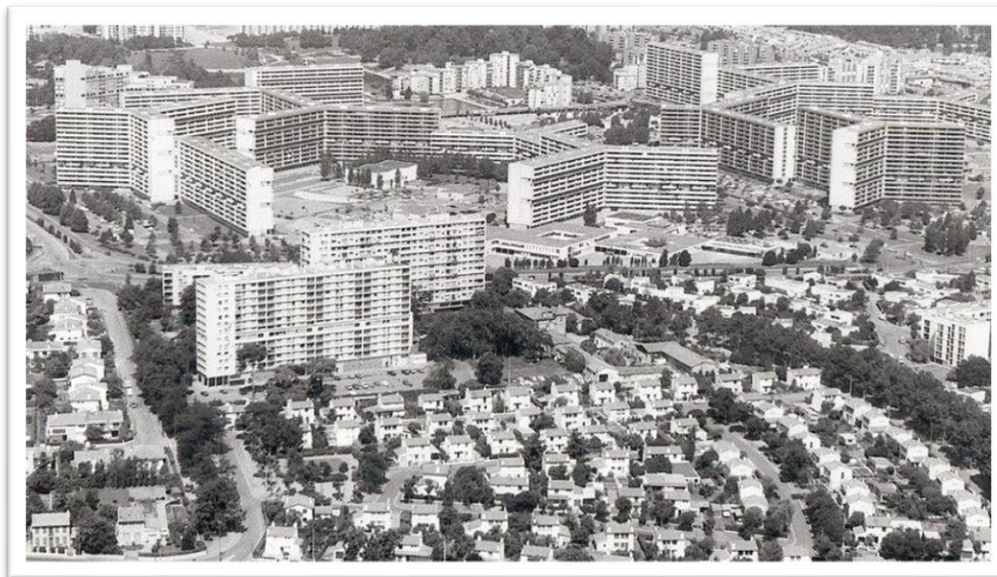
However, it was not until the mid-1950s, when the housing crisis reached its peak, that the State intervened en masse in what is now recognised as modern French social housing. In previous years, the movement for adequate housing had been strengthened by the appeal of Abbé Pierre<sup>2</sup> in 1954, as well as by the occupation of empty premises, including churches. Some municipalities, of Christian Democrat tendency, sympathised with this situation and supported the self-construction movement of *Les Castors* [The Beavers], providing them with undeveloped land.



*Les Castors* is a self-construction cooperative movement that emerged after the Second World War in response to the housing crisis. Here, a housing estate is being built in the town of Pessac (Gironde). Credits: Association culturelle des Castors de Pessac [The Beavers of Pessac Cultural Association].

<sup>2</sup> On 1<sup>st</sup> February 1954, Abbé Pierre launched an appeal for solidarity on Radio Luxembourg following the death of a woman on the streets of Paris, which led to the 'uprising of kindness', a national movement of popular support for the homeless.

This is how the French generalist model emerged, aimed at social groups with insufficient income – excluded from the de facto private rental market – but not expressly limited to it. Through the rental practices and lifestyles unfolded within them, social housing becomes a kind of transitional housing that can accommodate 80% of French households; a ‘threshold’ housing that would be the starting point of a trajectory towards private investment or home ownership. Hence, it is important to stress that the construction of the social housing stock responds to the need to accompany the emergence and development of French post-war industrial monopoly capitalism.



In Toulouse (Haute-Garonne), the Mirail neighbourhood is characteristic of the large social housing complexes built in the 1960s. Credits: Jean Sauvage.

### *The neoliberal rupture of the 1970s*

The 1970s were a real turning point in terms of housing policy, as demonstrated by the Guichard Circular of 1973 and the Barre Reform of 1977. From then on, a gradual withdrawal of the State from the financing, production and management of the social housing stock occurred. These transformations involved the adoption of a series of legislative measures that put the brakes on Keynesian interventionism,

by putting an end to the construction of large housing complexes and drastically reducing subsidies and aid granted by the State to the social rental sector. This constitutes a first step in the liberalisation of the corresponding policies. These reforms illustrate the paradigmatic transformations that privilege market logic, as the State moves towards a more residual concept of social housing: housing reserved only for those excluded from the private rental market.

### *Decentralisation and local policies*

The 1980s were also characterised by the increasing delegation of urban policies to local authorities. Thus, we can highlight the decentralisation process that contributes to the territorialisation of urban policies, through the Laws of 1981, 1982 and 1983, which grant municipalities the responsibility for urban planning and, therefore, the allocation of land for the construction of housing. For its part, the State retains the responsibilities of meeting the population's housing needs and the production of social housing.

As early as 1975, several senior public officials were concerned about combating the downward spiral of large social housing complexes towards impoverishment and marginalisation. In 1977, an interministerial State intervention was created under the name *Habitat et vie sociale* [Habitat and Community Life], which provided credit to co-finance, along with local authorities, rehabilitation and social and cultural activities in large housing estates. In 1981, following the election of François Mitterrand, this action was evaluated by the *Commission nationale pour le développement social des quartiers* [National Commission for the Social Development of Neighbourhoods], responsible for supporting new rehabilitation and animation projects, and planning them with the participation of the inhabitants. Envisaged to encourage local authorities to assume political responsibility for neighbourhoods on the large housing estates imposed upon them by the central government, the social development action in these neighbourhoods, which in 1990 became the ‘*politique de la ville*’ [City Policy], has had mixed results. The difficulty of integrating these neighbourhoods into the ordinary urban fabric and providing them with the same level of public services as other neighbourhoods was particularly striking. The structures built in the 1960s seem to be the main obstacle to integrating these neighbourhoods into the cities.



On 9<sup>th</sup> June 1983, Tower 6 in the Minguettes district of Vénissieux (Rhône) was demolished within the framework of a major urban renewal operation. Credits: Bibliothèque Municipale de Lyon [Lyon Public Library], archives from the Journal Rhône-Alpes.

### Continuity and the restructuring of social housing policies from the 2000s

The direction of urban social housing policies since the 2000s provides continuity to the previous debate on liberalisation and the withdrawal of the State, thus reinforcing the housing crisis. The National Agency for Urban Renewal (*Agence Nationale pour la Rénovation Urbaine*, ANRU) was created in 2003 through the Law for the Orientation and Programming for the City and Urban Renewal, better known as the Borloo Law. The National Urban Renewal Programme (*Programme National de Renouvellement Urbain*, PNRU) launched at this time would favour the property market and development planning over social policies, and demolitions over rehabilitation. For Stefan Kipfer, Professor at York University (Toronto), this law is a response by the French right to the Law on Solidarity and Urban Renewal (*Solidarité et Renouvellement Urbain*, SRU) introduced by the socialist government

in 2000, which requires municipalities to provide at least 20% social housing in their territory.

The restructuring of the social housing stock carried out by the public authorities results in measures that lead to a reduction in the resources of rent-controlled housing (*Habitation à Loyer Modéré*, HLM) offices, such as the 2018 Finance Law and the ELAN Law, which encourage them to develop new financing strategies by opening up to investment funds and the merging of housing stock converted into capitalist companies.

The reduction in expenditure imposed through various mechanisms generally leads to a reduction in the number of rehabilitations — which are considered expensive by the owners — a reduction in expenditure related to the maintenance of the built environment and a decrease in the production of social rental housing, in particular the most subsidised and, therefore, intended for the working classes, the largest category among applicants.

At the same time, mechanisms are established to increase rental income through the construction of social housing for the middle classes and social property. Further, owners of social housing are encouraged to sell their homes to increase their personal savings. This is why the 2018 Law the Evolution of Housing, Urban Planning and Digital Technology (*Loi portant évolution du logement de l'aménagement et du numérique*, ELAN) increases the objectives related to the sale of social housing to 40,000 operations per year, 5 times more than what we see today. This law also establishes a mechanism of block sales, which means that sales are stimulated by financial and budgetary ambition to the benefit of major property groups and actors in the globalised financial industry. The reasoning that underlies these provisions clashes with the reality of the relatively marginal situation of social housing neighbourhoods in urban areas and the objective deterioration in the quality of the buildings; which explains why the sales executed are much lower than foreseen. Further, the money generated by these sales does not allow for the financing of the construction of the same number of new houses. Local authorities contribute to the construction of new housing by providing land that became available following deindustrialisation or the decline of agriculture, and at low cost.

*Social housing in figures*

Today, according to data collected by the *Union Sociale pour l'Habitat* [Social Union for Habitat], HLM organisations own 4.6 million rental homes, unequally distributed throughout France. More than half of the social housing stock is located in the regions of Hauts-de-France, Auvergne-Rhône-Alpes and Île-de-France. 18% of French families are tenants of a social housing organisation, representing almost 10 million people. 41% of social housing is owned by Public Housing Offices – HLM Offices – which are more or less controlled by local authorities, while 41% of the social housing stock is owned by Social Enterprises for Habitat (*Entreprises Sociales pour l'Habitat*, ESH). The majority of ESHs are subsidiaries of companies or of *Action Logement* [Action Housing], an employers' association structure that collects and manages 1% of the total wage bill dedicated to housing and plays a key role in financing the operations of the National Urban Renewal Agency.

Thus, there is a gradual linking of social housing policies with State-driven mechanisms related to property markets and ownership, as part of a significant and long-standing trend. Within this context, municipal and intermunicipal governments retain important prerogatives in terms of urban planning. In this way, the municipalities resolve to continue the construction and rehabilitation of social housing through the intermunicipal public housing offices. They propose land where social housing can be built or buildings that can be converted into social housing. It is their responsibility to encourage experiments in social and ecological management on this available land, such as community land trusts, through the mobilisation of Local Intermunicipal Urban Plans. They also impose the construction of social housing in all private property transactions, making the production of such housing a condition for obtaining building permits. In addition, municipalities and intermunicipalities mobilise social housing offices, including public offices, in a bid to construct social housing and to experiment and develop a proactive policy in this sphere. However, despite the SRU Law, public and political investment in social housing continues to depend on the goodwill of municipalities and intermunicipalities. Hence, public decision-makers do not support or defend these guidelines, maintaining the extremely unequal distribution of social housing within French territory.

Moreover, this work to influence the actors involved in the construction and management of social housing does not take into account, from a quantitative point of view, the needs of the poorly

housed and homeless, which, according to the annual studies carried out by the Abbé Pierre Foundation, is constantly increasing. The municipalities, who best know the needs of their residents, do not have the economic resources to develop a housing policy. Today, it is the intermunicipalities who are responsible for identifying these needs and negotiating the renewal or construction programmes to be carried out with the State, which makes these processes even more opaque.

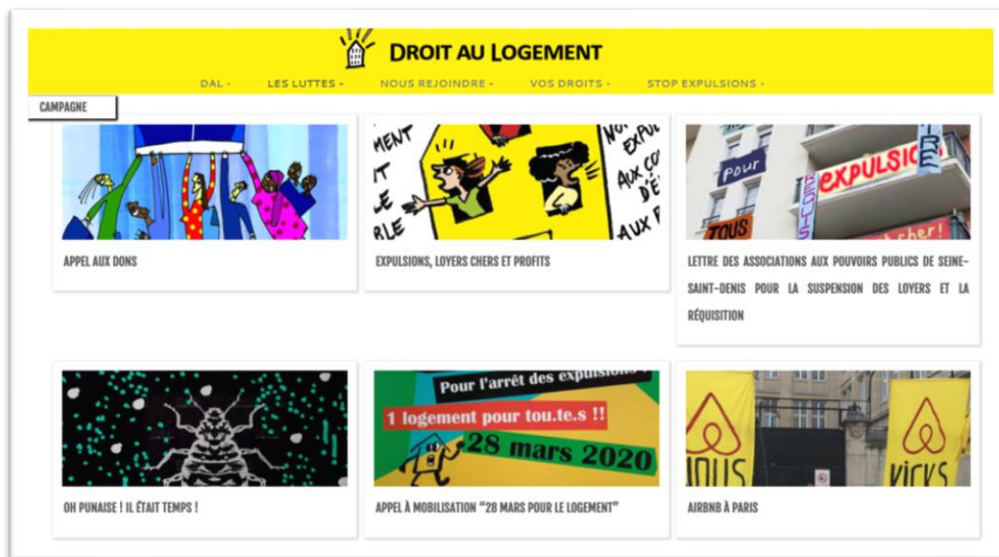
Within this context that is exacerbating the housing crisis, social movements and struggles are organising, structuring and mobilising. This is how they enabled the implementation of the Law on the 'enforceable' right to housing (*Droit au Logement Opposable*, DALO) in 2008. This law, which designates the State as the guarantor of the right to housing, offers families who seek housing and do not receive an answer in this regard the possibility of appealing to a mediation commission, the courts or a local State representative. In theory, no one should be left with a pending housing demand; in practice, while approximately 400,000 households have received a response since 2008 due to the implementation of this law, 55,000 are still waiting to be housed.

As the housing crisis worsens, social movements are organising a resistance and are creating alternatives. By taking charge of public, political and media spaces through specific mobilisations, social forces are penetrating the field of local policies and are influencing measures taken in favour of social housing. The struggles led by the association *Droit au Logement* between 2006 and 2010 in the Rue de la Banque in Paris are a reference in this regard and merit analysis.

## II. Case study: The struggles of *Droit au Logement* (DAL) in Rue de la Banque

### *Introduction*

The struggles of the association *Droit au Logement* that unfolded in the Rue de la Banque comprise a series of mobilisations between 2006 and 2010. The association *Droit au Logement*, commonly known by the acronym DAL, was created in 1990 and brings together families living in substandard housing or homeless families, as well as activists from associations, that mobilise to defend the right to adequate housing for all.



Some campaigns available on the website of the association Droit Au Logement (DAL)<sup>3</sup>

The struggles were structured around two specific types of actions: the citizen occupation of the empty building located at 24 Rue de la Banque in Paris' second arrondissement, and the protest camps that were set up at the foot of the occupied building.

These modes of intervention in public space form an integral part of what Charles Tilly calls the “repertoire of collective action” as “a limited set of routines that are learned, shared and acted out through a relatively deliberate process of choice.”<sup>4</sup>

In particular, Tilly states that “every performance involves at least two parties: an initiator and an object of the action. Third parties often get involved; even when they are not the object of collective action, for example, agents of the state spend a good deal of their time

monitoring, regulating, facilitating, and repressing different sorts of collective action.”<sup>5</sup>

It therefore seems important to review and analyse several characteristic elements of these years of struggle. These mobilisations reveal the dynamics of power and thus constitute a space-time of conflict among different actors.

It is worth examining the different strategies deployed by the actors of social movements to structure, self-organise and politically direct these struggles within the framework of local alliances. It is also pertinent to identify elements of analysis that help to highlight their subversive nature.<sup>6</sup> The repressive and coercive mechanisms used by the State towards the struggles of the activists and families in a bid to break up the mobilisation are also characteristic of these conflicts.

In order to construct this story, the archives of the struggles for the period 2006-2010 have been consulted, included in the references at the end of this document. In addition, several interviews have been conducted with people who directly participated in the mobilisation. Finally, most of the images and some of the testimonies were taken from the documentary made by *Avenir vivable* [Sustainable Future] for the No-Vox network and the association *Droit au Logement* entitled ‘*Rue de la Banque*’, which recounts the development of the struggle of the same name.<sup>7</sup>

<sup>3</sup> <https://www.droitaulogement.org/category/campagne-2/>

<sup>4</sup> Tilly, C. (1995). Contentious Repertoires in Great Britain, 1758-1834, in Traugott, M. (ed.), *Repertoires and Cycles of Collective Action*, Durham (N. C.), Duke University Press, p. 15-42.

<sup>5</sup> Tilly, C. (1986). *La France conteste. De 1600 à nos jours* [The Contentious French], Paris, Fayard.

<sup>6</sup> “Who is likely to disrupt, to destroy institutions and principles; who threatens the established order”, CNTRL

<sup>7</sup> <https://www.dailymotion.com/video/x6fea3s>



Occupied building, Rue de la Banque. Credits: AFP, Joel Saget.

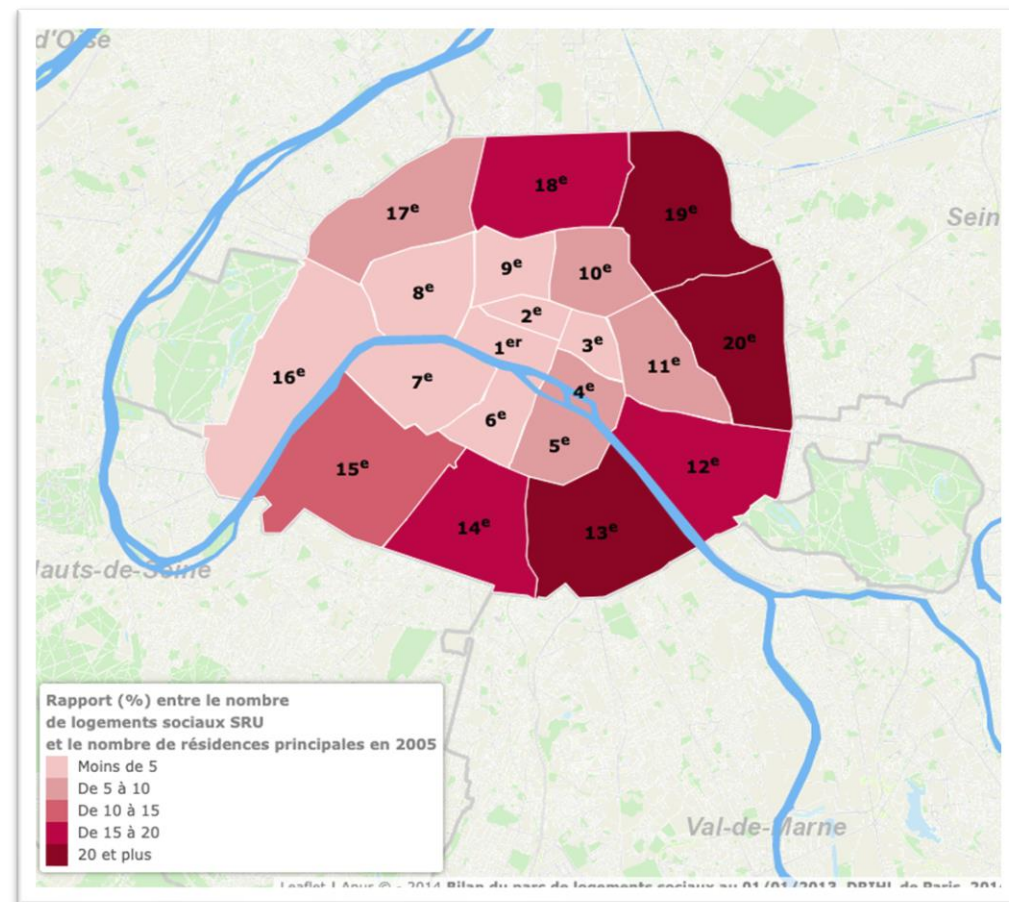
### Citizen occupation: The transformation of an empty building into social housing

The space for the struggle was not chosen at random. In fact, in 2006, the second arrondissement of Paris had one of the lowest rates of social housing, representing a mere 2.9% of the arrondissement's residential units.<sup>8</sup>

The occupation of the 1000 m<sup>2</sup> building located opposite the Paris Stock Exchange, owned by the Bank Lyonnaise de Banque but unoccupied since 2004, began on 31<sup>st</sup> December 2006 following an action led by the members of the *Jeudi Noir* [Black Thursday]<sup>9</sup> collective, who would customarily “open”<sup>10</sup> an unoccupied apartment every year on New Year's Eve. The DAL and the MA-CAQ collective, a neighbourhood cultural and artistic movement, immediately joined this organisation of young people facing situations of precarity, structured around demands for the right to housing.

<sup>8</sup> Figures for social housing in Paris in 2014, Paris Urbanism Agency (*L'Atelier parisien d'urbanisme*, APUR) [https://www.apur.org/dataviz/logement\\_social/index.html](https://www.apur.org/dataviz/logement_social/index.html)

<sup>9</sup> *Jeudi Noir* is a French collective created in 2006 to denounce the increase in rental prices. It draws the attention of the media as well as public opinion through media



Credits: APUR

### The construction of class solidarity among the components of the occupation

The occupation of the building is based on an alliance among these three militant organisations, which are distinguished by their different social compositions: the *Jeudi Noir* collective brings together and

actions, such as surprise, festive-style invitations to visit rental flats and denounce owners for high prices, and 'citizen requisitions' of buildings across Paris.

<sup>10</sup> In activist vocabulary, 'opening' refers to the act of initiating the occupation of an empty building.

organises young students in situations of precarity, the MACAQ artists, and the DAL the homeless. However, an analysis of this union among categories that subjectively think and are constituted as differentiated groups can enable a reading of the contrary: the structuring of a class solidarity within an enlarged proletariat, fragmented by the social division of labour, but objectively united by comparable living conditions.<sup>11</sup>

The mobilisation is built around three axes:

- The occupation of the building to transform it into social housing;
- The immediate rehousing of all the building's inhabitants;
- The establishment of a political strategy of action and interpellation around the housing problem.

The alliance is constructed around these common demands, and the occupied building was divided among the different groups. DAL activists occupied the ground floor and set up their headquarters, which played a decisive role in the struggle, particularly during the establishment of the camp. The second and fifth floors were occupied respectively by the artists of the MACAQ collective and the youths of *Jeudi Noir* who were facing situations of precarity, while the other floors were reserved for homeless families.

This link among different organisations by way of the struggle enables the knowledge distributed to be articulated and valued in a differentiated manner. We can borrow the concept of 'active capital' from Frédérique Matonti and Franck Poupeau, who define a "set of knowledge and techniques that can be mobilised during collective actions, struggles within parties, but that are also exportable, convertible into other universes, and therefore capable of facilitating certain reconversions."<sup>12</sup> These diverse active capitals, accumulated through the experience of struggle and distributed in a heterogeneous way according to the collectives, have been mobilised in different ways depending on the configuration of the balance of power. Though the activists of *Jeudi Noir* were able to

initiate the "opening" of the building on 31<sup>st</sup> January 2007, and were also able to mobilise their own capital at the service of the struggle,

*"It is only because the DAL and the MACAQ became associated over time that the occupation was able to take place. The 'Rue de la Banque' is the culmination of many years of experience, of several years of occupations; its strategic process wasn't new. All this was already underway, especially with the actions in the 'Rue du Dragon'."*<sup>13</sup>

A., DAL Activist



<sup>11</sup> In particular, with regard to its relationship with the right to housing and to the city. To explore this further, see Lefebvre, H. (1968). *Le Droit à la ville* [The Right to the City], Paris, Anthropos.

<sup>12</sup> Matonti, F., & Poupeau, F. (2004). *Le capital militant. Essai de définition*. [Active Capital. A Definition] *Actes de la recherche en sciences sociales*, no 155(5), 411

<sup>13</sup> On 18<sup>th</sup> December 1994, DAL activists and their families requisitioned an empty building and an abandoned nursery school at 7 Rue du Dragon in the 6<sup>th</sup> arrondissement of Paris. See: <https://www.youtube.com/watch?v=aioGDdopfUY>

*The building on Rue de la Banque decorated with the banners of the occupying groups. Credits: NPA*

The exchange of experience and knowledge in activism among these different groups helped to keep the building occupied over a long period of time and to structure the mobilisation around the imperative of occupation.

*The implementation of a political strategy of interpellation: The "Ministry of the Housing Crisis"*

On the basis of class solidarity, these three activist structures would implement a real political strategy aimed at transforming the occupied building into a space for an opposition movement, where housing policy alternatives were constructed. The year 2007 was marked by two major events within the French institutional framework: the presidential and legislative elections. The period was also marked by political debates in the National Assembly and the Senate on the adoption of the Law on the Enforceable Right to Housing, the DALO Law. The activist camp is also characterised by significant actions related to the growing number of homeless people, as shown by the *Don Quichotte* [Don Quixotes] movement, who set up a camp on the banks of the Saint Martin canal in central Paris from December 2006.



*The inauguration of the "Ministry of the Housing Crisis" on 11<sup>th</sup> January by Jeudi Noir activists. Credits: L'Obs.et Denis (<https://www.flickr.com/photos/tofz4u/357249024/>)*

The "Ministry of the Housing Crisis" was inaugurated on 11<sup>th</sup> January on the first floor of the occupied building on Rue de la Banque, providing an opportunity to question election candidates and public officials about their housing proposals. Therefore, this space for opposition and the creation of political alternatives helped to put the demands of families and activists on the agenda. The candidates for the presidential election were received and asked to express their views on the issue of the housing crisis, to respond by making their proposals known and to submit them for debate. Political figures from the left and the extreme left, as well as trade unions, joined the social movement, establishing a link between the activist and the partisan camps.<sup>14</sup> The Ministry of the Housing Crisis thus played a decisive role in the Rue de la Banque mobilisations by bringing together different components of civil society. As a space for opposition, this place of discussion and debate was a decisive element in the mobilisation and negotiations that followed.

The occupation of the building was strongly supported by the local elected representatives of the second arrondissement of the city of Paris. Jacques Boutault, the current Mayor of the second arrondissement, member of the environmentalist party, Europe Ecology - The Greens (*Europe Écologie Les Verts*, EELV),<sup>15</sup> was already at the head of the district at that time. Annie Lahmer, the mayor's Chief of Staff, was one of the first people on the scene of the 1<sup>st</sup> January mobilisation:

*"At this time of year, all elected officials were on holiday. Since I am an activist, the DAL sent me a text message."*

Annie Lahmer

From then on, the local government of the second arrondissement took a stand in support of the mobilised population and asked the City of Paris to buy the building. However, Bertrand Delanoë, the then Mayor of Paris and a member of the Socialist Party (*Parti socialiste*, PS),

<sup>14</sup> Péchu, C. (2001). *Les générations militantes à droit au logement* [The activist generations for the right to housing]. *Revue française de science politique*, Vol. 51(1), 73103

<sup>15</sup> French Ecological Political Party

quickly opposed the project. A political battle took place between the PS and EELV, two parties of the traditional French left. A few months before the presidential elections, their disagreements fuelled debates and the adoption of different political, partisan and strategic positions and/or tactics of the parties.

The disagreements between the PS and EELV were materialised within the municipal team of the second arrondissement:

*"It has been a real battle with the PS. The elected representatives of the PS did not support the purchase of the building in any way. They took their time to abandon their position, when they realised that it would be complicated to maintain it over time."*

Annie Lahmer

The explicit support of the elected representatives of the EELV played a decisive role in the negotiations by allowing the demands of families and activists to be put on the political agenda. These public officials were, therefore, one of the components of the alliance that characterised this mobilisation.

Activist, political and media pressure led to the purchase of the building by Paris City Council through its Public Office for Development and Construction (recently renamed *Paris Habitat*) on 4<sup>th</sup> June 2007, with the agreement that the building would soon be renovated to construct around 20 social housing units. The mobilisation marked a significant victory for all the people and collectives involved, since the demands articulated throughout the struggle had been met: poorly housed or homeless families followed a rehousing procedure, the purchase and production of housing were effective, the artists of the MACAQ collective obtained new premises and the *Jeudi Noir* activists were granted housing.

*The camp*

In October 2007, a second phase of mobilisation was initiated in Rue de la Banque. This came after the police repression suffered by DAL activists and poorly housed families during the International Day for the Struggle for the Right to Housing and the Right to the City on 3<sup>rd</sup> October 2007. A group was organised in front of the association's headquarters, located on the ground floor of the building, which was still occupied at the time. Following brief exchanges among the people mobilised, it was decided to set up a protest camp on the pavement adjacent to the building in order to demand housing for each of the 374 families who were homeless or poorly housed at the time. Until then, many of them had been living in hotels or hostels while they waited for a permanent solution to be provided. Their living conditions were unsanitary, and the mood was still marked by the fire at the Hotel Ópera<sup>16</sup> in April 2005, in which 24 people died, including 11 children.



*The camp was set up at the foot of the requisitioned building. Credits: Le Point.*

<sup>16</sup> The Hotel Opera was a hotel where the public authorities housed homeless families. Many of these hotels are unsanitary and several burnt down in Paris in recent decades.

*The articulation of the two modes of action within a strategic perspective*

As mentioned above, the two modes of action, occupation and camp, were articulated within a strategic perspective. If we look at the words of several people who mobilised at that time,

*"The camp served to popularise the struggle for the building, which was an alliance among several components."*

B., DAL Activist

Further, the camp appeared as a means to make the social realities and struggles that are often overlooked visible in public space. By reappropriating the street, the families and activists reveal the mechanisms of the systems of domination and exploitation that are invisible behind building walls. Specifically, those affected by social relations of domination, as well other practices considered undesirable, which were being brought to light and in fact imitated in the social order.

*"The camp is the way of making a struggle like housing visible. It is a struggle for territory, nothing is renounced, and the situation of families and therefore the housing crisis becomes visible."*

A., DAL Activist

These two spaces of struggle could be articulated and mobilised in different ways, strategically, according to the needs and power relations, which would allow for a variety of forms of resistance to State repression to be established. As such, as a space occupied by activists and therefore considered safe, the building serves as a refuge for families during the violent interventions by the national police within the camp. The comings and goings between the two spaces of struggle are recurrent and essential to maintain the resistance.

*A struggle structured by State repression and police violence*

The mobilisation in the camp, which would take place from 3<sup>rd</sup> October to 14<sup>th</sup> December 2007, was structured in a bid to address State repression and police violence. The visibility gained through the appropriation of public space exposed the activists and families to systematic interventions by law enforcement agencies aiming to dismantle the camp and the solidarity established within it. Between 3<sup>rd</sup> October and 1<sup>st</sup> November, police officers, the Republican Security Companies (*Compagnies Républicaines de Sécurité*, CRS),<sup>17</sup> and gendarmes intervened on five occasions: they dismantled and removed tents, arrested activists, and returned families to shelters and reception centres in the 18<sup>th</sup> arrondissement. In general, they exercised systematic violence.

*"It was huge, it was as if they were dealing with criminals. It was catastrophic. Mothers were sleeping in the tents and they were assaulted in the middle of the night. It seemed like they were going to catch Bin Laden, or worse..."*

Family Delegate

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<sup>17</sup> The CRS are responsible for riot control.



*The intervention of a CRS brigade attempting to evict a family from the camp.  
Credits: AFP, Gérard Cerles.*

The law enforcement agencies use techniques such as 'kettling'<sup>18</sup>, imported from British repertoires of action, to isolate some of the participants from the rest of the group and to carry out mass arrests, causing tension for several hours.

<sup>18</sup> Kettling means 'to boil', referring to a pressure cooker about to explode.  
<https://lundi.am/Kettling>



*One of the police's 'kettling' traps carried out during the protest camp. Credits:  
Avenir Vivable, 'Rue de la banque'. Credits: Denis  
(<https://www.flickr.com/photos/tofz4u/357249024>)*

On the night of 1<sup>st</sup> to 2<sup>nd</sup> November, police repression reached its peak. A police siege was deployed, permanently fencing in the occupied building. The law enforcement agencies were present uninterruptedly for 15 days and 14 nights, "something that had not been seen since the siege of the Iranian embassy, according to a senior official of the Prefecture of Police", as Jean-Baptiste Eyraud, DAL Spokesperson, communicated.

These groups and their demands represented a risk to the perpetuation and stability of the social order. This legitimises the intervention of the police, as an institution whose mission is to maintain this order. This repression invokes the history of the struggles of immigration, carried out by non-white, undocumented populations in

precarious situations; a legacy from the slave and colonial enterprise. Thus, the mechanisms established by the State through its police force are reminiscent of colonial regimes based on the control of a population oppressed and exploited by a capitalist system.<sup>19</sup> The assertion of these people's rights contradicts the interests of the ruling classes.

It is also necessary to identify the place occupied by the State within the mobilisation of the camp. Unlike the occupation (in which the Paris City Council was the interlocutor), this time, the demands were addressed directly to the Minister of Housing, represented by Minister Christine Boutin. From this moment on, the mobilised population finds themselves confronted by the entirety of the state apparatus.

Thus, aware of the subversive nature of the mobilisation, the State applies a repressive strategy, through its police force, to disrupt the struggle. The arrests are precisely aimed at key figures in the movement: representatives, activists and homeless or poorly housed people who play a particularly important role are subjected to violence and repression.

*"In an attempt to break up the movement, they attacked the activists. That was clear and simple. At one point, Jean-Baptiste<sup>20</sup> was on one side and everyone [the police] started chasing only the activists. But this had the opposite effect on the families: instead of discouraging them, they became more motivated and rebellious."*

S., DAL Activist

Thus, the resistance to repression was possible thanks to the internal and external solidarity constructed through the struggle, being the result of self-organisation and intertwined alliances.

### *Self-organisation*

Though in the previous paragraphs we focused on the alliances forged among different social classes and areas, we feel it is essential

to reaffirm the central role played by homeless and poorly housed families in the Rue de la Banque mobilisations, particularly in the protest camp. This struggle was characterised by forms of popular self-organisation and self-defence, by and for vulnerable families, thus enshrining their autonomy.

*"We are not being manipulated by the DAL. In most cases, we are immunised. We make our decisions without the DAL. As long as there is no housing, we will be here."*

Mother of a mobilised family

It is important to underline the fact that working mothers are the main protagonists of these struggles, principally carried out by non-white, mostly undocumented women. These women constitute an 'over-exploited'<sup>21</sup> proletariat by an imperialist state that does not deign to provide them with housing:

*"It's a disgrace for France. We are working for France, alone with our children, and we are just looking for a place to live. So, if Madame Boutin thinks she has to send the mobile gendarmerie and riot police every time to disperse us, she has got it wrong. We are here, and as long as we don't receive a rental contract and key, we will stay here."*

Mother of a mobilised family

Self-organisation took concrete form in the distribution of specific tasks within the community, in particular with regard to domestic tasks and cooking. A rota was organised to plan medical consultations and the rest of the housing in the building was assigned to pregnant women. Group meals were particularly important in the struggle, as moments of conviviality and sharing.

<sup>19</sup> Rigouste, M. (2012). *La domination policière : Une violence industrielle*. [Police Domination: Industrial violence] La Fabrique éditions.

<sup>20</sup> Jean-Baptiste Herault is the spokesperson for the DAL.

<sup>21</sup> "For them, sexism and racism combine with class exploitation to produce a situation of over-exploitation. Racism and sexism within the context of work are tools for the

management of the workforce, a way of managing class relations. They add to the racism and sexism they experience in social life to make the lives of hundreds of thousands of workers discriminated against because of their race miserable." Saïd Bouamama: <https://blogs.mediapart.fr/ismael-el-hajri/blog/160120/racisme-et-discrimination-au-travail-agir-pour-ne-pas-subir>

*"As the days went by, the routine settled down, everyone took their place and knew what they had to do. It's like community life".*

Family Delegate

The central role of the 'delegates' in the struggles in the Rue de la Banque perfectly illustrates the importance of the self-organisation mechanisms developed there. These reference persons are appointed by the mobilised families. Their mission is to organise independent meetings with the families, alone (without the activists), to discuss the needs of each one and to make collective decisions about the continuation of the struggle and the management of the daily concerns. These times of exchange, without the mixing of groups, enable the consolidation of self-organisation and the autonomy of the families and, consequently, their emancipation.

*"Self-organisation is emancipation. It is essential in any struggle. In the way we speak, in the proposals, in the form the struggle takes, in equality. People are transformed at the end of the struggle: they have acquired a capacity for emancipation, for struggle and for transmission."*

A., DAL Activist

Self-organisation is also essential in order to build solidarity in the face of repression. Thus, during the police siege that lasted 15 consecutive days:

*"It was hard, but even so, we stuck together. We chatted, talked all night long. What kept us going was kindness. We were in solidarity, all the families who were there."*

Mother of a mobilised family

Although mothers are on the front line, men and boys also play a crucial role in mobilisation. The former, most of whom are employed at

times that do not allow them to be present in the camp during the day, organise themselves at night and form self-defence groups. They then patrol around the camp to prevent the presence of the police and right-wing/fascist activists.

The experience of self-organised struggle acquired by families is disseminated and transferred over time. In this way, families and delegates are invited to other mobilisation spaces to share their knowledge with others who self-organise. Thus, the transmission of experiences and knowledge can be carried out in the language of the mobilised families, while remaining part of the heritage and the continuity of the autonomous struggles.

*"Today, we still have families within DAL who participated in previous struggles who come and explain to the groups how things are going. We bring in former delegates or people who have experience in this kind of struggle. They come to explain all this to the families, especially in their own language."*

A., DAL Activist

#### *Public figures' support for the struggle*

Finally, it is necessary to underline the crucial role played by public figures during the mobilisation of the camp, such as the actors Josiane Balasko, Emmanuelle Béart, Carole Bouquet, Richard Bohringer, Romane Bohringer, Joey Star, Pierre Richard and the Cartoonist and Film Director Enki Bilal. By providing their explicit support to the struggle, these people, mainly from the artistic field (actors, comedians, singers, writers) contributed to widening the scope of the debate, and to bringing the demands into the public and political sphere.



Carole Bouquet and Guy Bedos supporting families and activists. Credits: AFP, Mehdi Fedouach.

This alliance established between public figures and the mobilised population is a continuation of the union initiated a few months earlier with the Ministry of the Housing Crisis. The mobilisation that was structured around the camp made it possible to reconstitute the solidarity that had been built up beforehand and, at the same time, to expand and spread it beyond the closed circle of parties and unions.

Further, for many of the public figures implicated in the mobilisation, the support provided to poorly housed or homeless families amplifies their initial commitment to the struggles of undocumented migrants. Just like Josiane Balasko, Emmanuelle Béart or Richard Bohringer, many of them had participated in the operations of sponsorship and regularisation of undocumented migrants, carried out by the association *Droits Devant!* [Rights First!] in the late 1990s. The political figures of the left and the extreme left, as well as the vast majority of the trade unions, also support the struggle.

*Local elected officials' support for the mobilisations*

Local elected officials also gave their support to the people mobilised in the camp. For example, the local government of the second arrondissement politically and financially supported the mobilisation of the groups and families, providing them with showers and material. The municipal teams also acted as a link among the neighbourhood shopkeepers, the residents and the mobilised population.

*"We invited people who were complaining about the occupation to discuss it in the Town Hall, with the representatives of the association, which led to some hard discussions, but nothing unreasonable."*

Annie Lahmer

The solidarity shown both inside and outside the camp enabled the families to resist the repression and to obtain an agreement with Christine Boutin, Minister of Housing, on 14<sup>th</sup> December 2007, which provided for the rehousing of the 374 mobilised families.

On 15<sup>th</sup> December 2008, one year after the evacuation of the first camp, DAL activists mobilised again, along with the families, and set up a second camp on Rue de la Banque to denounce the Ministry of Housing's failure to comply with the agreement: on that date, 210 of the 374 affected families were still waiting to be rehoused. The mobilisation was therefore extended until 23<sup>rd</sup> March 2009, when a new agreement was reached with the Ministry of Housing, foreseeing the gradual rehousing of all the families mobilised by means of quantified monthly targets lasting until 2010.

The occupation of the building would end on 24<sup>th</sup> October 2011, when new premises would be allocated to the DAL in the 12<sup>th</sup> arrondissement, to enable activists to establish their headquarters and provide support and guidance to poorly housed or homeless people there.

*The contribution of the struggles to local social housing policies*

The mobilisations in the Rue de la Banque contributed to influencing local social housing policies in the short, medium and long term.

As has been highlighted, the camps and the occupation succeeded in rehousing the mobilised and homeless residents. In addition, the empty building was bought by Paris City Council and transformed into

social housing, increasing the stock of social housing in a neighbourhood where this was extremely lacking.<sup>22</sup> The mobilisations also contributed to an important debate on housing in general, and on the issue of citizen occupation in particular. Through these struggles, families and activists, together with other movements and organisations, were able to influence the negotiations on the 2007 DALO Law. One of the major (but often overlooked) contributions of the struggles of the Rue de la Banque to social housing policies was the *Louer Solidaire* [Solidarity Rental] programme, implemented by the City of Paris in January 2007. Following the British 'affordable housing rental' model, this scheme makes it possible to "mobilise private homeowners to entrust their properties to specialised bodies associated with the municipality and thus enable families currently staying in hotels to access quality housing."<sup>23</sup> Given its success, the scheme was extended across the whole of France from November 2008 under the name *Solibail*, and has been guaranteed and insured by the State through the Ministry of Housing.

Finally, in the longer term, the mobilisations in Rue de la Banque have created references for families and activists in the struggle. Citizen occupation and protest camps have shaped modes of politicisation, as well as specific practices and knowledge that are transmitted among social groups. This is how a lasting solidarity, which has been the cornerstone of successful mobilisations, capable of challenging the social order and proposing possible and desirable political and social alternatives, has been established.

### III. Conclusion

In the face of the neoliberal offensive that is weakening the French model of social housing, social movements are not passive and are becoming organised. In fact, popular resistance and collective actions are taking place and influence local urban policies in particular and the social sphere in general. In this respect, the mobilisations in the Rue de la Banque deserve our full attention.

We have attempted to identify and analyse the specific characteristics of a struggle that has enabled the achievement of

concrete progress in the area of the right to housing and to the city, within a precise social, spatial and temporal framework. Therefore, this study aims to provide the keys to think, collectively, drawing on the struggles and in their sole interest, as well as specific and contextual strategies of organisation and mobilisation, based on a history and recollection of previous struggles. This research does not aim to provide a methodological and strategic 'toolbox' for social movements in a bid to ensure the success of urban struggles; nor is it intended to deliver a historical record. The reproducibility (or not) of the dynamics and processes of struggle can only be established through the concrete application and experimentation of forms of organisation carried out by and for the people concerned.

However, within the current economic, political and social context, several avenues for reflection may be explored. The linking of movements at various levels (local, national, global) appears to open up new perspectives and potential for struggles for the right to housing and the Right to the City. In addition, the 'crisis of the nation state' is reshaping the political and decision-making scene, particularly with regard to local policies. One of the challenges of the next decade could be the construction of strong municipalist movements at the local level, strengthened by their reciprocal network. It is a matter of once again raising the issue of power and opposition in the face of the exacerbation of social antagonisms in order to consider new perspectives for movements and struggles for the right to housing and to the city.

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<sup>22</sup> They represented 4.8% of the main residences in the 2nd arrondissement in 2013 (628 social housing units) compared to 2.9% in 2006 (382 social housing units). [https://www.apur.org/dataviz/logement\\_social/index.html](https://www.apur.org/dataviz/logement_social/index.html)

<sup>23</sup> <https://www.paris.fr/pages/louez-solidaire-142>.

# Europe, Spain: The fight for the right to adequate housing in Barcelona

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## Introduction: Barcelona, a paradigmatic case

*From the crisis to popular organization*

In Spain in general, and in Barcelona in particular, the economic crisis that began in 2007 has widened inequality, increased poverty, reduced the provision and quality of jobs and reduced or frozen salaries. These dynamics have had an extremely negative impact on access to adequate housing. Since the real estate bubble burst, hundreds of thousands of families have been affected by forced evictions, and an increasingly significant proportion of the population has been excluded from the right to adequate housing. Over 10 years after the crisis, Barcelona continues to live in a housing emergency situation, with daily violations of the right to housing and a new rent crisis. In five years, rental prices have risen by more than 40% in Barcelona. In 2018 alone, almost 60,000 evictions were carried out in Spain, thereby raising the figure of evictions that have taken place since 2008 to over 650,000. Social housing represents a mere 1.5% of the housing stock in Barcelona, a far cry from other European cities where this figure reaches 15 or 20%, yet several million homes currently remain empty across Spain.

Faced with this situation of housing precariousness, new movements and social organizations have appeared in Barcelona, defending the human right to adequate housing and the social function of urban property. The *Observatori DESC* [Observatory for Economic, Social and Cultural Rights, ODESC]<sup>1</sup> was born in 1988 with the aim to

promote economic, social and cultural rights. Combining political advocacy, the publication of reports, the organization of workshops and courses as well as strategic litigation, this centre for human rights has been promoting the right to housing and to the city as fundamental rights for over two decades.



PAH Activists stopping an eviction. Source: <https://pahbarcelona.org>

Born in Barcelona in 2009 to take a stand against the mortgage crisis, the *Plataforma de Afectados por la Hipoteca* [Platform for People Affected by Mortgages, PAH]<sup>2</sup> is a grassroots social movement that denounces unjust laws and fights against evictions and the over-indebtedness of families. The platform is organized through assemblies where citizens affected by the mortgage crisis and people in solidarity with them can gather. This movement has achieved a renewal of social activism with a model of a collective advisory process and empowerment for those affected. PAH combines civil disobedience campaigns, stopping evictions in the doorways of the homes of the

<sup>1</sup> <https://www.observatoridesc.org/>

<sup>2</sup> <https://afectadosporlahipoteca.com/>

affected families, and occupying banks and public administrations, with legislative proposals that guarantee the right to housing at state, regional and municipal levels.

The ODESC, PAH and social movements as well as neighbourhood associations and tenants' unions have managed to become true popular anti-establishment movements that have a real impact on public policy at the local level. Various citizen victories, such as the approval of Law 24/2015 that prevents the eviction of vulnerable families, or the 30% measure that increases public housing stock in Barcelona, have demonstrated that organized citizenship has a real importance in designing public policies that facilitate the right to housing. It is not only a question of influencing the local public agenda, but also of directly implementing legislative texts developed by these non-state institutions.

*The municipal bet on the right to housing: the grandeur and misery of the municipality*

Yet, the promotion of the right to housing and the incorporation of a human rights-based perspective in public policies also imply transforming local institutions in their own right. This was the goal of municipalism, which came to power in Barcelona in 2015. Following the crisis and 15M, new citizen platforms appeared, with the aim of improving local democracy and putting public institutions at the service of social majorities. In Barcelona, Ada Colau, former PAH Spokesperson, led a process of “convergence” among different social movements, political parties and citizens that participated in this traditionally individualistic candidature. Surprisingly, the platform *Barcelona en Comú* [Barcelona in Common] won the 2015 local elections and Ada Colau became the Mayor of Barcelona, with a programme centred on the defence of the right to adequate housing.

Since then, the government of *Barcelona en Comú* has made a strong commitment to human rights in the city, reclaiming Barcelona as a “City of Rights”. With regard to the right to adequate housing, the City Council has championed innovative policies and channelled more energy and money than previous local governments into the

democratization of access to housing. The new service SIPHO (Service of Intervention in the Loss of Housing or Occupation) aims to support vulnerable families that find themselves in the situation of losing their homes and mediates between the landlord and those affected to find solutions for the families. Various measures, such as the rights of pre-emption and first refusal, as well as the increase in the construction of subsidized housing, are intended to overcome the historic lag in the city's social housing stock. Alternative forms of tenancy, such as cooperative housing and cohousing have also been fostered through transfer of use models.

Nevertheless, it must be recognized that, after four years of municipalist government, the housing situation in Barcelona has still not been resolved, and the city is still enduring a housing emergency situation. Evictions have not stopped, and rent prices have gone through the roof, excluding a considerable part of the population from access to decent housing through the market. Not even the peripheries of Barcelona have been spared — with few exceptions, the rise in rent has become widespread. Various factors limit the influential capacity of local policies, such as the distribution of powers among the different institutional levels, since municipal government is the level of government with the fewest competences in the area housing. Much-needed decisions such as rent controls cannot be taken at the municipal level. Beyond the problem of the administrative scale, the inertias of the local public institutions themselves have, in some cases, prevented the implementation of policies with the potential to bring about radical transformations, and policies that truly threaten deep-rooted private interests. The “municipal bet”<sup>3</sup> has also been a disappointment, and new social movements on housing have emerged that are critical of Ada Colau's government.<sup>4</sup>

In any event, the arrival into power of a citizen platform stemming from civil society to local government in Barcelona reconfigured relations between social movements and local government. New conflicts have been made visible, but so have new synergies, focusing on the implementation of measures that promote the right to the city. These movements have sought to avoid the risk of cooptation or

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<sup>3</sup> *Observatori metropolitano* [Metropolitan observatory], *La apuesta municipalista: la democracia empieza por lo cercano* [The Municipal Bet: Democracy begins close to home], *Traficantes de Sueños* [Dream Traffickers], 2014.

<sup>4</sup> See section IV. 1 of this chapter

weakening, inventing new forms of collaboration between civil society and local institutions capable of overcoming the inertia of municipal policy.

The aim of this chapter is to examine the strategies that social movements and local organizations use to defend the right to adequate housing in Barcelona, and analyze their relationship with municipal government. Specifically, the chapter will focus on the analysis of the cases of the Platform for People Affected by Mortgages (PAH Barcelona), the Observatory for Economic, Social and Cultural Rights (ODESC), and other social movements in their fight to promote the human right to housing and the right to the city. If today Barcelona is a paradigmatic case of this battle, it is because the city's social organizations have become anti-establishment movements capable of proposing and improving local laws, and changing the rules of the game. In this sense, they have demonstrated that the right to housing is inseparable from the right to "inhabit" cities, from the right to the city understood as the collective right to participate in urban social life, and to change the rules that govern it.<sup>5</sup>

#### *Methodological Note*

This report is based on ethnographic material that combines direct observation as a participant of the social movements cited and in-depth interviews with members of these organizations and of the local government in Barcelona. Twenty interviews were conducted with members of PAH, the Observatory for Economic, Social and Cultural Rights, and other social movements that defend the right to housing in Barcelona, as well as with members of the municipalist government of *Barcelona en Comú* originating from these movements, and with municipal officials in the area of housing. They are semi-structured interviews lasting for an hour, on average.

Besides this ethnographic material, an analysis of existing literature and primary source documents from the social organizations and local governments was carried out. Firstly, legislative texts and international charters on human rights were analyzed, as well as reports from the United Nations and other international organizations such as United Cities and Local Governments (UCLG). Reports by PAH, the Observatory for Economic, Social and Cultural Rights, and other

social movements, as well as their proposals for legislative changes and public policies, have also been studied. Press articles and academic texts concerning the issue of the fight for the right to housing were also used as documentary sources.

## **I. The right to housing and to the city: from the international to the local level**

From the Universal Declaration of Human Rights in 1948 to the Global Charter-Agenda for Human Rights in the City in 2011, the right to adequate housing has been recognized as a human right by various international covenants and charters. At the national level, various articles of the Spanish Constitution recognize the right to adequate housing and the social function of property. Despite this national and international recognition, the right to adequate housing has still not been materialized in Spain, and millions of citizens continue to suffer from the failure to fulfill this right, as well as forced evictions.

In this context, public policies do not always prioritize safeguarding the social function of property or the fight against violations of the human right to adequate housing. Even though state governments are the level of government that has the greatest powers and budgets with regard to housing, local governments are being called upon to play an increasingly important role to fulfill the right to housing recognized by the international legal framework.

The reason cities and municipalities have acquired a new centrality in the defence of human rights is due to the fact that they are the level of government that is closest to citizens; a space from where they can become actively involved in public policies. In recent years in Barcelona, social movements that defend the right to housing and to the city have led proposals for legislative change with the objective to reverse the housing crisis and guarantee access to housing for the most vulnerable sectors of society. Local organizations have become the driving entities when it comes to translating basic human rights recognized by international law into the local legal framework.

#### *International framework*

- The United Nations and international covenants

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<sup>5</sup> Lefebvre, H. (1973). *Le droit à la ville* [The Right to the City]: 1. Paris: Ed. Anthropos.

Signed in 1966 and in effect since 1976, the International Covenant on Economic, Social and Cultural Rights (ICESCR) is an international multilateral treaty with the objective to recognize and guarantee economic, social and cultural rights (ESCR), including the right to an adequate standard of living, the right to health and the right to education. The signatory states commit to establish mechanisms to protect and guarantee these rights.

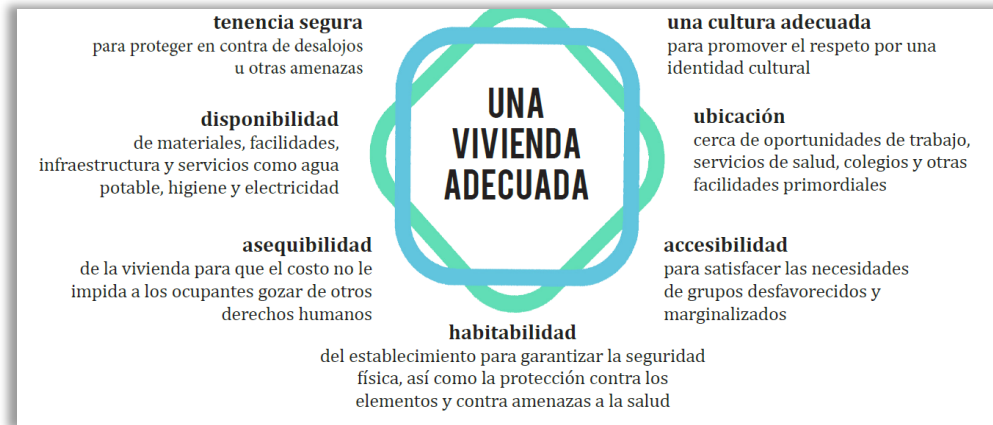


Figure 1: ICESCR and the six aspects of the right to adequate housing. Source: United Nations<sup>6</sup>

Article 11 of the ICESCR establishes the right to adequate housing: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>7</sup> General Comment No. 4 of the Committee on Economic, Social and Cultural Rights develops the components of the right to adequate housing, recognizing that

<sup>6</sup> Implementing the Right to Adequate Housing: A Guide for Local Governments and Civil Society, available at [https://www.uclg-cisd.org/sites/default/files/GuideSubnationalReport\\_EN\\_0.pdf](https://www.uclg-cisd.org/sites/default/files/GuideSubnationalReport_EN_0.pdf)

<sup>7</sup> International Covenant on Economic, Social and Cultural Rights, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>8</sup> General Comments approved by the Committee on Economic, Social and Cultural Rights, available at

“the human right to adequate housing [...] is of central importance for the enjoyment of all economic, social and cultural rights.”<sup>8</sup> The distinct aspects of the human right to adequate housing recognized by this Comment are as follows: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. (See Figure 1)

#### o The New Urban Agenda

The New Urban Agenda (NUA), adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito in 2016, also promotes the right to housing and the right to the city as fundamental rights. The NUA recognizes that the right to adequate housing is fundamental to guaranteeing an adequate standard of living for all. To ensure this, it is necessary to “prevent arbitrary forced evictions” and guarantee “adequate, affordable, accessible, resource-efficient, safe, resilient, well-connected and well-located” housing for all.<sup>9</sup>

Nevertheless, the NUA does not enshrine any legally binding mechanism for the signatories to effectively guarantee these rights, nor any specific tool to implement or monitor this urban agenda.<sup>10</sup>

#### State framework

The Spanish State, aside from being a signatory party of the ICESCR, also recognizes the right to adequate housing within its own Constitution. At the national level, the human right to adequate housing is explicitly recognized in Article 47 of the Spanish Constitution, which requires public authorities to fulfil this right.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolo=INT%2fCESCR%2fGEC%2f4759&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolo=INT%2fCESCR%2fGEC%2f4759&Lang=en)

<sup>9</sup> Habitat III, New Urban Agenda, available at <http://habitat3.org/wp-content/uploads/NUA-English.pdf>

<sup>10</sup> For a discussion of the “gains and losses” of the NUA with respect to previous Habitat Conferences, see ‘Habitat International Coalition and the Habitat Conferences 1976-2016’, available at <https://www.hic-net.org/habitat-international-coalition-and-the-habitat-conferences-1976-2016/>

#### Artículo 47

**Todos los españoles tienen derecho a disfrutar de una vivienda digna y adecuada. Los poderes públicos promoverán las condiciones necesarias y establecerán las normas pertinentes para hacer efectivo este derecho, regulando la utilización del suelo de acuerdo con el interés general para impedir la especulación. La comunidad participará en las plusvalías que genere la acción urbanística de los entes públicos.**

Likewise, Article 33 of the Constitution recognizes the right to private property, but also recognizes that this right is limited by the social function of ownership.

#### *Regional framework*

In Spain, housing falls under the responsibility of the Autonomous Communities (regions), as indicated by the Statute of Autonomy of Catalonia, in the case of Catalonia. Article 26 of this Statute thus recognizes that “those individuals who lack sufficient resources have the right to a decent home, and public authorities shall, therefore, establish by law a system of measures to guarantee this right, within the terms determined by law.”

In accordance with this competency, in 2007, the Parliament of Catalonia adopted Law 18/2007, of 28 December, on the Right to Housing (LDHC). This law continues to be a reference, given that it is the first legislation that has regulated the sector comprehensively. Law 18/2007 enables citizens to denounce breaches of the applicable legislation before the courts, defines the framework of housing plans, the growth in affordable housing stock and public housing development. However, many later modifications limit the transformational capacity of this law, which continues to be underemployed.<sup>11</sup>

<sup>11</sup> For an assessment of Law 18/2007 10 years after its adoption, see the publication edited by the Observatory of Economic, Social and Cultural Rights, *La ley del derecho a la vivienda de Catalunya: diez años de vigencia. Balance y futuro. [Ten Years of the Right to Housing Law in Catalonia. Review and Future.]*, 2018

<sup>12</sup> PAH and the Observatory of Economic, Social and Cultural Rights, *Housing Emergency in Spain*, 2013

#### *Local framework*

Although the main competences related to housing reside with the State and the Autonomous Communities, local councils and municipal housing policies have had, and continue to have, a significant impact on the right to adequate housing. In its 2013 report on the housing emergency, PAH and the Observatory for Economic, Social and Cultural Rights summarize the competences of local authorities:

- The local authorities are responsible for urban planning and land use management intended for processes of urban development and in particular in order to attain land for subsidized housing.
- Moreover, the local authorities are competent in the management and administration of their public housing stock and land, and in establishing, within this framework, the agreements they consider appropriate with different institutions or public and private companies, for the development of subsidized housing in its different forms.
- The municipal councils are also authorized to complement the activities undertaken by other public administrations in the area of housing.<sup>12</sup>

To this must be added competences in matters not strictly linked with housing, such as social services, primary health care and consumer protection.<sup>13</sup>

Despite an international, national, regional and local framework that recognizes the human right to adequate housing, in practice, daily violations to housing rights continue to occur, and Spain continues to live in a chronic housing emergency situation. In this regard, the situation concerning forced evictions represents the most evident violation of the right to adequate housing, and the UN has condemned Spain for this situation on various occasions.<sup>14</sup>

<sup>13</sup> Ibid.

<sup>14</sup> In October 2019, the UN Committee on ESCR once again condemned Spain for violating the right to adequate housing after a forced eviction: <https://news.un.org/es/story/2019/10/1464611>

## II. From the crisis to the housing emergency

Since 2008, over 750,000 foreclosures and over 650,000 forced evictions have taken place in Spain. In the first quarter of 2019, 172 evictions were carried out every day, which equates to one eviction every eight minutes.<sup>15</sup> A decade after the real estate crisis, evictions are not stopping, and the housing emergency has become a constant. This situation implies serious rights violations, both in terms of human rights and the right to adequate housing, as well as other related rights, such as the right to health.

This emergency situation originates from a speculative real estate model, and high-risk practices in the banking sector, destined to fuel the real estate bubble. Even though the mortgage crisis has still not been resolved, today, citizens must face a new rent bubble, linked to the new wave of the financialization of housing.

### *The roots of the crisis: housing and financial speculation*

In Spain, the massive expansion of the construction sector brought about an unprecedented real estate bubble. Between 1997 and 2007, more than 6.6 million homes were built in Spain, the same quantity as the total number of homes built in France, Germany and Italy combined for the same period.<sup>16</sup> This “development tsunami”<sup>17</sup> was the basis of an urban growth model that was completely disconnected from the needs of the population, which materialized in some “devastated landscapes”.<sup>18</sup>

In the specific context of Barcelona, the forming of a real estate bubble went hand in hand with a neoliberal urban planning model that transformed the city from the 1980s onwards. Since the 1992 Olympic Games, Barcelona has become a global city that competes to attract capital flows at the international level. The so-called

“Barcelona Model”, born to respond to this need, is based on the “capitalist reappropriation of the city, in a dynamic in which the fundamental and recurring elements — in this case and in that of many cities — are the conversion of urban space into a theme park, the gentrification of historical centres [...], tertiarization — which implies the restructuring of entire industrial districts —, the spreading of a growing misery that cannot be hidden, control over public space that is less and less public.”<sup>19</sup>

In parallel to these speculation phenomena, banks facilitated access to abusive and high-risk housing credit to the working and middle classes. Between 1997 and 2007, indebtedness rose from 55% to 130% of household disposable income.<sup>20</sup> The abusive clauses of these mortgages, such as variable interest rates, ground clauses and the absence of debt cancellation by property return, would later be denounced by social movements as a large-scale “scam”. The PAH slogan, “this isn’t a crisis, it’s a scam”, reclaimed by 15M, aimed to denounce the role of the banking sector in the housing crisis and the financialization of housing.

### *The bursting of the bubble and its social consequences*

In 2008, the bursting of the real estate bubble, the fall in house prices and the explosion of unemployment left thousands of people without the resources to pay their rent. The social consequences of this crisis were disastrous: mass evictions of families by the banks, over-indebtedness and a spiral of poverty. Between 2008 and 2012, over 415,000 and almost 245,000 evictions took place. In total, since 2007, it is estimated that over 650,000 families have been evicted. While the country was sinking into a widespread crisis, and hundreds of millions of euros of public money was being handed over to the banks — without the hope that it would be recuperated — the authorities

<sup>15</sup> Data from the General Council of the Judiciary (CGPJ). See Figure 2 with updated data for the second quarter of 2019 from the General Council of the Judiciary.

<sup>16</sup> Many of the homes built in this period were not primary residences, but secondary residences, located in peri-urban or touristic areas.

<sup>17</sup> Fernández Durán, Ramón. 2006. *El Tsunami urbanizador español y mundial: sobre sus causas y repercusiones devastadoras, y la necesidad de prepararse para el previsible estallido de la burbuja inmobiliaria* [The Spanish and Global Development Tsunami: On its causes and devastating repercussions, and the need to prepare for the foreseeable bursting of the real estate bubble]. Barcelona: Virus.

<sup>18</sup> Observatorio Metropolitano (Madrid). 2013. *Paisajes devastados: después del ciclo inmobiliario: impactos regionales y urbanos de la crisis* [Devastated Landscapes: After the housing cycle: Regional and urban impacts of the crisis]. Madrid: Traficantes de Sueños.

<sup>19</sup> Delgado Ruiz, Manuel. 2017. *La ciudad mentirosa: fraude y miseria del “modelo Barcelona”* [The Deceitful City: The fraud and misery of the “Barcelona Model”]. Madrid: Catarata, p.267

<sup>20</sup> Colau, A., & Alemany, A. (2013). *Vidas hipotecadas: De la burbuja inmobiliaria al derecho a la vivienda* [Mortgaged Lives: From the housing bubble to the right to housing], Barcelona: Angle Editorial, p. 53

maintained a passive attitude, fueling the blaming of citizens: “they had been living beyond their means”, “nobody forced them to sign for mortgages”, and “if they are no longer solvent, they can only blame themselves”.

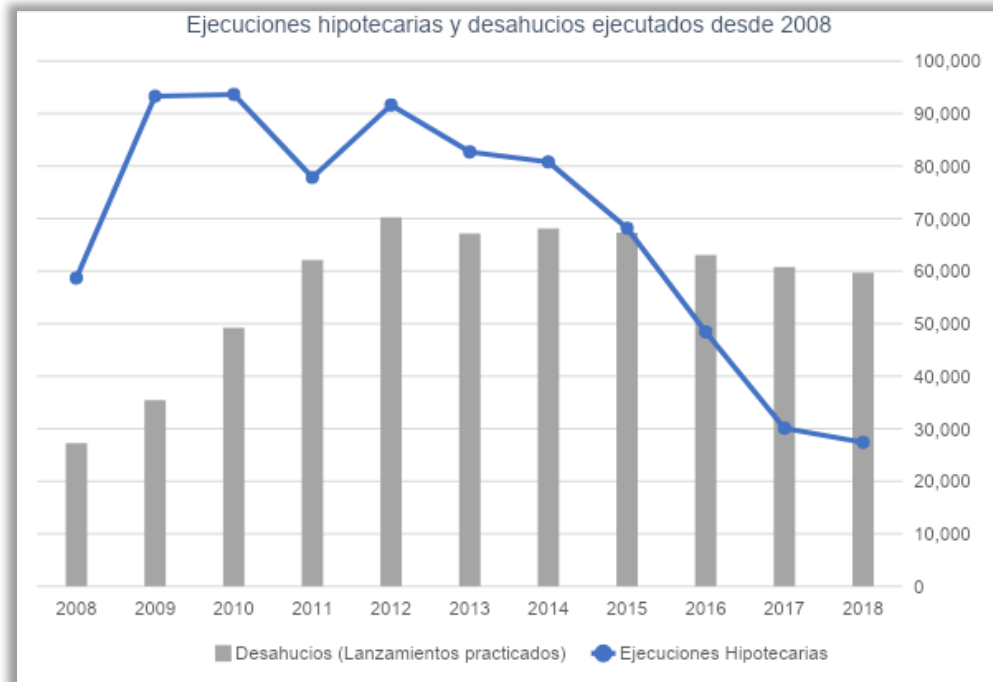


Figure 2: Evolution of evictions at state level.

Source: Own development, using the figures of the General Council of the Judiciary

### New challenges: rent and employment

Even though Spanish citizens continue to suffer the mortgage crisis today (see Figure 2), new challenges and threats to the right to adequate housing have been emerging. The precariousness of renting has become the new face of the housing crisis. It is estimated

that almost 85% of evictions in Barcelona were carried out due to the non-payment of rent (see Figure 3). Although Spain has traditionally had a high percentage of homeowners, access to property has been restricted to a portion of the population, and Barcelona has around 30% renters. In recent years, there has been an explosion in rent prices in the city. The average price of rent has more than doubled in 15 years, and since 2017, has already exceeded its record high of 2007. In the last five years, this average price has risen by 40% (see Figure 4). In the third quarter of 2019, for the first time in history, the average price of a new rental contract in Barcelona exceeded the alarming figure of 1000€.<sup>21</sup>

In Barcelona, the laws provide very little protection to tenants, while mass tourism, gentrification and new forms of speculation reduce the quantity of available homes on the market even further.

The laws continue to afford very little protection with respect to renting in Spain. The market is completely unregulated and there are no mechanisms to control prices. Although in 2019 a reform to the Urban Leases Act (LAU) increased the mandatory renewal period of rental contracts from three to five years, tenants remain unprotected by the absence of a regulation on rent prices and other abusive clauses. In Barcelona, this legal precariousness is reinforced by processes that drive the forced displacement of the most vulnerable populations from the central districts to the less wealthy suburbs. The attraction of the Catalan capital has triggered a huge rise in tourism and a renewal of speculative practices. In 2018 alone, over 15.8 million tourists visited Barcelona, which has a population of 1.6 million.<sup>22</sup> The platforms of the false “collaborative” economy, such as Airbnb and Booking.com, sparked a proliferation of tourist apartments that increase the average price of rent and limit access to housing for the local population.

<sup>21</sup> See the last report of the Government of Catalonia, based on data from the Catalan Land Institute (INCASÒL): [http://habitatge.gencat.cat/ca/dades/estadistiques\\_publicacions/indicadors\\_estadistiques/estadistiques\\_de\\_construccio\\_i\\_mercat\\_immobiliari/mercat\\_de\\_lloguer/lloguers-barcelona-per-districtes-i-barris/](http://habitatge.gencat.cat/ca/dades/estadistiques_publicacions/indicadors_estadistiques/estadistiques_de_construccio_i_mercat_immobiliari/mercat_de_lloguer/lloguers-barcelona-per-districtes-i-barris/)

<sup>22</sup> <https://www.lavanguardia.com/local/barcelona/20190318/461083674799/turismo-turistas-barcelona.html>

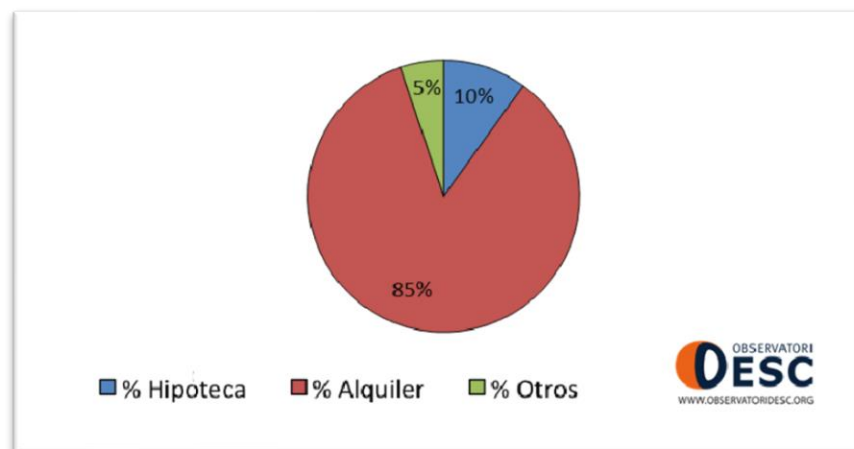
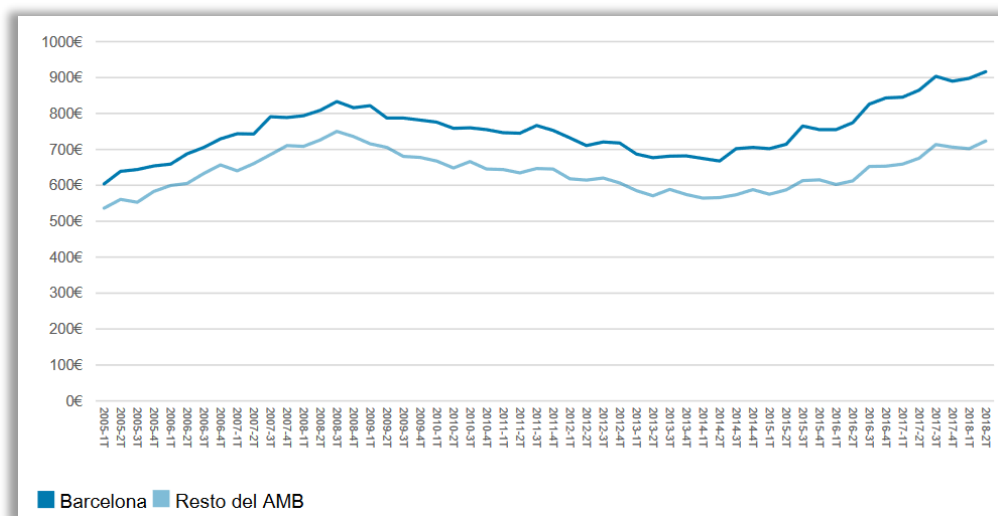


Figure 3: Evictions in Barcelona in 2017 by type.

Source: Observatory for Economic, Social and Cultural Rights



<sup>23</sup> Data from the Office of Urban Habitat and Territory, from the rental contract bonds deposited at INCASÒL. *L'oferta i la demanda de lloguer a l'àrea metropolitana de Barcelona* [Rent supply and demand in the Barcelona metropolitan area], 2019

<sup>24</sup> See, in particular, the campaign *The Shift* by the UN Special Rapporteur on the right to housing: <http://www.unhousingrapp.org/the-shift>

<sup>25</sup> Ver Rolnik, Raquel. 2018. *La guerra de los lugares: la colonización de la tierra y la vivienda en la era de las finanzas* [War of Places: The colonization of land and

Figure 4: Quarterly evolution trimestral of average rent prices in Barcelona and its metropolitan area. Source: Observatori Metropolità de l'Habitatge [Metropolitan Housing Observatory]<sup>23</sup>

Finally, speculative financial institutions have adapted to this new situation, and the rental market has been transformed into a new real estate bubble. The intervention of various multinational vulture funds, such as Blackstone, which buys property in order to evict the tenants and convert these homes into luxury or tourist apartments, has been denounced by the United Nations' Special Rapporteur on Adequate Housing.<sup>24</sup> These practices have fostered an unprecedented process of financialization of housing: housing is now not only considered a commodity, but a financial asset.<sup>25</sup>

### III. Response of the organized citizenship

Faced with this profound social injustice and an unprecedented housing crisis, citizens have developed new forms of activism, and have created new social movements that defend the right to adequate housing. This battle has been coordinated around two key strategies: direct actions of civil disobedience and proposals for legislative change. There exists, then, a complementarity between a bid for self-organization and the questioning of the authorities, specifically local ones, so that they incorporate a human rights perspective into their public policies on housing.

From a position of popular self-organization, PAH has managed to achieve an equal or greater capacity to respond than the public administrations, stopping thousands of evictions, attaining thousands of debt cancellations by property return, social rent and rehousing thousands of families in occupied apartments. Its model of a collective advisory process, which breaks away from the paternalism of certain traditional NGOs, has served to empower its members and transform victims into activists.<sup>26</sup> Although PAH militants flout laws that they consider 'unjust', they have also proposed various changes to

*housing in the financial era*]. Barcelona: Editorial Descontrol. See also the Report of the Special Rapporteur on the right to housing Leilani Farha about the financialization of housing: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/34/51](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/51)

<sup>26</sup> Colau, A., & Alemany, A. (2013). *Vidas hipotecadas: De la burbuja inmobiliaria al derecho a la vivienda*.

legislation, and have gained legitimacy and managed to change laws through motions and Popular Legislative Initiatives.

*The emergence of new social movements for the right to housing*

From the Economic Defence Commission mass rent strike of 1931 in Barcelona,<sup>27</sup> to the problem of informal settlements and the self-construction of the “*poblados dirigidos*” [managed villages] of Madrid in the 1950s, to the expansion of the squatter movement in the 1990s, housing has always been a key issue in terms of social mobilization in Spain. Following the bursting of the real estate bubble and the widespread housing emergency stemming from it, new social movements that defend the right to adequate housing have emerged.

A few years before the emergence of this new wave of social movements, the centre for human rights Observatory for Economic, Social and Cultural Rights was created, in 1998. Fifty years after the Universal Declaration of Human Rights, this platform of people and organizations was born, with the objective to promote social rights — such as the right to education, the right to employment, the right to health, the right to housing and the right to environment — as fundamental rights, equal to political and civil rights. The Observatory for Economic, Social and Cultural Rights combines training activities, the organization of workshops and seminars, political advocacy, the publication of reports and strategic litigation. For over 20 years, the Observatory has supported social movements at a legal level, playing a key role in the coordination between protests against social injustice and proposals to effectively fulfil the right to adequate housing.

<sup>27</sup> Aisa Pàmpol, Manel. 2014. *La huelga de alquileres y el Comité de Defensa Económica: Barcelona, abril-diciembre de 1931, Sindicato de la Construcción de CNT* [The Rent Strike and the Economic Defence Commission: Barcelona, April-December 1931, Construction Union of the National Confederation of Labour (CNT)]. Barcelona:



Figure 5: “No vas a tener una casa en la puta vida” [“You’re not gonna have a house in your fucking life”], first media campaign of the collective V de Vivienda [H for Housing], predecessor of the Platform for People Affected by Mortgages, 2006

On 22 February 2009, the Observatory for Economic, Social and Cultural Rights, along with other organizations and collectives such as H for Housing (see Figure 5), convened a meeting in the House of Solidarity in Barcelona. That day, the Platform for People Affected by Mortgages (PAH) was created, in an attempt to combat the mortgage crisis and the over-indebtedness of citizens. Since then, the movement has expanded across the State, and today PAH encompasses over 250 local platforms. PAH is a non-partisan, self-organized citizen movement by the people affected by the

Associació Cultural el Raval “El Lokal” [“El Lokal” Raval Cultural Association]. See also Ealham, Chris. 2005. *Class, Culture, and Conflict in Barcelona, 1898-1937*. Madrid: Alianza Editorial.

mortgage crisis and those in solidarity with them, which denounces unjust laws and fights against the eviction and over-indebtedness of families. The history of PAH is inseparable from the ensemble of social mobilizations in the post-crisis years. In 2011, PAH united entities that convened the “outraged” movement of 15M, and the camp out in the squares of Spanish cities that would give visibility to the platform.

Among PAH's first fundamental demands, the following can be highlighted: stop evictions, regulate and obtain “debt cancellation by property return” in such a way that the debt be cleared should the bank recover the property, as well transforming empty bank-owned properties into social rental housing. At a strategic level, PAH combines collective advisory assemblies with direct actions of civil disobedience and legislative proposals to guarantee the human right to adequate housing.

*PAH: between civil disobedience and legislative proposals*

#### Assemblies

PAH's great innovation at the level of social activism is its model of collective advisory assemblies, which breaks away from a certain paternalistic tradition of some NGOs. Unlike law firms, in PAH, those affected get actively involved in the resolution of their cases. All the questions and responses go through the collective assembly and, after listening to their colleagues, those affected realize that they have also been in similar situations. In PAH, few people are experts, and everyone learns from each other. Phrases such as “After many nos a yes may come”, “Don't ask what PAH can do for you, but rather what you can do for PAH” or the emblematic “Yes it's possible” illustrate this aspect. This model of collective empowerment transforms the victims of foreclosures into activists for the right to housing, and converts their shame into energy to fight. One PAH activist talks about this model of empowerment in the following terms:

*“We don't save. For example, someone comes to us that is going to be evicted tomorrow, well, tomorrow, this person has to go to social services, they have to go to the City Council's housing service, they have to go to one place, then another place, they have to check the “useful*

*documents” [legal documents that PAH makes available to its members] and download the paper. We tell them what they need to do, that is the advisory process. But us managing it, managing it as in dedicating myself to you, no. We can't get into that, because then we would become a private consultancy, and that's not what it's all about. Because if you tell those affected to get involved, to find out, to go, to ask, then they begin to learn... they start learning and they become empowered.”<sup>28</sup>*



Figure 6: What is PAH? Source: <https://pahbarcelona.org>

#### Civil disobedience

This process of empowerment has also been built through civil disobedience and direct actions, practices that constitute the pillars

<sup>28</sup> Interview with the author.

of PAH's activism. Since its inception in 2009, PAH's aim has been to denounce the laws that caused the mortgage crisis and demand the legitimacy to "disregard unjust laws". When none of the administrative steps to stop the eviction have been successful (negotiation with the financial institution or the public administration, request for social housing, appeals using various laws...), the PAH activists concentrate in the doorway of the house and physically impede the eviction by blocking the police from entering the building. On 3 November 2010, in the town of La Bisbal del Penedés, PAH managed to stop their first eviction. This was the beginning of the campaign "Stop Evictions", that has prevented thousands of evictions since then. PAH also practices civil disobedience by occupying banks and public administrations to denounce them in concrete cases of violations of the right to housing.

Finally, PAH has also launched a campaign "PAH Obra Social" ["PAH Social Work"]. In the words of PAH, this campaign aims to "recover" empty apartments that belong to the financial institutions that would be responsible for the crisis. Since its inception in September 2011, "PAH Social Work" has rehoused over 4,000 people in these collectively occupied apartments.

#### *Legislative proposals*

Despite this commitment to self-organization by citizens and the self-guardianship of rights, the Platform for People Affected by Mortgages has always questioned the public authorities, with the aim to influence public policies and change current legislation to guarantee the human right to adequate housing.

In 2013, PAH, along with the Observatory for Economic, Social and Cultural Rights and other social organizations, presented a first Popular Legislative Initiative (ILP), with the principal measures of establishing a moratorium of those evicted, enable retroactive debt cancellation by property return and authorize social rents as a means for those people affected to be able to stay in their homes. While the law stipulates that 500,000 signatures are required to present an ILP, this initiative received the endorsement of 1,500,000 people. A broad social consensus supported the proposed law: over 90% of the population is in favour of the moratorium of those evicted persons and the enabling

of debt cancellation by property return.<sup>29</sup> Yet, despite this strong social mobilization and popular support, the *Partido Popular* [Popular Party] (conservative and liberal) in power decided to veto PAH's ILP, and the law was not even debated in the Spanish Congress.

In 2015, PAH, the Observatory for Economic, Social and Cultural Rights and the Alliance against Energy Poverty presented a new ILP, this time to the Catalan Parliament. Following an intense campaign, the Parliament unanimously approved it. This was a great citizen victory, given that, for the first time, the financial institutions PAH considered responsible for the crisis would have to be held accountable. The new law obliged large holders to offer social rents to vulnerable families threatened by eviction; and obliged the public authorities to offer this social rent if the owner was not a large holder.

Though the Constitutional Court suspended the measure in 2016, a new campaign enabled the most important articles of the law to be recovered in February 2019 (see Figure 7) and the driving organizations behind the ILP continue to fight for its strict implementation.



Figure 7: Articles of Law 24/2015 recovered in 2019. Source: <https://pahbarcelona.org>

The narrative that PAH has been constructing throughout these years and that, to some extent, it has managed to transmit to the general public, is that social movements can change laws, and that if the people directly affected by an issue don't take the initiative, nobody else will do it for them. This is how one member of PAH puts it:

<sup>29</sup> Salvador Martí i Puig, Robert González, Ricard Goma y Pedro Ibarra (eds.), 2012. *Movimientos sociales y derecho a la ciudad. Creadoras de democracia radical*

[*Social Movements and the Right to the City. Creators of radical democracy*]. Barcelona: Icaria Editorial.

"Social movements are not only legitimate, but they are also the movements that should have the most power to make legislative proposals. Ultimately, we are the ones that suffer the most and we are in contact with the laws that Parliament makes. That is why it's important for solutions to be proposed from the bottom."<sup>30</sup>

#### IV. From the streets to the institutions: municipalism and the integration of a rights-based perspective in the local agenda

However, not everything can be changed from positions outside of political institutions. While over 90% of the population demonstrated support for the measures proposed by PAH, the ILP of 2013 couldn't even be debated in the Spanish Congress. After 2013, social movements began to talk of a "glass ceiling" that limited the impact of the movements on public policies, and in particular on the emergency measures related to the housing situation. This is how Ada Colau expressed it in 2014, just before taking the leap from PAH to institutional politics:

*"I think that, of course, we are faced with this glass ceiling. For five years, PAH has been fighting to achieve the bare minimum such as debt cancellation by property return, moratoria of those evicted and social rents, which are normal realities in almost all our neighbouring countries. Further, everyone has supported us: the judiciary, the European Parliament, the European courts, etc. But despite this mass support, despite the surveys that overwhelmingly support us, the ceiling is clear, because the absolute majority of the Partido Popular completely block the minimum measures that, to be approved, must go through the legislative powers to amend laws. Therefore this*

*hijacked democracy, this economic power that now controls political power, is clearly a glass ceiling."*<sup>31</sup>

To break through this "glass ceiling", some members of social movements that fought for the right to housing (including members of PAH and the Observatory for Economic, Social and Cultural Rights) decided to participate in elections to directly occupy the institutions and change them from the inside. The municipalist platform of *Barcelona en Comú* thus included members of social movements, individuals and, in a second phase, leftist political parties such as *Podemos* [We Can] and *Iniciativa* [Initiative]. The platform was nourished by the alternative social fabric constructed in neighbourhoods during the crisis years, and its electoral programme was developed in a participatory manner through open assemblies in various neighbourhoods in Barcelona.

With electoral victory in 2015, Ada Colau, who, up until that moment was the Spokesperson for PAH, became Mayor of Barcelona. For the first time, people who were not professional politicians reached government in the Catalan capital, with a programme that was clearly centred on the defence of human rights in the city. With the ambition to take the cries of "real democracy now" from the city's squares to the city's institutions, municipalism set out to go beyond strictly representative democracy and invent new forms of collaboration with civil society. In this sense, the municipalist laboratory represented an opportunity to integrate a human rights perspective in local public policies, in cooperation with the social movements.

However, following the electoral victory of *Barcelona en Comú*, these social movements also had to face up to a real risk of demobilization, and the organized citizenship had to drive a critical readjustment. Many measures demanded by the social movements had not been applied, or had been so in an inadequate manner. And the municipalist experience had also brought about a lot of disappointment. After four years of Ada Colau's government, the housing emergency situation had not been resolved: rent prices had

<sup>30</sup> Member of PAH, interview with the author.

<sup>31</sup> Porro Álvaro, "Entrevista-diàleg amb Ada Colau i Gala Pin" ["Interview-dialogue with Ada Colau and Gala Pin"], *Revue Opcions* No. 46. *De proximitat* [Of proximity]. Spring 2014 p.30.

gone through the roof, evictions were still happening and public housing stock remained scarce. How can these limits be explained? What were the advances in the city's public housing policies, and what could have been done better?

#### *Reviewing Barcelona en Comú's housing policy*

Barcelona en Comú's arrival in municipal government represented a real change of paradigm, with the inclusion of an approach based on the right to housing in public policies, a reorganization of the areas dedicated to housing in the City Council, and the creation of the Municipal Institute of Housing and Renovation (IMHAB) that manages housing in the city. For the first time, it was envisaged to build public housing stock for social rental and guarantee citizens' rights. The Barcelona Right to Housing Plan 2016-2025 gathers the key lines of action of the municipal government's housing policy.<sup>32</sup> Among the measures taken by the City Council with regard to housing, the following can be highlighted:

#### *Public social housing stock*

A notable effort has been made to compensate for the historic lack of affordable housing in the city of Barcelona. Between 2016 and 2019, 72 developments on public land were activated, representing a total of 4,605 new homes in the public housing stock. The public housing model has also been changed, and 80% of these homes will be for rent and not for sale.<sup>33</sup> However, these processes take time, and the majority of these homes were not delivered by the end of Ada Colau's first mandate.

Part of the problem comes from the fact that the land in the city is already urbanized, which makes the creation of public housing stock adapted to the needs of the city extremely difficult, as Javier Burón, Housing Manager for Barcelona City Council, explains:

*"It's as if we had to do, for example, the same thing that France did from the end of the Second World War until the seventies, which is generate a whole ecosystem. [...]* All

*this, which has been done through a slow process in other countries, Barcelona has to try to do at an accelerated pace. [...]. This whole revolution in affordable housing, in the case of Barcelona, needs to be done in a territory that is basically already urbanized. And the fundamental dynamic is not how to ensure that a proportion of new homes are affordable, but how to ensure that a proportion of existing homes, or those that will be created through renovation or regeneration projects, are affordable."*<sup>34</sup>

#### *Social use of private housing*

The will to increase affordable public housing stock has also been achieved through the acquisition of private housing. Barcelona's Pool of Rental Housing programme manages 1,117 homes within a social and affordable rental scheme.

The acquisition of private housing to convert them into affordable housing has also increased substantially. For the period 2016-2019, it is calculated that the City Council acquired over 600 homes through the use of the rights of pre-emption and first refusal, among other mechanisms. Finally, in June 2019, it carried out the first expropriation of an apartment belong to a bank that had not been used for 10 years to be earmarked for social renting,<sup>35</sup> after the government had issued record fines to investment funds for keeping properties empty for a number of years.

	Mandato 2008-2011	Mandato 2012-2015	Mandato 2016-2019
Viviendas adquiridas	17	274	<b>+650</b>

<sup>32</sup> <https://habitatge.barcelona/en/strategy/right-to-housing-plan>

<sup>33</sup> See the 2018 Report of the Barcelona Right to Housing Plan 2016-2025: [https://habitatge.barcelona/sites/default/files/en-web\\_balanc\\_2018\\_-\\_pla\\_pel\\_dret\\_a\\_lhabitatge\\_2016-2025-en-gb.pdf](https://habitatge.barcelona/sites/default/files/en-web_balanc_2018_-_pla_pel_dret_a_lhabitatge_2016-2025-en-gb.pdf)

<sup>34</sup> Javier Burón, interview with the author.

<sup>35</sup> [https://elpais.com/ccaa/2019/06/21/catalunya/1561111989\\_569647.html](https://elpais.com/ccaa/2019/06/21/catalunya/1561111989_569647.html)

Figure 8: Properties acquired by mandate 2008-2019. Source: Barcelona City Council<sup>36</sup>

### Other measures

Among the other measures taken by the City Council governed by *Barcelona en Comú*, a substantial increase in grants for rent and the renovation of buildings can be highlighted, with clauses that limit the effect of gentrification that these renovations may cause.<sup>37</sup> The City Council has also reformed access to the Emergency Committee in such a way that more citizens can access this service.

With respect to the negative impact of mass tourism on the right to adequate housing in Barcelona, the municipalist government wanted to regulate the tourism sector. They have closed over 5,000 illegal tourist apartments, and have adopted a moratorium that prohibits the construction of new hotels in the centre of Barcelona. The Special Tourist Accommodation Plan (PEUAT), adopted in 2017, defines different zones of negative growth, zero increase and the controlled growth of tourist accommodation in the city.<sup>38</sup>

### Case study: SIPHO

While the moratorium on evictions, first demanded by PAH, is one of the most emblematic proposals of the municipalist candidacy, the *Barcelona en Comú* government has created a new service to prevent evictions: the Service of Intervention in the Loss of Housing and Employment (SIPHO). This service aims to support families threatened by eviction, offering them legal assistance and negotiating with the owners (see Figure 9).

- Assistance and action in eviction processes
- Specialized social support for families
- Immediate, intensive and proactive intervention, and preventative work
- Dialogue and mediation with the parties concerned
- Analysis of situations of social and residential vulnerability and precariousness
- Participation in the coordination of resources to prevent the loss of housing
- Coordination of temporary or definitive alternatives in situations where the eviction is carried out

Figure 9: SIPHO's tasks

The example of SIPHO is very interesting, since it aims to create an anti-eviction unit within the public institution itself. This is how Susana Ordoñez, member of SIPHO and former PAH activist, explains it:

*“In PAH, you knew that there were a really high number of evictions in Barcelona, but you only knew about one percent of the evictions that were actually happening. In order to be able to intervene more in evictions you need to have the information. [...] So, of course, when I arrived here in the government, I became aware that there are 22 evictions in Ciutat Vella [neighborhood in the centre of Barcelona] a week! And in Barcelona there were between 70 and 80 evictions a week! Of course, when I saw this information, I said: “we need to work on this from here”. [...] Coordination with social movements is also key, but you*

<sup>36</sup> [https://habitatge.barcelona/sites/default/files/en-web\\_balanc\\_2018\\_-\\_pla\\_pel\\_dret\\_a\\_lhabitatge\\_2016-2025-en-gb.pdf](https://habitatge.barcelona/sites/default/files/en-web_balanc_2018_-_pla_pel_dret_a_lhabitatge_2016-2025-en-gb.pdf)

<sup>37</sup> Barcelona City Council's renovation grants are linked to the reference index of rental prices.

<sup>38</sup> <https://ajuntament.barcelona.cat/pla-allotjaments-turistics/en/>

can only do the work of SIPHO from within the government itself."<sup>39</sup>

It is then, about leveraging the privileged access to certain information that the social movements don't have to prevent evictions and protect the right to housing for vulnerable families. In this case, municipalism creates services that support citizens instead of supporting property within the political institutions themselves. According to Susana Ordoñez,

*"Properties are over-represented in the doorways of an eviction. There is the locksmith, the lawyer, the prosecutor, sometimes even the owner, Mossos d'Esquadra [the Catalan regional police force], the judicial committee... and the person affected is alone. Alone. The lawyers appointed by the court never accompany those affected, they are alone. If we were not there, they wouldn't have any support."*<sup>40</sup>

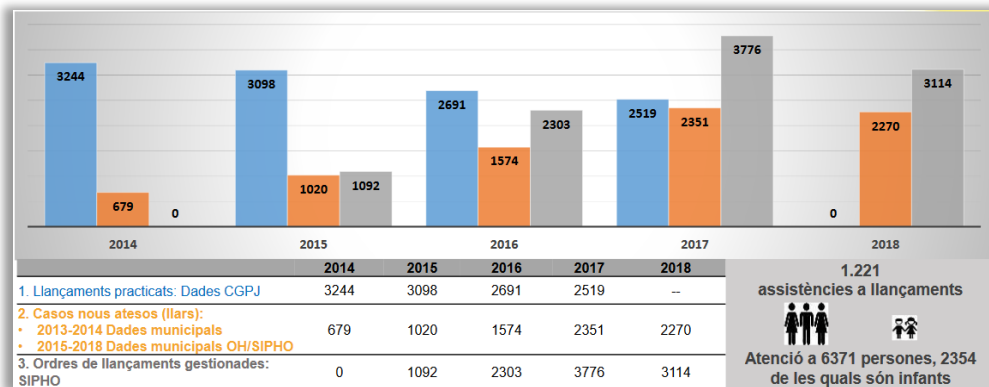


Figure 10: People assisted by SIPHO

From 2015 to 2019, SIPHO was able to stop thousands of evictions and has supported several thousand families (see Figures 10 and 11). By taking inspiration from social movements, municipalism has been able to defend the right to housing for vulnerable families, creating new municipal services such as SIPHO.

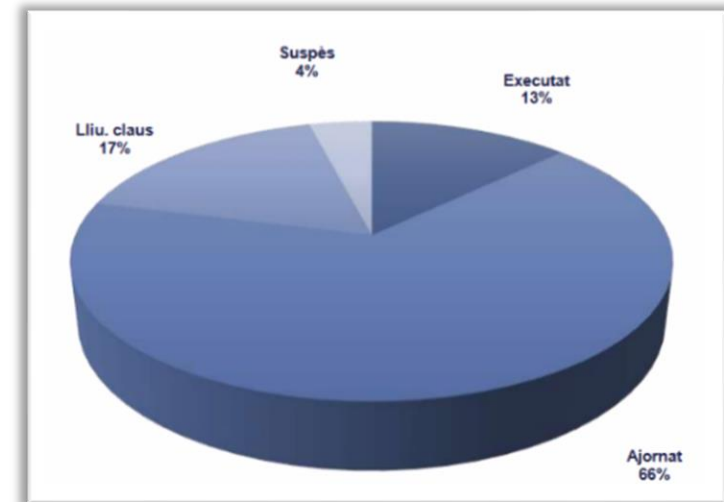


Figure 11: Evictions prevented by SIPHO. Source: Barcelona City Council<sup>41</sup>

### Limits of municipal policy in terms of housing

Even though municipalism has used new and innovative tools to reduce the quantity of evictions in the city, it must be recognized that neither evictions nor the housing emergency situation have been mitigated by the actions of the first government of Ada Colau. The will to include a human rights perspective in local politics and the development of new public services are not enough to reverse a structural emergency. In fact, local governments and citizens are called upon to play an increasingly important role in public policies, guaranteeing the human right to adequate housing at the local level;

<sup>39</sup> Susana Ordoñez, interview with the author.

<sup>40</sup> Ibid.

<sup>41</sup> Figures 9, 10 and 11 come from the report "Respostes a l'emergència: prevenir, aturar, allotjar, mediar i acompanyar" [Responses to the emergency: prevent, halt,

house, mediate and support] by Judith Corbacho presented during the Barcelona Housing and Renovation Forum, MACBA, 19-21 March 2019. Available at [https://media-edg.barcelona.cat/wp-content/uploads/2019/03/22142730/01-Judith-Cobacho-FHAR\\_PPT\\_SIPHO.pdf](https://media-edg.barcelona.cat/wp-content/uploads/2019/03/22142730/01-Judith-Cobacho-FHAR_PPT_SIPHO.pdf)

a responsibility that not only depends on the decisions taken at the municipal level. Governing a city does not necessarily mean having the power, and many other actors, such as the State or private multinational actors, also have a considerable influence on the housing market in Barcelona.

The distribution of powers between the different levels of government could put the brakes on the municipalist project, since the municipality is the level of government that has the least powers in terms of housing. In this way, municipalism “has had to face various budgetary, regulatory and political limitations that limit their capacity for action.”<sup>42</sup> A clear example of these limits is Law 27/2010, the Local Government Streamlining and Sustainability Act, known as the “Montoro Law”, which legally limits municipalities’ borrowing capacity and the contracting of municipal workers.

Many decisions in terms of housing continue to be kept in the hands of other public administrations. In the context of the new rent bubble, with prices skyrocketing across the whole of the Barcelona Metropolitan Area, the regulation of the rental market seems an essential tool to guarantee access to decent housing for the population. But the regulation of rent prices isn’t within the remit of Barcelona City Council, but the Spanish State, who have, to date, always refused to implement this measure. The weight of private lobbies can also limit municipal action, since some sectors, such as the hotel or tourism sectors, can directly or indirectly oppose some political decisions. The process of the financialization of housing has had a clear impact on the rental market: while in 2006 the average price per metre of a dwelling in Barcelona was €10.56/m<sup>2</sup>, this data reached a record figure of €14.34/m<sup>2</sup> in the third quarter of 2019.<sup>43</sup>

#### *Internal limits of the City Council: institutional inertia*

Yet there is another obstacle to the implementation of new and innovative politics that guarantee the right to housing: the

hierarchical and bureaucratic structure of the local institutions themselves. The inertia inherent in local councils, their sometimes slow and bureaucratic functioning, hinders the change of paradigm in public policies. On the other hand, social movements’ dynamics of group work cannot always be translated to the institutions, and the fact that they come from these social movements does not guarantee the ability to overcome these inertias. After two years at the head of Barcelona City Council, the Mayor recognized this incompatibility between the institution and the rupture with it:

*“The institution is associated with governing what is possible and what really exists. Not dreams nor aims, nor big goals. Therefore, the institution, which has to manage the possible, the real, the imperfect, is associated with the inertias that tend towards conservatism, and not rupture [...] As soon as you arrive, you see that there are very strong inertias that don’t even depend on anyone’s bad intentions, nor a plan orchestrated by anyone, but that the institution, by definition, for its own survival, operation, as a survival strategy, even, generates routines, inertias, and changing them isn’t easy. The nature of the institution is not associated with the possibility of rupture.”<sup>44</sup>*

If in the majority of cases municipal workers have put their professionalism at the service of the municipal project, in some cases they have also been able to indirectly oppose some measures implemented by the City Council. In terms of housing, for example, some civil servants are not in favour of a new government measure that allows people in a squatting situation to access the emergency list and request social housing. Therefore, in order to approve this type of measure, it is also necessary to convince the council workers

<sup>42</sup> BONET I MARTÍ Jordi, “Gestionar para transformar. Gestión pública y nuevo municipalismo en Barcelona” [“Manage to Transform. Public management and new municipalism in Barcelona”] in CORTINA-ORIOL Mercè, IBARRA Pedro, MARTÍ Salvador and SRIBMAN Ariel (eds.), *Nuevos Movimientos Sociales: de la calle a los ayuntamientos, Barcelona*. [New Social Movements: From the street to town councils, Barcelona.] Icària Editorial, 2018.

<sup>43</sup>

[http://habitatge.gencat.cat/ca/dades/estadistiques\\_publicacions/indicadors\\_estadi](http://habitatge.gencat.cat/ca/dades/estadistiques_publicacions/indicadors_estadi)

[stiques/estadistiques de construccio i mercat immobiliari/mercat de lloguer/lloguers-barcelona-per-districtes-i-barris/](https://www.ctxt.es/es/20170104/Politica/10414/Ada-Colau-Barcelona-vivienda-turismo-municipalismo-Podemos-instituciones-activismo.htm)

<sup>44</sup> Interview with Ada Colau, *Contexto y acción* [Context and action], No. 98, 4 January 2017, available at <https://www.ctxt.es/es/20170104/Politica/10414/Ada-Colau-Barcelona-vivienda-turismo-municipalismo-Podemos-instituciones-activismo.htm>

themselves, since they are the ones that will be in charge of implementing these measures on a daily basis. Changing the administrative culture and the ways of working in the City Council is a slow and complex process, which could, in some cases, halt transformative policies devised from outside of the public institutions.

## V. Towards new synergies between social organizations and local government?

Even if many institutional inertias limit municipalism's politics of change, municipalism has provided an opportunity to create new synergies between local government and social movements in Barcelona around the right to housing. These are new collaborations that are not always evident, since they have involved a critical reorganization of the organized citizenship. In fact, the proximity between these movements and institutions has also involved a certain risk of demobilization or cooptation for these social organizations.

Nevertheless, measures such as that of the 30% (which will be analyzed later on) or transfers of use to housing cooperatives, demonstrate that the direct involvement of civil society in the design of housing policies can overcome the inertia of municipal policy. These measures have driven paradigmatic changes, such as the involvement of the private sector in the construction of public housing stock or the community management of public urban land. Above all, they demonstrate that ordinary citizens organized in social movements are legitimate actors to change the norms of urban life and regulate the use of the city.

*Between new synergies and criticism: the reorganization of social movements*

*The risk of demobilizing civil society*

The arrival into municipal government of former members of social movements that demand the right to housing may have represented a risk of demobilizing these movements. Thus, months before the 2015 elections, the most critical sectors of these movements denounced the "electoral bet" of *Barcelona en Comú*: "the electoral bet is not only a serious strategic error, but also a tactical one. The hyper-

bureaucratic spaces of the administrations will be like a sponge that absorb any critical element and, at the same time, weaken social movements with the expropriation of political frameworks and a process of professionalization of the social."<sup>45</sup> In Spain, the Transition represented a counter example of what needed to be done in terms of cooptation. In fact, the arrival into power of the left-wing political parties in many local councils in the 1979 elections had profoundly demobilized the neighbourhood associations that had been the spearhead of the protest during the Franco regime.

Without a doubt, the institutional leap of many well-trained militants in 2015 weakened the social movements, at least in the beginning. It was necessary to train new militants to step up to the roles of those that had left, in particular the spokesmen and women and those in charge of communication. Within PAH, for example, Ada Colau had been the face of the platform since its creation in 2009. Another factor that significantly weakened the movements is the suspicion of partisanship: if many members of the new government were from PAH, then PAH would no longer be non-partisan, but would support *Barcelona en Comú*. Lastly, the fact that non-professional politicians had arrived to local government might make citizens feel "represented" again, which could paradoxically lower the level of mobilization by civil society.

*New social movements related to housing in Barcelona*

However, this demobilization is relative, and the urban anti-establishment movements had not been defeated during Ada Colau's first mandate. In fact, other social movements that demand the right to housing appeared between 2015 and 2019. In 2017, a new initiative against housing abuses and the rise in rent prices was driven by the Observatory for Economic, Social and Cultural Rights, the *Federación de Asociaciones de Vecinos y Vecinas de Barcelona* [Federation of Neighbourhood Associations of Barcelona, FAVB], 500x20, and other groups and individuals. In May 2017, following many months of preparation, the new *Sindicat de Llogaters i Llogateres* (Union of Renters, SLL) was publicly presented, with the aim "to bring together the neighbours that live or wish to live in rented accommodation, both in the private and public housing market, to

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<sup>45</sup> *Una Posició - Materials per al combat per una vida comuna* [A Position - Material for the fight for a common life], Number 1

jointly claim our rights and influence all areas of administration and government".<sup>46</sup> The SLL proposes "10 points" that are 10 basic proposals to guarantee decent and stable rent prices, for example a longer duration and stability of rental contracts (contracts of 12 or 16 years), the regulation of rent prices linked to family income, and the repositioning of public housing towards a rental model.

From 2015 to 2019, other social movements that defend the right to housing also appeared: neighbourhood groups. *El Grup d'Habitatge de Sants* [the Housing Group of Sants], *el Sindicat de Barri de Poble Sec* [the Neighbourhood Union of Poble Sec], *el Sindicat d'Habitatge de Vallcarca* [the Housing Union of Vallcarca], *Resistim al Gòtic* [The Gòtic Resists], *Salvem les Drassanes* [Let's Save Drassanes], *Fem Sant Antoni* [Let's Build Sant Antoni] or the *Oficina Popular d'Habitatge de Gràcia* [Popular Housing Office of Gràcia] are new neighbourhood groups or unions committed to the self-organization of neighbours in a bid to confront the real estate speculation, gentrification or touristification of the neighbourhoods of Barcelona. These movements based on assemblies, which stop evictions in the doorways of homes, have renewed neighbourhood activism by being critical of all the public administrations responsible for the housing crisis, including Barcelona City Council. In November 2019, neighbourhood groups, along with the PAHs, tenants' unions and other social organizations, organized the "First Housing Congress of Catalonia" to coordinate themselves and find common strategies and fighting tactics.<sup>47</sup>

#### *Case study: the 30% measure and housing cooperatives*

Apart from this necessary critical reorganization of the social organizations, Ada Colau's first mandate in the government of Barcelona was also an opportunity to develop new forms of collaboration between social movements and political institutions around the human right to adequate housing. At the initiative of the organized citizenship, various proposals such as non-state legislations or legislation on the co-management of housing have paved the way for increased coordination between the political and social spheres.

#### *The 30% motion*

In 2018, the Platform for People Affected by Mortgages, the Observatory for Economic, Social and Cultural Rights, the Union of Renters, FAVB and the *Asamblea de Barrios para un Turismo Sostenible* [Assembly of Neighbourhoods for Sustainable Tourism, ABTS] launched a new campaign, this time at the municipal level: the 30% motion. This motion presented to Barcelona City Council aims to increase the city's affordable housing stock by setting aside 30% of all new-builds and major renovations for social housing. Drawn up within the assemblies of these social organizations, the different points of the motion would later be negotiated with the parties present in the municipal council. *Barcelona en Comú*'s municipal government supported the project and put into effect the legal commissions that needed to justify the feasibility of the measure. Following an intensive campaign by the organizations driving the measure, the motion was finally approved by the Municipal Plenary in December 2018.

This regulation, approved thanks to the leadership of the social movements, represents a change of paradigm, since private property is limited by its social function and the private sector assumes co-responsibility, with its speculative activities regulated. It is calculated that the city's public housing stock will gain between 300 and 500 apartments per year thanks to the new measure. The direct intervention of citizens, organized in municipal legislation, also demonstrates that determining the uses of urban facilities entails the radical democratization of decision-making modalities on these uses. Following the approval of the 30% motion in Barcelona, the group that drove the initiative is looking to expand the motion to other municipalities in the Barcelona Metropolitan Area and across Catalonia, and, to this end, has developed a "30% Kit - Manual to expand the measure of 30% subsidized housing to the whole of Catalonia."<sup>48</sup>

<sup>46</sup> <https://sindicatdellogateres.org/es/que-volem/>

<sup>47</sup> <https://congresshabitatge.cat/>

<sup>48</sup> *Kit del 30 % - manual per estendre la mesura del 30% d'habitatge protegit a tota Catalunya*, available at <https://observatoridesc.org/es/node/4466>



Figure 12: Campaign in favour of the "30% motion" in Barcelona. Source: Observatory for Economic, Social and Cultural Rights

#### Public-community co-production and cooperative housing

Another case of public-community collaboration is the commitment to a cooperative housing model through transfer of use of public land. In 2016, Barcelona City Council launched a tender to construct housing on municipal land; in total there are now six transfers of use to construct over 100 cooperative housing apartments that have either already been built or are in the process of construction. This community co-production of housing represents a real change of paradigm in the city's housing model. The transfer of use formula enables the inhabitants of these homes to become members of the cooperative and they can enjoy the use of the homes for life, but at the same time, it prevents the possible effects of speculation, since the inhabitants cannot sell or rent out these flats. The ownership of the building falls to the cooperative, and the model thus promotes right of use.<sup>49</sup>

<sup>49</sup> La Col, *La Ciutat Invisible*. [La Col, The Invisible City] 2018. *Habitar en comunidad: la vivienda cooperativa en cesión de uso*. [Community Living: Cooperative housing under transfer of use.] Barcelona: Libros de La Catarata.

One of the most emblematic examples of community co-production is the case of *La Borda*, a housing cooperative driven by the self-managed social centre of *Can Battló* in the Bordeta neighbourhood of Barcelona. *La Borda* is the highest wooden building in Spain, and the future residents of the building participated in its design. Some of the aims of the *La Bordeta* cooperative were "to ensure access to decent and affordable housing", "de-commodify housing to avoid speculative use", "generate a collective process to develop a new model of production, management and ownership of housing", and "produce new forms of coexistence, social relations and community self-organization".<sup>50</sup> *La Borda* and the rest of community co-production experiences show that "the demand for the right to housing finds new formulas for access and community management."<sup>51</sup>



Figure 13: The *La Borda* building in the Bordeta neighbourhood of Barcelona. Source: <http://www.laborda.coop/es/>

<sup>50</sup> <http://www.laborda.coop/en/project/>

<sup>51</sup> <http://www.laborda.coop/en/project/grant-of-use/>

## VI. Conclusions

If Spain constitutes a paradigmatic case in Europe it is because in this country, more than in any other, housing has become the centre of urban social conflicts, and in general, of the conflict between two social models. On the one hand, neoliberalism and austerity policies have commodified and financialized urban spaces and access to housing in cities; and on the other, initiatives centred on life and the common good, and that require that the effective exercise of human rights such as the right to adequate housing are guaranteed. In Barcelona, speculative processes by the banking and construction sectors have had dramatic consequences for hundreds of thousands of people that have been, and continue to be, excluded from the housing market. These processes, combined with job insecurity, mediocre salaries and the informal economy, have been mixed together into an explosive cocktail that, at the beginning of 2020, continues to generate injustice and inequality.

But Barcelona and Spain have also become emblematic for their exemplary fight against these injustices, and in their defence of the right to housing. Following the housing crisis, new social movements emerged that have renewed social activism and have managed to change the opinion of the majority of the population by converting family dramas into collective mobilization. The Platform for People Affected by Mortgages, in particular, has made a clear commitment to the self-guardianship of the right to housing and popular self-organization, stopping thousands of evictions, achieving thousands of debt cancellations by property return and social rents, and occupying bank-owned buildings to rehouse those affected by the crisis.

Yet this commitment to self-organization has not been compatible with the will to change unjust laws and face up to the public administrations. At the local level, mobilization and the active implication of citizens in the development of public housing policies is a key factor in the adoption of measures guaranteeing the human right to adequate housing. In Barcelona, social movements have adopted a strategy that combines civil disobedience and street mobilization with political advocacy campaigns. Beyond “influencing” public policies, social organizations have demonstrated that they are capable of co-producing legislative texts and regulations guaranteeing the right to adequate housing. Proposing

Popular Legislative Initiatives and motions, PAH, the Observatory for Economic, Social and Cultural Rights, and other social organizations have become popular urban anti-establishment movements, capable of breaking into representative politics in order to reclaim housing as a right and guarantee collective social rights.

The arrival of a municipalist government to Barcelona City Council in 2015 that was particularly sensitive to the issue of housing, and their renewal for a second mandate, has also provided an opportunity to create new synergies between local government and social movements, as the cases of the 30% and the community co-production of housing demonstrate. The integration of a human rights perspective in terms of housing in local public policies has represented an unprecedented change. Nevertheless, despite political will and citizen involvement, it has not yet managed to reverse a housing emergency situation that is inherently structural.

In a world where authoritarianism, inequality and intransigence are on the rise, cities have become the trenches of the fight for democracy and human rights. There is an urgent need for local governments to have more measures and powers at their disposal in order to adopt a political agenda centred on the defence of the commons and the right to the city. To achieve this objective, it is increasingly necessary to radically open up the local public sphere, so that social organizations can play a stronger role in driving this democratic change.

# ***Safeguarding human rights at the local level***

***Civil society, local governments and the Office of the High Commissioner for Human Rights***

# Developing strategic coalitions to safeguard human rights at the local level

Civil society, local governments and the Office of the High Commissioner for Human Rights

In recent years, the Office of the High Commissioner for Human Rights (OHCHR<sup>1</sup>) and human rights mechanisms have increasingly engaged with local governments through local and international initiatives, acknowledging the prominent role of these entities to protect and promote human rights. For instance, in 2017, the Special Rapporteur on the right to housing, Leilani Farha, in partnership with OHCHR and UCLG launched the SHIFT<sup>2</sup> to reclaim housing as a human right and not a commodity, an initiative that has already been joined by 40 cities globally. To increase the cooperation among local authorities and with the human rights system, OHCHR, with the close support of UCLG's Committee on Social Inclusion, Participatory Democracy and Human Rights<sup>3</sup> (UCLG-CISDP), organized the first UN meeting of "Local governments for human rights" in Geneva on June 2019. Habitat International Coalition (HIC) was invited to join the Gwangju Experts Group and discuss potential areas of collaboration between civil society actors, local governments and UN human rights system.

The meeting's primary objectives were to (1) Recognize, highlight and publicize the work of local governments on the promotion and protection of human rights; (2) Gather good practices and initiatives and share challenges; and (3) Engage all partners in a dialogue to increase collaboration and partnership between OHCHR, cities and local governments and civil society actors.

HIC's input into this preparatory process made explicit that sub-national (regional and/or local) authorities, including local

governments, their constituent bodies and personnel are bonded and bound by international law, including general principles and human rights treaties, in their public functions and extensions. These include local governments working at the city level, regional governments or government agencies in charge of territorial planning, public-funded metropolitan institutions as well as public institutions working on specific topics at the regional or local level including housing, health, environment, education or basic services among others. In this sense, HIC suggested that any follow-up strategy/mechanism should go beyond the notion of cities/urban areas and include a habitat vision that deals with all the constituent parts of the state, encompassing multiple, interrelated habitat themes as suggested above.



UN Human Rights officials, local governments and civil society representatives gathered in Geneva during the 'Local Governments for Human Rights meeting' meeting (Source UCLG-CISDP)

Moreover, and being HIC a network of civil society organizations – social movements, community-based organizations, professional bodies, voluntary agencies, and research, scientific and educational

<sup>1</sup> More information available at <https://www.ohchr.org/EN/pages/home.aspx>

<sup>2</sup> More information available at <https://www.make-the-shift.org/>

<sup>3</sup> More information available at <https://uclg-cisdp.org/>

institutions–, the participation and empowerment of all these actors would be essential for such a mechanism. HIC highlighted the importance of training and capacity building on the implementation of HRs at the local level with similar methodologies and content facilitated for (1) government officials, (2) civil society actors and (3) citizenship. The collaboration among these different actors could be fostered with a common understanding of human rights obligations, their implementation and monitoring.

HIC also highlighted the fundamental role of United Cities and Local Governments, in particular the Committee on Social Inclusion, Participatory Democracy and Human Rights since many local governments promoting and implementing human rights-based policies work together as members of UCLG<sup>4</sup> with other networks of local and regional governments coming together as members of the Global Taskforce of Local and Regional Governments<sup>5</sup>.

Following that preparatory meeting, the United Nations High Commissioner for Human Rights issued the report '**Local Governments and human rights**'<sup>6</sup> which focuses on effective methods to foster cooperation between local governments and local stakeholders for the promotion and protection of human rights at their level. The report also describes the challenges involved and relevant good practices and makes recommendations thereon.

#### *Fostering cooperation*

Among the **effective methods to foster cooperation** between local government and local stakeholders for the promotion and protection of human rights, the report highlighted that:

- Political will, together with openness and transparency, on the part of local governments is essential to facilitate cooperation for the promotion and protection of human rights.
- Collecting data about the situation in municipalities is crucial to sound policymaking for human rights protection.
- Cooperation with national human rights institutions can help local governments to promote and protect human rights.
- Ombudspersons, who handle complaints and may conduct monitoring visits. These two functions can be useful ways to foster

cooperation and dialogue between local governments and local stakeholders.

- Local governments can take actions to seek remedies for victims.
- Human rights education and training for public servants at the local government level is crucially important.
- Dialogue and cooperation between local governments and civil society has assisted the former in developing knowledge of human rights and has served as a catalyst for human rights progress at the local level.
- Partnerships between local government, civil society and international actors have been another important way to foster cooperation to overcome local challenges.
- Remembrance activities, anniversaries and other special events are another effective method to foster cooperation between local governments and local stakeholders for the promotion and protection of human rights.

#### *Major challenges*

The report also identifies **major challenges faced by local governments** in the promotion and protection of human rights, such as:

- Lack of autonomy or experience difficulty in liaising with other levels of government. They may encounter a decline in resources or greater pressure on their services. They may also face the impact of structural changes at the national level on local policies, the changing agendas of central governments, or difficulty in establishing local mechanisms to enforce respect for human rights. Some local authorities may lack awareness of or commitment to their human rights responsibilities.
- Financial resources and economic constraints, which are major challenges for local governments.
- The challenges posed by lack of coordination, information-sharing and limited resources, that can be severe for local governments.
- Corruption.

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<sup>4</sup> More information available at <https://www.uclg.org/>

<sup>5</sup> More information available at <https://www.global-taskforce.org/>

<sup>6</sup> Available at <https://undocs.org/en/A/HRC/42/22>

- A lack of a framework for work on human rights by the local government.

#### *Conclusions and recommendations*

The report also includes **conclusions and recommendations**, such as:

- Protecting civic space and providing an enabling environment for civil society participation are essential not only to respect rights but also to ensure the effectiveness and sustainability of the work of local governments. Greater participation of local stakeholders in local government activities and public affairs to promote and protect human rights at the local level should be fostered.
- More effort to train local government officials and local actors on human rights, including how to incorporate human rights protection into all levels of governance.
- While the central government has the primary responsibility for the promotion and protection of human rights, the local government has an important complementary role to play. Central governments should provide information to local governments on human rights and the State's obligations. They should work with local governments to ensure that they are equipped with both financial and non-financial resources to effectively address challenges to the realization of human rights. Local governments should aim to have at least one designated official responsible for the realization of human rights at the local level.
- Local laws, policies and programmes should be based on human rights norms and standards.
- Grievance mechanisms to address human rights at the local level should be developed (if they do not already exist) in close collaboration with the national human rights institution, when relevant. Local governments should conduct human rights awareness-raising initiatives and human rights education, as well as capacity-building for local officials.
- States and local governments should empower, including through capacity- building, civil society actors to effectively exercise the right to participate in public affairs and to meaningfully engage with local government on human rights issues. Given that an active civil society promotes transparency and accountability and helps to strengthen the human rights expertise of decision-makers, dialogue between local government and civil society should be open and ongoing.

- Local governments should be increasingly involved in the work of regional and international human rights mechanisms, and in implementing relevant recommendations.

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*Note: References and Bibliography are listed per chapter and in the original language*

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