

# DECLARATION FROM CIVIL SOCIETY ORGNIZATIONS TO THE XVII ASSEMBLY OF MINURVI

## PROPOSALS FOR THE IMPLIMENTATION OF 'RIGHTS TO THE CITY' IN LATIN AMERICAN URBAN POLICY

The XII Ibero-American Forum of Housing and Urban Development Ministers and Authorities, held in 2007, recognized openly in its Santiago Protocol that the “right to the city” and comprehensive policies of urban development are key and priority in order to achieve a reduction in poverty and the equitable distribution of the benefits that stem from growth.

Since its approval by the participating heads of government at the XVII Ibero-American Summit, there is now a directive to move forward until “the Right to the City has been substantially implemented through the creation of public policies that ensure access to land, adequate housing, infrastructure and social services, as well as sufficient and sustainable finance sources and mechanisms.”

The civil society organizations of Latin America, whom have for decades taken as their focus the adoption and implementation of the right to accessible housing and equitable distribution of these benefits consider this a relevant step in facing urban problems. It is a renewed commitment to the collective effort required in order to move towards the implementation of Rights to the City for all inhabitants of Latin America.

This Declaration outlines conceptual, practical and concrete measures, ranging from public policy and adequate legislation to the assignment of sufficient resources in order to allow us to move forward as quickly as possible towards the fulfillment of the Declaration’s fundamental principles:

- Access to all rights that flow from citizenship.
- Social functionality of the city, land and property.
- Democratic management of the city.
- Democratic planning and production/development of the city, in public as well as private areas.
- Sustainable and responsible management of the natural resources and energy of the city and its surroundings.
- Democratic and equitable access to the rights of the city.

### **We believe our actions are necessary because:**

- Cities in Latin America are characterized by segregation, marginalization, exclusion, and often outright criminalization of the poor, whose role as protagonists in the social production and management of the city is not recognized. Urban planning has been postponed in the public agenda, and its implementation has become technocratic, while there remains little room for the civil society, through its organizations, to effectively participate in the debate and definition of the city’s future.

- During the accelerated process of urbanization, access to urban land and housing, which have long been defined as mere merchandise, becomes increasingly harder to obtain for a large part of the population. It is evident that there is a lack of public policies to intervene in the land market, stop land speculation, and promote the use of land and vacant property towards a social use.
- The policies of credits and subsidies provided for mass housing projects, which is increasingly widespread in the region, results in serious drawbacks and perverse consequences for the poor (to whom these credits and subsidies should reach), among them: increasing socio-space segregation, lack of habitable conditions, increases in the cost of land, lack of secure tenancy and threats to the economic subsistence of the family.
- At the same time, urban renovation plans continue to be completed that result in the expulsion of the poor from urban centers, segregating them in areas that are removed from the social network that ensures their survival and without the facilities that community life requires. A large portion of the lower economic levels of the population lack access to public services in sufficient quantity or quality, and the trend towards the privatization of these services results in an ever increasing inaccessibility because of the rising fees that usually follow such privatization.
- The persistence of practices that violate human rights demonstrates the lack of harmony between the internal legislation of the States and applicable international standards. An example is the matter of forcible evictions and the use of judicial power and security forces to commit acts that violate human dignity and increase the insecurity and poverty of the victims.

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Based on the above, below are a list of series of specific measures to be adopted by each participating government, at all of their political levels, with the objective of promoting, protecting and guaranteeing the right to the city to all inhabitants throughout Latin America.

### **STRENGTHENING THE PROCESSES OF SELF-MANAGEMENT OF HOUSING.**

Promote policies that recognize the effective involvement of inhabitants in the configuration of their environment, supporting the development of their organizations by means of the direct planning, management, and oversight of public resources as relate to programs that include all of housing's components (land, urbanization, materials, labor, tools, technical assistance, guaranteed rights, capacity), stimulating their role as protagonists in local and neighborhood processes, and utilizing subsidies with the purpose of promoting collective self-management and the strengthening of the informal economy.

### **DEMOCRATIZATION OF THE MANAGEMENT OF THE TERRITORY AND ACCESS TO LAND AND PROPERTY.**

Convert urban and territorial planning into a public activity and promote legislation that encourages and guarantees participation by the citizenry in the formation of, and joint leadership over, policies and programs, including mechanisms for their tracking and evaluation. More particularly, implement policies that concrete the social function of property and designate land for the social production of housing and social housing projects, focusing on the recovery of idle urban real estate (land and buildings) and the imposition of sanctions against real estate speculation, by means of: 1) the levy of progressive taxes on land as a function of its socially just

use; 2) collection of increases in the value of land or of gains that result from public planning decisions and investment in public works; 3) forced sales, a requirement that property be constructed on and developed within a short period, and the expropriation of lands that are underutilized, not being utilized, or not constructed upon.

### **RECOGNITION OF TENANCY AND OF ACCESS TO PUBLIC SERVICES.**

Guarantee the orchestration of mechanisms that permit the urban, social and judicial recognition of settlements that are generally characterized as “informal” (by means of processes that expedite the titling of property as a result of the passage of time—adverse possession, prescription—on a large scale and with summary procedures, recognizing the reality of the social use of the land), so that inhabitants can resort to judicial process to protect their land tenure rights. This recognition must be accompanied by neighborhood improvement programs aimed at social, economic, and territorial inclusion of these neighborhoods. At the same time, promote a public service framework that guarantees fees that are regulated and adjusted depending on the income of the inhabitants (including subsidies that are intended as a redistribution of wealth), without impacting the quantity or quality of the services provided to lower income segments, and that is obligatory both for public as well as private operators.

### **HARMONIZING OF NATIONAL AND LOCAL LEGISLATION WITH INTERNATIONAL STANDARDS AND COMMITMENTS IN THE AREA OF HUMAN RIGHTS.**

Incorporate United Nations’ standards regarding forced evictions as codifications in the rules of civil and commercial procedure and the rules of criminal procedure, and provide instructions to the Public Ministry for their immediate application in pending matters, in order to avoid the criminal conviction of inhabitants. Simultaneously, establish training programs for the public officials regarding these matters, and in particular for those officials involved in the judicial system.

With the purpose of being given the opportunity to collaborate in the implementation and monitoring of the above-stated actions, we request that the Heads of State and the Ministers of Housing and Urban Development, as well as other officials at all levels of government, provide timely and necessary institutional spaces in order to ensure the complete participation by the civil society in decisions that affect the present and future of Latin American cities.

*COHRE-Americas*

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