Regulatory Framework for Affordable Shelter

The case of Cochabamba

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Structure

• Introduction
• The regularization process – Findings
• Methodology
• Actions and suggestions to the process
• Lessons to learn
• Conclusions and recommendations
Introduction

• The migration process
  – 1985 Structural Adjustments
  – 2000 Landless Movement
• The Landless Movement – Movimiento sin tierra
  – Rural areas
  – Urban areas
• Occupancy of the city fringe
• The Structural Adjustments - 1985
• The State Reform - 1994
• The Case Study – District 9
The regularization process

Findings

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>1981</td>
<td></td>
<td>20 years of claims</td>
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<td></td>
<td>Main Problem</td>
<td>Land Use Status</td>
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<td></td>
<td>Collateral Problems</td>
<td>National Congress authorized the change of Land Use, State Gov. control over rural areas – CORDECO, Lack of control over city periphery, Local Gov. control over urban areas (till 1993), Local Gov. jurisdiction urban and rural areas (1994), State &amp; Local Gov. promote illegal settlements, Political interference within community leaders</td>
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<tr>
<td>1994</td>
<td>1551 Law – Community Participation</td>
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<td>1996</td>
<td>1654 Law – Administrative Decentralization</td>
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<td>2001</td>
<td>1715 Law – Service of the National Agrarian Reform</td>
<td>Land Use shift to residential use for 23 Human Settlements – D9</td>
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<td>2002</td>
<td>GPA Workshop</td>
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<td>2003</td>
<td>44 HHSS</td>
<td>54 HHSS</td>
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- Main Problem: Rigid Regulatory Framework - M. Cessions
- Collateral Problems: Political bias, Lack of coordination between CG & LG, Acknowledgement of the process, High cost of the process and excessive bureaucracy
The regularization process

Findings

- Phase I. Twenty years of Claims (1981 – 2001)

  Till 1993
  - Urban growth in none residential areas
  - Two patterns
    - Extension of the urban areas
    - Human settlements spots
  - Land use shift, too long and too bureaucratic – National Congress
  - Lack of control over rural areas – link it to urban areas
  - Etc.

After 1994
- Municipality & Technical staff lack of skills to plan over rural areas
  - Lack of planning policies
  - The Municipality do not has interest to control the new areas
  - The Illegality, a way to maintain people organised
The regularization process

Findings

- Political bias through the process
  - Promote consolidation of informal settlements
  - Control over community leaders
- Lack of coordination and political problems within the Local Government.
  - Municipality Counsel
  - Municipality
- Too heavy national regulatory framework
  - Law 1551 Community Participation
  - Law 1654 Decentralisation
  - Law 1715 National Agrarian Reform
- Overlapping actions and jurisdictions
  - State government
  - Local government
The regularization process

Findings

• Phase II. Three years of uncertainty (2001 – 2003)
  
  – Law 1551 facilitate the “land use” shift
  – 23 human settlements shifted from agricultural land use to residential land use – District 9
  – Lack of commitment for the regularisation process
    • Strong planning regulations (municipal cessions)
    • Political interference
    • Promote new informal settlements
  – The municipality enable changes within the planning regulations due to the GPA and other actors support
    • More flexible regulatory framework
    • Open to collaboration
  – Lack of arguments for a week regulatory framework
The regularization process

Findings

  - Under the Ministry of Housing and Basic Services
  - Create a formal institution – Arcos
  - Massive regularisation process

- Lack of coordination between Central and Local Government
  - Problems between authorities and technical staff
  - Political jurisdiction interference
  - Hide information

- People confusion due to the new actor
  - Municipality wants to keep control over informal settlements
  - ARCOS behind their goals

- No mayor changes in the administrative procedure due to several reason
  - Maintain a heavy bureaucracy for political purposes
  - Lack of actions to modernise the municipality
  - Confusion a way to control the process
Methodology

- Qualitative techniques
  - Main Workshop
  - Preliminary workshops
  - Seminars and meetings
  - Structure Interviews
  - None structure interviews
  - Technical Assistance – Field visits

- Primary Sources
  - Laws
  - Municipal regulations
  - Meetings resolutions

- Secondary Sources
  - Books
  - Articles (Magazines, newspaper, etc.)
Actions and suggestions to the process

- People empowerment through technical and legal assistance
  - People feels secure
  - Enable people to discuss properly
- Coordination among the actors
  - Open the process to other actors
  - Consensus on the decisions
- Facilitate the process and the discussion through none political goals (research)
- Urgent need of municipality modernisations
  - As means to reduce the bureaucracy
  - Get rid of political bias
  - Institutionalisation of municipal staff – Municipal career
Actions and suggestions to the process

- Elaborate, present and discuss municipal goals and planning policies
  - Participatory approach
  - Search consensus among actors
  - Discuss policies and goals
- Strengthen Base Territorial Organisation
  - Get rid of political interference
  - Capacity building
- Promote the development of the Law 1551
  - As support to a participatory approach
The research has developed a role within the process
  • Given technical and legal assistance
  • Coordinate meetings among actors – facilitate the negotiation process through meetings, courses, seminars.
  • Got confident among the actors involve in the process

Advantages
  • Obtain primary information
  • Got involve in the process
  • Generate friendly environment among actors

Disadvantages
  • Blame to promote political movements
  • Generate hostile environment – People with specific interests

Lessons to learn
Conclusions

- The research has identified the following issues as the major problem struggling the regularisation process.
  - Political interference
  - Lack of municipal city-vision & planning policies
  - Orthodox and rigid local government – obsolete instruments, planning strategies and management.
  - Serious conflict between the Local Government bodies – Legislative and executive

- The research has identified the following collateral problems
  - The lack of investment in planning activities
  - The lack of flexible planning instruments
  - Weak control over the city development
  - Mismatch among law in terms of competence and levels
The research itself can not guarantee real outcomes if it doesn’t develop a role within the process.

In order to increase people accessing to freehold title, the following issues MUST be taken into consideration:

- Institutions & norms have to be evaluate and updated in some cases
- In other cases, NEW regulatory framework has to be proposed according to social, spatial, environmental, physical, etc. variables.