

A nighttime photograph of a cityscape. In the foreground, there are several blurred lights, possibly from streetlights or traffic. In the background, a tall building is illuminated with a warm, golden light, and other buildings are visible in the distance, some with lights on. The overall scene is dark, with the city lights providing the main illumination.

# Regulatory Framework for Affordable Shelter

**The case of Cochabamba**

**Fabian Farfan**  
Principal Researcher

# Structure

---

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

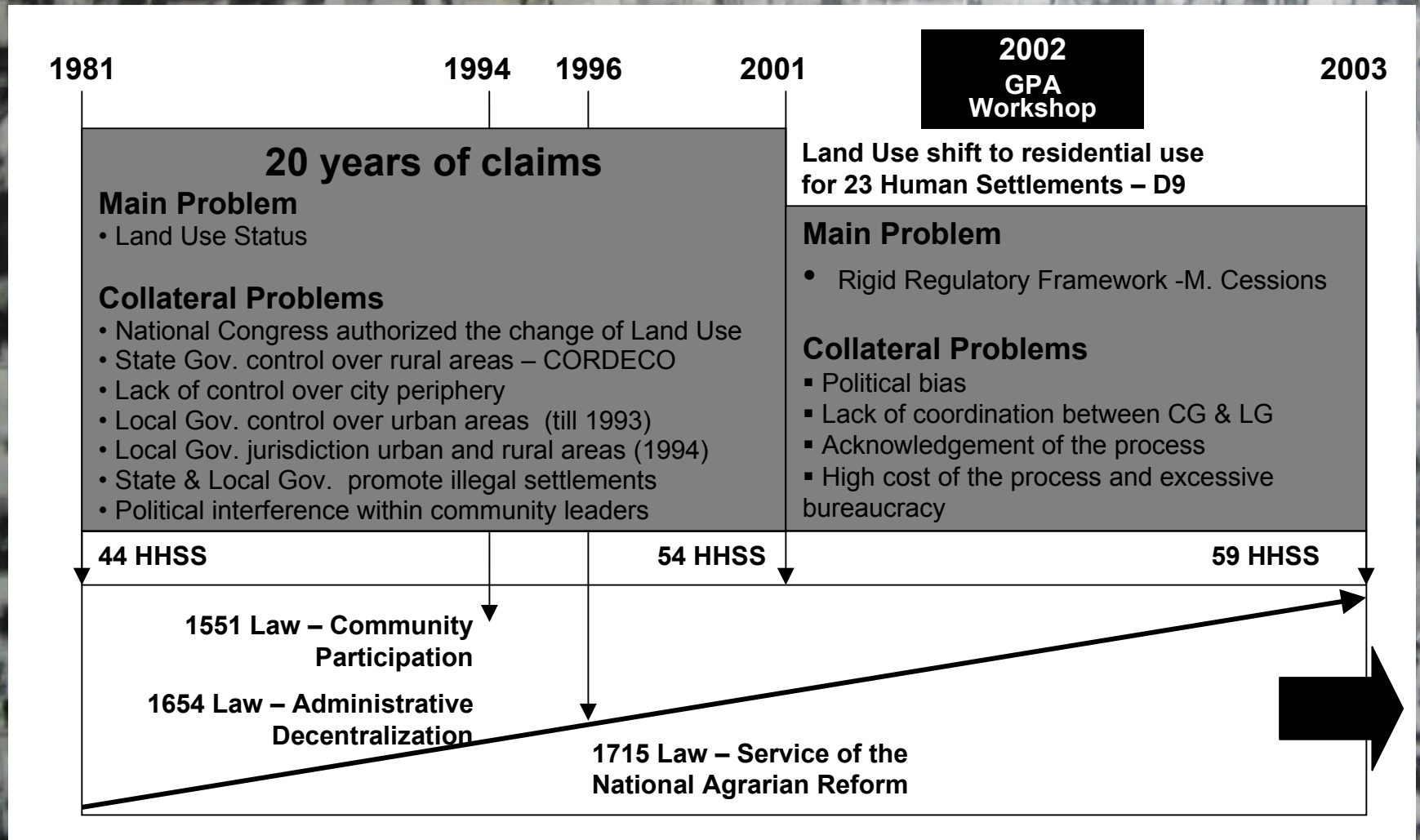
# Introduction

---

- **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





# 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

**After 1994**

- 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**

- Law 2372 – Urban Property Rights Regularisation (2002)**
  - 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**



# Lessons to learn

- **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**

# Conclusions

- **The research has identify the following issues as the mayor 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 identify 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

# Recommendations

---

- **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.