

GOLD VI

**Case-Based Contribution
to Chapter 4: Commoning**
*GOLD VI Report on Pathways
to urban and territorial equality*

The Right to Remain in Place

In partnership with:



With the collaboration of:



The Right to Remain in Place

AUTHOR(S)

Bethânia Boaventura, Rodrigo Iacovini

ORGANISATION NAME

Global Platform for the Right to the City

CITIES/COUNTRIES IT COVERS

Lebanon, USA, South Africa, Brazil, Argentina and, in the case of international networks, various other countries

CHAPTER

4: Commoning

SUMMARY

The promotion, defense and fulfilment of all human rights entail a right to the city based-approach where the human settlements are conceived as a common good to ensure a socially and spatially just distribution of material resources and good living conditions for all. In this sense, violations related to the right to remain in place undermine both the right to adequate housing and the right to the city. Furthermore, as the commoning perspective reclaims a new paradigm where the urban spaces are commons, the fight for the right to remain can be understood as a commoning practice that seeks to claim the right to collectively live and transform the city. Nonetheless, the violations of the right to remain in place are extremely frequent, exposing human settlement dwellers to constant anxiety over their housing, social connections and livelihood stability. Responding to that, civil society organisations and urban social movements have developed a repertoire of collective action, mobilising to provide immediate and long-term responses to resist, while increasing their access to land, housing and basic services, and consequently asserting the right to the city. Focusing on the work of the International Alliance of Inhabitants, Public Works Studio, MIT - Displacement Research & Action Network, Development Action Group, Habitat for Humanity Brazil, and Asociación Civil por la Igualdad y la Justicia, the examples demonstrate the importance of a right to the city based and bottom-up approach to foster the city dwellers right to remain in place.



As the COVID-19 pandemic exposed, the access to adequate housing, land and basic services is often a preliminary condition to protect the right to life. At the same time, the promotion and fulfilment of all human rights entail a right to the city based-approach where the human settlements are conceived as a common good to ensure a just distribution of material resources and good living conditions for all. Since the commoning perspective reclaims a new paradigm where the urban spaces are commons, the fight for the right to remain in place can be understood as a commoning practice that seeks to claim the right to collectively live and transform the city. It also includes accessing adequate housing, maintaining social networks, work relationships, livelihood opportunities, and creating possibilities of encounters and active connections. Thus, the materialisation of the right to remain can be seen as an important component to the materialisation of the right to

the city and vice-versa, having an important role in addressing urban equality.

Nonetheless, the violations of the right to remain in place are frequent, exposing settlement dwellers to constant anxiety over their housing, social connections and livelihood stability. Whether in processes of urban development, unregulated land markets, post-disaster policies, unjust repossession actions or processes related to religious persecution, discriminatory practices, marginalization of women, indigenous populations and other minorities, the lack of protection against evictions and displacements exposes the most vulnerable groups at the risk of diverse right violations. It has been widely documented that the vulnerability to housing instability increases according to the settlement dwellers' social group (race, gender, sexuality, etc.). Thus, to promote more social-environmentally just cities, the right to remain needs to be secured.

International Alliance of Inhabitants:
7th Session of the International Tribunal
on Evictions in Salvador, Brazil
Source: The International Tribunal
on Evictions Website

The protection against evictions and displacement are a fundamental part of the right to adequate housing, therefore the entitlements to security of tenure are a central component for its fulfilment. Also, the right to remain involves other elements, such as the availability of services, infrastructure, affordability, habitability, accessibility, cultural adequacy and suitable location. Furthermore, it involves other decisions related to housing and land property rights, and rental markets. Thus, the experiences discussed in this report overlap diverse dimensions and elements, crossing a range of different processes that threaten the right to remain.

Broadly speaking, city dwellers have mobilised collectively to develop strategies not only to cope with daily challenges,¹ but also to advance urban equality. Worldwide, as “commoners”, civil society organizations and urban social movements have developed a repertoire of collective action, mobilising to provide immediate and long-term responses to resist evictions and displacement, while increasing their access to land, housing and basic services. Consequently, asserting the right to the city and advancing urban equality.

Mobilising a global network,² the **International Alliance of Inhabitants**³ has been an extremely important organisation regarding its fight against eviction and displacement around the globe. A relevant human-rights based initiative is its **International Tribunal on Evictions (ITE)**.⁴ While usually composed by experts, activists, academics, etc, the tribunal evaluates real cases of forced evictions that constitute human rights violations, and makes recommendations to the countries and their respective economic and institutional actors, advancing the



housing rights and urban equality agenda through a bottom-up approach⁵ (see Figure 01 and Figure 02). This agenda articulates with a commoning perspective by legitimising claims for the fulfilment of social rights, and opening democratic ways to decide how the city is organised. Along with the International Tribunal on Evictions, the **International Alliance of Inhabitants** has led the so-called **Zero Eviction Campaigns**,⁶ which is an international solidarity initiative to achieve dignity and security in housing.⁷

Not as part of the International Alliance initiative, but with a similar approach, the **Zero Eviction Campaign in Brazil**⁸ aims to pressure the Brazilian authorities and to assert the right to remain in the context of the pandemic.⁹ During the pandemic the Campaign identified more than 9,000 forced evicted families in Brazil and other 60,000 families under threat of being evicted. Although lacking disaggregated

Zero Eviction Campaign Brazil
Source: Campanha Despejo Zero

1. Challenges that usually come from inadequate housing conditions, unaffordable rents, and institutional and economic actors' violations to housing rights.

2. The International Alliance of Inhabitants global network is composed of social movements, cooperatives, tenants, homeless people, communities, informal settlement dwellers and indigenous populations.

3. More information available at: <https://www.habitants.org>

4. More information available at: <https://www.tribunal-evictions.org>

5. The challenges confronted in the tribunal goes from forced evictions caused by institutional and economic actors due public infrastructure projects, mega-events and real estate policies, evictions due unjust repossession processes, due the absence of policies to prevent environmental disasters, informal settlements tenure insecurity to racial discrimination.

6. More information available at: https://www.habitants.org/zero_evictions_campaign

7. Currently, the International Alliance of Inhabitants Zero Eviction Campaign has been adapted to the pandemic context, advocating for public policies on health, housing and urban planning.

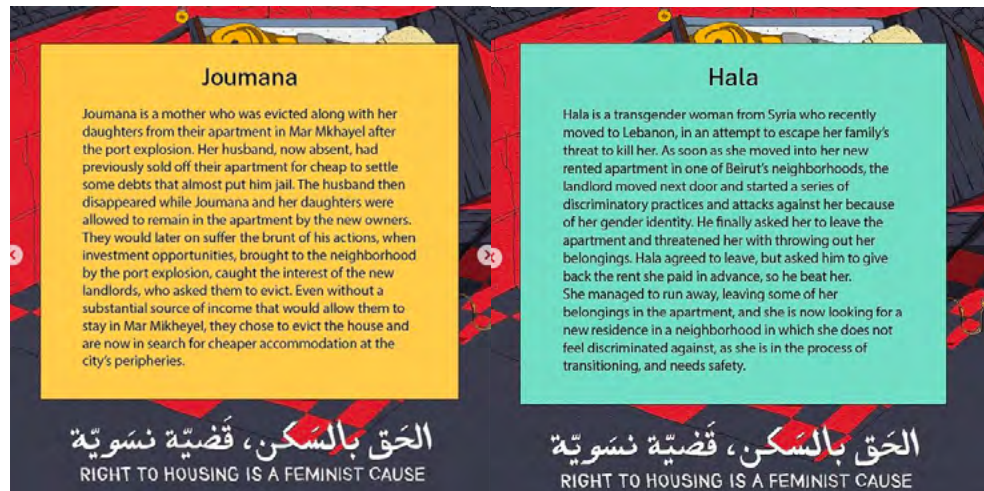
8. More information available at: <https://www.campanhadespejozero.org>

9. According to its website, the Campaign reached the mark of more than 1 million impressions during the last twitterstorm at World Habitat Day.

data, it is well-known that most of them are black and poor people, obviously enhancing urban inequalities (see Figure 03). In 2021, the Campaign achieved support from the National Council of Justice, which recommended lower instances of Brazilian Judicial System to suspend orders of collective evictions,¹⁰ opening a precedent-setting for policy change in October of 2021. After more than a year of civil society organization mobilization and pressure, the Brazilian National Congress approved the Law nº 14.216/2021, which suspended evictions until 31 of December of 2021.

To provide evidence for strengthening the fight for the right to remain and for developing policy recommendations, several organisations have focused on mapping and analysing eviction and displacement processes. This allows them to better understand the causes of these processes and to make these human rights violations visible for society. Consequently, strengthening the advocacy for the right to remain and offering possibilities for more just urban development. By taking a right to the city approach, **Public Works Studio**,¹¹ in Lebanon, and the **MIT - Displacement Research & Action Network**,¹² in the United States, have developed a valuable work on mapping, monitoring and analysing eviction processes. Research here can be seen as a commoning instrument that is put at the service of advocacy, public learning and policy-change.

The Public Works Studio's **Housing Monitor**¹³ has analysed the types and patterns of housing rights violations in periodical reports to build public opinion and influence in policy-making. It also plans to provide support on legal and architectural matters to urgent cases. The initiative unfolds in other significant projects, such as the **Beirut Evictions**



Map,¹⁴ the **Housing, Displacement and The Elderly: Intersectional Spatial Narratives**¹⁵ and **Right to Housing: A Feminist Cause**¹⁶ (see Figure 04 and Figure 05). By taking a right to the city approach and its fight for human settlements free from discrimination, the “Housing, Displacement and The Elderly: Intersectional Spatial Narratives”, and “Right to Housing: A Feminist Cause”, explore an intersectional approach by analysing the eviction and housing experiences through the generational and/or gender lenses. The first project focused on the effects of real estate policy, and the financialisation of housing markets, resulting in the eviction and displacement of the most vulnerable social groups in Beirut.¹⁷ The second project addresses the lack of access to adequate housing for women, reporting how women have suffered from forced evictions due intersecting social and legal practices that increase women’s vulnerability and restraining their right to housing in Lebanon.¹⁸

The MIT’s project called **Human Rights Assessment of Displacement and Evictions in Boston’s Chinatown**¹⁹ has developed an investigation tool that utilises a human rights framework of analysis to displacement impact assessment. To resist the current housing insecurity and affordability crisis,

Right to Housing: A Feminist Cause.
Source: The Public Works Facebook and Instagram Page

10. More information available at: <https://www.cartacapital.com.br/opinioao/conselho-nacional-de-justica-recomenda-suspensao-de-despejos-coletivos/>

11. More information available at: <https://publicworksstudio.com/>

12. More information available at: <http://mitdisplacement.org/>

13. More information available at: <https://housingmonitor.org>

14. More information available at: <https://housingmonitor.org/en/about>

15. More information available at: <https://www.relief-centre.org/housing-displacement-and-the-elderly>

16. More information available at: <https://www.facebook.com/publicworksstudio/posts/3698120716890888>

17. Using a life-story approach, Public Works reports the experience of elderly people who suffered from housing instability and forced evictions.

18. Public Works reports that 42% of the total cases received by the Housing Monitor since August 2020 were reported by women experiencing eviction threats, suffering from forced evictions or living in inadequate conditions. Through Lebanese women testimonies, Public Works explores diverse issues, such as how the Port explosion and real estate exploitation of the affected area impact on their housing security and how gender-based violence and/or transphobia impacts their livelihoods and consequently housing security, as well as their well-being.

19. More information available at: <https://static1.squarespace.com/static/56340b91e4b017e2546998c0/t/5c7811640852290f392207ca/1551372655581/CPA+report+final+2019.pdf>

and having community participation as a pillar, MIT's experience investigates the impacts of eviction and displacement on residents in Boston Chinatown (see Figure 06). Its example highlights the effects of real estate and the financialisation of housing markets on vulnerable social groups, also revealing processes of gentrification.

The **Habitat for Humanity Brazil**²⁰ and its action-research called **Access to Justice: the Performance of the State Judiciary**,²¹ explores the possibilities of land regularisation through ZEIS (Special Areas of Social Interest) and collective land tenure (collective *usucapião*) actions. While claiming the city as a commons and advocating for the fulfilment of the city's social function, as part of its **Solid Ground Campaign**,²² the **Habitat for Humanity Brazil** has developed several projects mapping vacant and abandoned buildings to propose new forms of occupation and evaluate its occupation potential.

In Brazil, legal frameworks such as ZEIS (Special Areas of Social Interest) and collective land tenure (collective *usucapião*) can be seen as important legal tools to strengthen the fight for the right to remain (see Figure 07). While the urban planning instrument called ZEIS allows for the land regularization and the improvement of urban infrastructure in informal settlements, the collective *usucapião* instrument allows for a collective tenure security for human settlement dwellers, which increase the community's resistance against the pressure of the real estate market and processes such as gentrification. Since ZEIS establishes a territorial perimeter that usually encompasses the popular settlement as whole (and not individual housing units), it fosters the commoning dimension of the fight for the right to adequate housing and to the city. Inhabitants often begin to identify themselves as "dwellers of ZEIS", collectively



demanding their right to remain and the improvement of their living conditions.

Finally, another related topic that calls for urgent attention are the challenges involving affordable rents and tenants' rights. On that matter, the **Development Action Group (DAG)**²³ and the **ACIJ - Asociación Civil por la Igualdad y la Justicia**²⁴ explore forms of collective resistance against the effects of real estate policy. DAG developed an interesting research on informal rent markets in the so-called backyard dwellings, which constitute a massive and growing part of South African housing and the most affordable rentals. Meanwhile, ACIJ explores Argentinian rental housing and mortgage policies in order to disseminate ideas and to provide a framework for intervention in the rental market and law enforcement. Its report concludes proposing to increase the housing supply by placing vacant and unused buildings, increasing social renters and property stock, and the creation of rental Public Defenders.

These commoning experiences show the importance of local governments in developing processes to allow dwellers to challenge local decisions or policy that affects their housing rights.

The Housing Monitor
Source: DPU and Public Works Studio

20. More information available at: <https://www.habitat.org/where-we-build/brazil>

21. More information available at: <https://drive.google.com>

22. More information available at: <https://www.habitat.org/about/advocacy/international/solid-ground>

23. <http://www.dag.org.za/>

24. <https://acij.org.ar/>

There is plenty of room for LRGs to establish conflict mediation and resolution mechanisms that could prevent the harmful effects of forced evictions. Furthermore, these cases demonstrate the need for local governments to develop partnerships with civil society to understand the challenges that communities face, adopt a human rights approach, and create innovative ways to address the right to remain. These partnerships can be central, for instance, to mitigate the impact of judicial forced evictions on low-income populations. Above all, these experiences demonstrate that the fight for the right to remain is also a right to the city based-approach to tackle urban inequalities and to face one of the most common human rights violations. **After all, based on a collective right, the right to remain also entails the fight against socio-spatial discrimination, the promotion of the social functions of land, property and city, and the fulfilment of the right to inhabit, occupy, transform, produce and remain closer to one's social networks and livelihoods opportunities. All defined as common goods for asserting the right to a dignified life.**



National Urban Reform Forum. Example of ZEIS in Pernambuco, Brazil
Source: Overview of Urban Land Conflicts in Brazil Report from the National Urban Reform Forum

National Urban Reform Forum. "Here Lives People": Overview of Urban Land Conflicts in Brazil
Source: Overview of Urban Land Conflicts in Brazil Report from the National Urban Reform Forum

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In particular, the present paper has contributed to Chapter 4 on “Commoning”, which focuses on the trends and pathways in relation to the governance, planning and provision of access to housing, land and basic services. The chapter explores how local and regional governments can promote approaches focused on collective action that contribute to urban equality.

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