**In the quest for territorial justice**

**Towards consensual relocations in Latin America and the Caribbean (LAC)**

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Although the concept of territorial justice has been used by many authors and it is possible to find numerous articles and works that mention it, there is no single definition.

For example, in A Dictionary of Geography (5th ed.) published by Oxford University Press, Susan Mayhew offers a definition that refers to the application of ideas of social justice to an area of territory; that is, the identification by a government of areas of need, followed by a deliberate policy of redressing an imbalance. In this definition she warns that as ideas of social justice vary according to the mode of production and the prevailing ideology, and so territorial justice varies accordingly.

This is why many of the works that refer to territorial justice indicate what is meant by territorial justice in the context of current research found for instance several reports (e.g. the recent work by Pamela E. Degele, on the Protected Areas of the World's Indigenous Peoples, on the Protected Areas of the World's Indigenous Peoples). Degele focusses on Protected areas in land use planning policies: Key articulation for territorial justice, in Argentina, just to mention one example in the LAC region).

There are authors, who also speak of spatial justice, or both. This is the case of Paula Ferrari and Horacio Bozzano, Argentinean authors referenced by Degele, who indicate that justice as a category and mechanism for resolving conflicts in social life began to be analysed by human geography in the 1970s, due to the growing awareness of the inability of quantitative geography to respond to the social inequalities of the time. Seminal works by geographers basically emphasizes the concept of justice in its territorial and social (Harvey, 1973) or spatial (Soja, 2010) character.

All of them are beacons which amplified the ideas of Henri Lefebvre, who presented the idea of the right to the city, and more contemporarily those of David Harvey with his Rebel Cities: From the Right of the City to the Urban Revolution followed byf so many other important publications and Edward William Soja with his book Seeking spatial justice, and at the regional level, the Brazilian geographer Milton Santos, with a vast body of work that includes texts such as L'espace partagé (1975), Pobreza urbana (1978), El trabajo del geógrafo en el Tercer Mundo (1978), among others. I would like to add to this inspiring list Jane Jacobs; and architect Zaida Muxi, who, in Women, houses and cities, provides us with the gender perspective in the field of urban and city planning.

In this case, then, the strands that make up the conceptual framework of territorial justice in relation to relocations in the context of climate change and disaster risk management, can be broken down into the following main components:

1. Firstly, as Judge Helena Liberatori, in charge of the Secretariat of Vulnerable Neighbourhoods of the City of Buenos Aires (slums and informal settlements) in Argentina, says, when the State is absent or does not fulfill its duties, the justice system intervenes.

2. Second, the fact of assuming that the construction of knowledge, professional work and political action are always carried out from a position and a context that constructs our decisions and vision of the world, and that decision-making is not a neutral place, even if it is based on scientific knowledge. And therefore it is the result of a choice, to express that positioning clearly and translate it into a set of ideas and practices and in that positioning which privileges the human rights perspective and the intersectional gender approach, for equality.

3. On another level, with regard to theoretical components, it is important to mention that "Territorial governance is different from risk governance. While risk governance has a sectoral connotation, territorial governance is broader and more inclusive”[[1]](#footnote-1). It is the framework that supports processes such as land use planning, natural resource management, social and economic development, and the planning and execution of resilient infrastructure. It is a form of governance that directly addresses underlying risk drivers in a way that can slow down and reverse the social construction of new risk. Moving towards a system of governance that prevents and reduces disaster risk requires a territorial approach in which sectoral decisions and efforts to promote development consider the resources, capacities and conditions of the territory in which they are to be implemented. In the LAC region, territorial planning in disaster risk management is uncommon.

4. Complementing this approach is the theoretical construction linked to climate justice, which, as in the previous point, places people's rights at the centre. As the IPCC states, "For any given level of warming, the level of risk will also depend on trends in human and ecosystem vulnerability and exposure. Future exposure to climate risks is increasing worldwide due to socio-economic development trends, such as migration, increasing inequalities and urbanisation. Human vulnerability will be concentrated in informal settlements and rapidly growing small settlements".[[2]](#footnote-2)

5. The next component is the concept of global and situated vulnerability. Vulnerability is "the inability of a community to absorb, through self-adjustment, the effects of a given change in its environment, i.e. its inflexibility or inability to adapt to that change"[[3]](#footnote-3). Vulnerability itself is a dynamic system, i.e. it arises as a consequence of the interaction of a number of factors and characteristics (internal and external) that converge in a particular community. Wilches called this interaction of factors and characteristics global vulnerability. This global vulnerability is also situated and corresponds to a specific place with specific conditions and situations[[4]](#footnote-4).

6. Finally, it is necessary to address how to finance security for all people, security as a collective good, as a public good beyond individual possibilities, and how societies can and should generate solidarity mechanisms for that purpose. By way of example, I would like to mention some instruments that are often found in national or municipal legislation linked to land management, territorial planning and the management of built heritage and common-property goods and resources, such as a fair distribution of urban capital gains that compensates for inequalities, the circular economy as applied to policies for land and goods in urbanised space, policies for housing and empty spaces through the generation of national portfolios of land or goods to be used for redistribution programmes and municipal regulations on public space.

**About territory in Latin America, inequality and poverty in the region, and territorial inequalities.**

The geography of the LAC region makes it unique in the world. Due to the vastness and the diversity of its natural resources, it is both one of the most well-endowed regions of the world, but also one of the most hazardous for human life. Despite the existence of significant natural hazards, forces of nature are not sufficient to explain the levels of devastation that characterize the largest disasters in the region they are more aptly explained by the radical transformations of society, territory, production, and consumption brought about by human intervention. Many factors have contributed to explain the current levels of risk present in the region, including the uncontrolled and poorly planned expansion of cities, the growing prevalence of excluded and marginalized spaces and populations, ecosystem destruction, social inequality, poverty, forced mass migration, government inefficiencies, corruption and disregard for the rule of law.

Historically, high levels of inequality have been recorded in LAC[[5]](#footnote-5). Inequalities are also expressed in relation to indigenous, African descendants, and migrants.

LAC is characterized by its exceptional biodiversity. Biological heritage is a unique asset contributing to national economies and livelihoods. However, it shows high vulnerability to the pressures and transformations experienced with the substitution of land uses for different purposes, such as urban expansion, commercial agricultural use, extractive industries, or infrastructure. These pressures put decisions, governance for environmental and territorial management, and consequently governance for disaster risk management at stake. The pressure to invest in the exploitation of natural resources and the balance of its contribution to national Gross Domestic Product GDP has its impact. These same considerations concern other investments as the construction of dams and other infrastructure for the generation of hydroelectric power or irrigation, road works or tourist developments, which not only result in environmental damage, but also generate impacts on the movement of people, their cultures and identities, and generate new risks, accounting for diverse interconnections and intersections. Some examples of development that increases risk are the construction of roads and housing in flood-prone areas and gas pipelines and other vital infrastructure on top of geological faults; the promotion of water-intensive productive activities in water-stressed areas or in freshwater catchment areas that serve millions of people; deforestation to support intensive food or biofuel production. Moreover, many examples of omission exist, including the lack of compliance of local governments with laws and regulations on risk, the granting or condoning of occupancy in unsafe areas, and a lack of transparency in the approval of megaprojects.

In at least 15 countries, the urban population living in slums, informal settlements or inadequate housing exceeds 20%, the situation is extreme in countries where this rate reaches more than half the population, as Jamaica, with 60.5% and Haiti, 74.4%.[[6]](#footnote-6)

The territory, and in this case the territory of the cities, is a space in which materialization of the relations of power occurs and in which multiple stakeholders coincide with convergent and/or divergent interests in the processes of transformation, use and occupation of urban space.

In an important number of the cities of LAC, the power relations of the colonial era laid the foundation of human settlements according to the impositions of the Laws of the Indies, which drew an urban grid without considering the cultural or geographical determinants of the territory[[7]](#footnote-7).

The contemporary resolution of divergent interests generates the phenomenon of socio-urban fragmentation and residential segregation, expressed in the social division of space in cities.

Territorial planning and urban planning can constitute key instruments for sustainable and inclusive development if they are governed by regulated processes with transparency, participation and guarantees for competing interests.

Planned urbanization, when done in the name of the security of some people (a notion that has enabled the creation of private neighborhoods and the privatization of public space and pre-existing public roads),

In a fragmentation tone, mention should also be made of the control of territories by groups linked to the trafficking of arms or drugs. Although it has had a greater impact on the cities of the Northern Triangle of Central America or Colombia and Mexico. It has as a consequence in “the reduction of citizen participation and the effect on leadership, mobility within the neighborhood, agenda issues, the growth of community organization”; the forced displacement between sectors of the city, cities of district port or rural and urban areas.[[8]](#footnote-8)

In this context, millions of people are immobile and at risk. These are the poor who most often are forced to occupy public lands at risk of flooding or landslides because they cannot access the land market.

**Consensual relocations and participation**

This sector of the population is not only poor but also excluded. This means that they have not been able to access or benefit from the economic growth of the countries in which they live, and that beyond the averages and the much-mentioned "spillover" that should occur in the distribution of this growth, they are in a geographical, social, economic, political and cultural territory where the spillover does not reach. Situated vulnerability compounds the exposure and risks for millions of people in the LAC region.

And that is where the state must act, to achieve the socio-territorial inclusion of people and support them until they can continue this process with their own capacities. It is therefore an act of justice and an instrument of democratisation of decisions towards a fair and equitable territory, at different scales.

This is how the National Relocation Plan came about as national public policy in Uruguay within the framework of the National Housing Plan 2010-2015, after 4 years of economic growth that failed to reach entire communities.

And it was created to improve the quality of life of these populations. I am not going to analyse this policy and plan in depth here, but I will say that in the context of the region it is the only specific national policy for planned relocations in the region, even though there are many planned relocation processes, but they are promoted on an ad hoc basis or by different actors.

From the beginning, participation was considered key, but during the implementation process it was identified as such an important issue to achieve the sustainability of the process, to design adequate solutions and to preserve cultures and identities, that I have thought of the term consensual relocations to emphasise this participation.

Arnstein's ladder shows different degrees of participation in a very simplified and linear but graphic way (Manipulation, Therapy, Informing, Consultation, Placation, Partnership, Delegated Power, Citizen Control). This implies that it is also necessary to train communities for participation, to achieve access to information, to know the procedures for the exercise of citizenship and other related issues because in order to really participate you have to be on an equal footing. However, it can be said that a few steps have been climbed and this has constituted an important learning experience for governmental actors, social workers and each of the people who make up the web of actors involved in resettlement over time.

Lessons learned

* Not everybody has the same capacities and needs and, therefore, they cannot go through the same processes, with the same support or have the same resulting solutions. Tailor-made solutions need to be found.
* Housing should be built as close as possible to the place of origin in order to preserve families' job opportunities and social networks. It is recommended that each resettlement project involve a maximum of families for better management (In Uruguay this number was 50 families).
* Housing blocks in the places of destination must host families with heterogeneous social, economic and cultural capacities and assets. The ones that only bring together families with vulnerable situations deepen those vulnerabilities and do not enhance learning.
* Public space, community spaces and services that create collective belonging and identity (community classrooms; meeting, organization and recreation spaces; sports centers; etc.) are just as important as housing.
* Not exposing people to new risks implies ensuring quality electrical and sanitary installations in their houses in order to avoid fires and domestic accidents, as well as to generate sanitary conditions that reduce the risk of diseases.
* What starts as transitional ends up being definitive. Completely finished housing must be delivered. Experiences with evolving housing (only shells with services) or halfway proposals (walls only up to a certain height, delivered in rustic or similar) do not make progress without economic support or social follow-up, but degrade and generate vulnerabilities in the domestic context.
1. Andrew Maskrey's epilogue to the first edition of the Regional Assessment Report on Disaster Risk in Latin America and the Caribbean (RAR 2021). chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.undrr.org/media/76540/download?startDownload=true [↑](#footnote-ref-1)
2. Notice that legal recognition of rights related to the environment has been integrated in the context of the climate crisis in recent years. Various rights relate to the drivers of human mobility in the context of climate change, environmental degradation and disasters, such as the right to water and food, the right not to be forcibly displaced by adverse environmental conditions, the right to a dignified life, free from pervasive environmental risks and threats, the right to physical integrity in these contexts, the right to dignified and risk-free housing, or even the right to communal property, which includes environmental conditions for subsistence and livelihoods of communities (IIDH, 2022). [↑](#footnote-ref-2)
3. Gustavo Wilches-Chaux. [↑](#footnote-ref-3)
4. Ricardo Berganza indicates the concept of situated vulnerability in his doctoral thesis “Vulnerabilidad situada: más allá de la mano invisible de la resiliencia Una aproximación crítica al discurso de la resiliencia social ante desastres, en el contexto económico, social y cultural neoliberal y; la necesidad de un abordaje situado e interseccional de la vulnerabilidad en la gestión integral de riesgos” presented at the Universidad de San Carlos de Guatemala in 2022. [↑](#footnote-ref-4)
5. In Guatemala and Nicaragua, in 2018, poverty was suffered by 40% of the population, in Honduras that rate was above 50%, while in Uruguay the value was 1.7%. In relation to the proportion of population living in extreme poverty, Nicaragua and Honduras showed values above 15%. In Uruguay for the same year, extreme poverty was recorded at 0.1% of the population. [↑](#footnote-ref-5)
6. CEPALSTAT [↑](#footnote-ref-6)
7. In this regard, Smithexplains why the Huaraz earthquake of May 31, 1970, in Peru, of 7.7 on the Richter scale, although severe in any context, could be classified as the worst disaster in Peru’s history with an undetermined figure of about 70,000 casualties, 140,000 injured and 160,000 damaged or destroyed buildings. The author attributes the magnitude of the impact to historical processes initiated with the Spanish conquest and colonization. Oliver Smith, Anthony, Peru, May 31, 1970: Five Hundred Years of Disaster DISASTERS AND SOCIETY January-July 1994 / No.2 / Year 2 Special : TRAGEDY, CHANGE AND DEVELOPMENT BIANNUAL JOURNAL OF THE NETWORK OF SOCIAL STUDIES IN DISASTER PREVENTION IN LATIN AMERICA [HTTPS://WWW.DESENREDANDO.ORG/PUBLIC/REVISTAS/DYS/RDYS02/DYS2-1.0-NOV-19-2001-PMQAD.PDF](https://www.desenredando.org/public/revistas/dys/rdys02/dys2-1.0-nov-19-2001-PMQAD.pdf) [↑](#footnote-ref-7)
8. Gamarra, Luis. 2020. Personal communication. [↑](#footnote-ref-8)