LAND-BASED COMMONS FOR HOUSING IN THE GLOBAL SOUTH

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Research Report
For the French Development Agency
November 2020

Picture: Community meeting organized by Women for the World, November 2019, Yangon, Myanmar. © C. Simonneau
Executive Summary

To what extent can the commons approach contribute to the renewal of policies, programs and projects in the field of housing? What is the feedback from experiences of collective, cooperative, or commoning housing projects in Global South's cities?

While the notion of "commons" has been the subject of a remarkable resurgence of interest in the academic, operational and political world over the last ten years, little work has been done on the cities of the Global South and the precise question of land for housing. Yet access to urban land for city dwellers is a major issue, a determining factor in improving daily living conditions and providing access to "adequate housing", in the UN terminology, for the inhabitants of these rapidly growing cities. The dominant approach to urban land tenure, oriented towards individual ownership and the free market, generates speculative tendencies, land financialization and exclusion of the most precarious households. The critical force of the notion of commons opens up innovative ways to produce housing in the Global South, according to plural perspectives that are attentive to the needs and power to act of the inhabitants.

This report presents the results of the research program "Comuns fonciers pour l'habitat dans les Suds" (land-based commons for housing in the Global South), led by the UMR Géographie-cités and conducted in collaboration with researchers in the fields studied. The program received funding from the French Development Agency (AFD) from 2017 to 2020, and is part of the AFD's reflections on the link between commons and development.

Land-based commons for the inclusive city: theoretical framework

The international community's urban development agenda (Sustainable Development Goal 11, New Urban Agenda) underscores need for more inclusive cities, without however calling into question some key mechanisms of urban exclusion: the non-recognition of precarious neighborhoods, the financialization of land and real estate, and the proprietary approach (solely focused on individual private ownership) of land and housing policies. The objective of the inclusive city cannot be achieved by remaining within these conventional frameworks.

From the abundant literature on the commons, we retain, first of all, the political project, based on commoning practices driven by use values, circular economy and reciprocity, rather than market values, capitalist economy and accumulation. Secondly, we derive our theoretical framework from legal scholarship, notably following Elinor Ostrom's work, which stands against a strict interpretation of private property. The commons approach offers another perspective on property, which is considered not as an absolute right, but as a bundle of rights that can be dismembered, fractioned, rethought with regard to social ends, including the right to adequate housing. Land is then not considered as a commercial good and object of private appropriation, but rather as a system of land use rights and land allocation to serve a social function.

With regard to living conditions in the cities of the Global South, looking at land for housing through the lens of the commons leads us to examine the implementation of three principles:

- Participation in the housing project: to what extent and how do the inhabitants participate in the housing project that concerns them? Which groups are involved? How do they emerge and how to explain their activation, weakening or even dissolution?

- Long-term land tenure security: what are the legal arrangements for land tenure involving residents' groups? How are collective and individual rights combined? To what extent and through what processes and arrangements can legal frameworks address land security needs?

- The price of land and housing in the short and medium term: which tools can maintain the land price affordable in the short and medium term? What innovations the commons approach brings to urban social policies? How do these value-control tools combine with a city-wide market context?

This research is not prescriptive: it does not aim to prove the existence of land-based commons for housing with the aim of protecting, developing or reproducing them. Rather, it aims to shed light on
alternative approaches to the management and development of urban land for adequate housing. To do so, it is based on the comparative analysis of concrete housing projects. It is thus part of a resolutely empirical perspective.

**Dynamics, places and practices of commons: case studies**

We have conducted case studies located in cities in the Global South. Through their comparison, we seek to understand how, in the context of emergence and development, mechanisms that enable the joint production of housing or the joint securing of existing neighborhoods (commoning) are developed and reproduced.

We have coordinated eight case studies in the Global South, at various scales and representing three types of systems:

(i) collective housing production systems, such as cooperatives of inhabitants in Uruguay, housing cooperatives in Burkina Faso, and a Community Land Trust in Kenya;

(ii) socio-legal processes for collective claiming of land rights, including collective mobilizations for land regularization in Bangalore and Nagpur in India, and collective acquisitive prescription in Brazil;

(iii) real estate development on collectively owned land, such as developments on Kanak customary land in New Caledonia and on *ejido* land in Mexico.

Each case study is synthesized and illustrated in the report. It is also elaborated in scientific publications (see appendix). Their comparison allows us to establish several lines of analysis.

**Transversal analysis**

Contrasting dynamics of groups of inhabitants. A typology detailing the temporality and extent of the commoning process allows us to define precisely these groups. We then go beyond stereotypes of the “community” approach to urban development. Indeed, in our work we have rarely observed communities firmly united around a project in which all the stages (from self-construction to borrowing and the realization of added value) and where all the living spaces (land, housing, open spaces, equipment) are put in common. We highlight in particular what we call “transitional collective” (or group), formed as the opportunity to bring a housing project to fruition arises. This represents a fairly common situation that must be taken seriously. "Stewardship collective", such as the Community Land Trusts, is another situation that deserves attention. In this case, a few spaces are put in common and it involves little living together, but affordability is thought out over the long term. They provide a stable solution in the face of rising land prices.

Individual and collective land tenure arrangements. To guarantee the social function of land and land security to urban dwellers, a variety of land tenure arrangements are mobilized in the case studies. While traditional land based commons are often governed by a specific land tenure system enshrined in a dedicated law, following the example of the customary system in New Caledonia, many land tenure arrangements are more simply based on the tools of property dismemberment and the bundle of rights. We insist on the fact that these tools for dismembering, splitting up, or limiting ownership over time can be used, including in countries with a civil law tradition. They can make it possible, without major land reform, to recognize and secure the practices of the inhabitants, including collective practices. However, the implementation of these land tenure instruments, like other legal and public policy tools, remains dependent on the existing governance and the legitimacy of the institutions in charge of them, and may can conflict with other market and property interests. Finally, some of them are temporary or transitory.

The anti-speculative, the poor and the market. The commons approach renews the perspective on value generation and calls into question the distribution of land rent. Theories known as land socialization encourage reserving land rents to a collectivity and not to individuals (through taxes, limitations of capital gains, sharing of capital gains, cooperative ownership, prohibition of resale, etc.). Thus, in this field too, several tools limiting individual land speculation do exist. Such tools, theoretically stimulating and fitting in well with activism in favor of the right to housing, nevertheless contain the risk of deepening socio-spatial inequalities when they apply only to precarious neighborhoods. In fact, land and real estate ownership constitutes the almost unique means of saving and hoarding for precarious populations that are still often excluded from the banking system and almost always from access to credit. Not being able to activate these resources reduces the available livelihoods and the opportunities for residential mobility. Consequently, if they are poorly accepted socially, anti-
speculative provisions are bypassed or put on hold as soon as there is a new generation of inhabitants. Therefore, it seems essential to go beyond advocacy against land speculation, to question, on a case-by-case basis, the merits and effects of these provisions on socio-spatial inequalities, particularly where commons are thought of as a social policy, aimed only at the less well-off.

The commons as social policy? While all the cases studied are linked to public treatment of urban poverty, it is useful to look closely at the categories that fall under the social heading. Firstly, "social housing" policies in the Global South are most often related to individual private home ownership through mortgage credit. They are therefore aimed at households with regular and formal incomes. Secondly, urban renewal or improvement schemes for precarious neighborhoods seem to confine the collective and the anti-speculative provisions to the poorest neighborhoods and households. If land tenure security seems to be a prerequisite for stabilizing precarious livelihoods, how can one justify imposing collective and anti-speculative land tenure rules on specific communities? What are the risks of gentrification or eviction in the long term? On this point also, we call for a localized empirical examination of the long-term effects of these systems.

The circulation of ideas. Will inhabitants change urban production processes? Urban social movements and groups of inhabitants are increasingly making their voices heard in international debates: are we witnessing a trans-local circulation of ideas and inhabitant practices, moving from place to place and from inhabitants to inhabitants? If the mechanisms for the circulation of land-based commons experiments are in some respects relatively conventional (experts, prizes, UN networks, etc.), a globalized citizen mobilization is clearly taking shape. It is embodied by networks, federations of groups of inhabitants, specific events, and is supported by international NGOs. Nevertheless, as international external actors speak on behalf of the inhabitants, the risk of misinterpretation increases. This multifaceted citizen mobilization must be given full attention because it has the potential to influence international strategies in favor of better recognition of urban skills in precarious neighborhoods.

Conclusion. Contributions of the commons approach to the field of land and housing

First of all, this report argues for a stronger empirical grounding of commons studies. This empirical grounding, attempted in this report, has made it possible to highlight the effects of context, the sometimes very localized nature of the experiments and their very nuanced effects. Without this strong empirical anchoring, commons studies run the risk of remaining incantatory.

The commons approach makes it possible to take the inhabitants' land and urban practices seriously, as well as their capacity to take charge of the setting up and governance of housing projects. It also renews the debate on social and affordable housing policies by shifting the focus: rather than questioning the means of access of poor households to the mortgage banking system, it leads to examine ways of securing precarious land occupations as soon as they meet a housing need. From this perspective, the challenge is to gain acceptance for various modes of governance, ways of building, occupying and managing land, living and shaping the city - in other words, to take care of these practices as long as they meet a social utility. The commons approach thus offers an opening up of possibilities in terms of land tenure: the initiatives examined here challenge conventional legal land tenure frameworks and push back the boundaries of private property, through very local and sometimes transitory experiments.

Finally, this work does not provide turnkey solutions, but encourages us to keep a close eye on these empirical experiments and the innovations they aim to prefigure.

Towards a policy dialogue

We believe it is essential to initiate a discussion on a few issues of public action and development aid. First of all, we question why the right to adequate housing, which is one of the fundamental rights supported by international conventions, is regularly flouted and largely undermined by a number of public policies. In our opinion, the exclusion that public housing policies can generate should be the main focus of attention when designing urban development projects and programs. With regard to land tenure, while public action often focuses on long-term legal reforms, experiments with land tenure instruments adapted to each local situation could more quickly find their place. Finally, support for collective urban practices, however essential, should not diminish the effort of major public investments and should remain fully informed of key issues: local power relations, misinterpretation of inhabitants' perspective, the injunction for rapid community participation at the expense of the consolidation of groups of inhabitants. In short, it seems essential to guard against a fashionable use of the commons movement, and to draw on solid urban research that has been highlighting for more than fifty years the
role and innovative force of the inhabitants in the production and development of cities in the Global South.