

**Evictions and Human Rights:
An Ethnographic Study of Development and Land Disputes
in Bogotá, Colombia**

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Lincoln Institute Research Report

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LP99Z26

Even though many governments in Latin America, including Colombia, have improved the legalization and regularization of peripheral settlements, recognized the right to housing, and acknowledged the United Nations' position on evictions as violations of fundamental human rights, urban displacement continues. Forced eviction brings devastation to families and neighborhoods and hampers efforts to improve large areas of the city. By perpetuating a climate of fear and uncertainty, the threat of eviction makes people reluctant to invest their labor and resources in their homes and barrios.

Over the past twenty-five years in the hills of eastern Bogotá, growing competition for land combined with the competing claims of squatters, semi-legal settlements, title-holders and government agencies has led to frequent and sometimes violent land disputes. These disputes result either directly or indirectly from public and private development in the area. Particularly noteworthy are a 1970s development scheme that spurned widespread speculation, a 1980s highway project that opened the area to wealthy residential development, and several "sustainable development" proposals in the 1990s. This paper will document the history of displacement in this sector of Bogotá as a case study in order to evaluate current policy guidelines related to forced displacement.ⁱ

There is a wealth of ethnographic data on the effects of evictions, as documented below, and yet this data, typically in the form of Social Impact Assessment, rarely translates into lasting policy guidelines. This study evaluates current policies from a human rights perspective. I argue that human rights can make land policies not only more equitable but also more efficient in Latin America if our current knowledge about displaced communities can be translated into public policy.

Informal Housing and the Problem of Evictions

Sharply rising land prices are both a symptom of rapid growth and a significant obstacle to adequate housing for the urban poor in developing countries. The United Nations estimates that one billion people worldwide lack adequate shelter (cited in Audefroy 1994: 9). In Latin America, the problems associated with rapid growth, limited financial resources and unclear or contested titles are particularly acute. The result, according to Gilbert and Ward (1985: 75) is the prevalence of illegal housing development (land invasions, or, more commonly in Bogotá, illegal subdivisions) in Latin America: "Illegality continues to be a useful way in which the state permits the poor to occupy the residual land of the city."

The phenomena of illegal subdivisions, land invasions and do-it-yourself housing have been extensively studied.ⁱⁱ These "irregular" settlements can account for 50-

70 percent of the population in many cities. Mangin (1967) and Turner (1967) were early proponents of squatter settlements as a solution to the housing crisis in Latin America, and urged governments to support the self-help measures of the poor.ⁱⁱⁱ Throughout the 1970s and 1980s, many governments did make efforts to “regularize” these settlements, though disputes and evictions continued, especially in high-value areas. More recently, Geisse and Sabatini (1988) argued that through appropriate planning measures governments could convert the “survival mechanisms” of the urban poor into development mechanisms. These survival mechanisms included not only do-it-yourself housing, but other self-help measures and informal networks of mutual aid.

The shortage of serviceable land has limited efforts to support informal housing. As available “residual” land shrinks, peripheral areas have become more attractive for middle and high-value development. Evictions are therefore symptomatic of this land shortage and fierce speculation. As one United Nations report describes, “Forced evictions in urban areas often involve the transfer of high-value land from poorer groups to middle- or upper-income groups or the freeing of land to build houses, commercial developments, roads and other forms of infrastructure which primarily benefit wealthier groups” (UN 1996: 13). This is particularly evident in Bogotá, where infrastructure projects and the expansion of the city to the north have made the northeastern hills particularly desirable. The result is intense, and sometimes violent, competition for control of the area and its future development. A variety of causes contribute to the displacement of millions each year from urban areas, including slum upgrades, environmental improvements, urban growth, and infrastructure projects (see Cernea 1993b: 13).

The United Nations defines forced evictions as “the removal of individuals, families or communities from their homes, land or neighborhoods, against their will, directly or indirectly attributable to the State” (UN 1996: 4). Evictions are distinct from other forms of displacement because they are always involuntary, permanent and involve the use of coercion or force (Guggenheim and Cernea 1993: 3-4). Forced evictions also imply a conflict between physical possession and legal title (Khan 1994: 27). The causes of such evictions are varied, but typically displacement relates directly or indirectly to development. Development-induced displacement is particularly common with infrastructure projects, where families must move because their homes stand in the way of a new highway or dam project, or because of the speculation such development inevitably causes (Cernea 1994; Finsterbush 1980). These “development refugees” are often accused of standing in the way of progress when they protest (Oliver-Smith 1991). They are rarely offered compensation or allowed to participate in resettlement. In the case of speculation, residents typically have little warning prior to eviction and experience the trauma of displacement, described by Finsterbush as “despair, frustration, and grief” (1980: 72).

Local governments play a central role in evictions, along with landowners, developers, police and armed forces. Clearing desirable lands from the poor not only makes way for luxury development and infrastructure projects, but frees the wealthy from daily contact with the urban underclass (see Portes 1979).

Governments and developers often cite the beautification and improvement of the city as justification, or claim that social problems proliferate in slums. For example, Scott Leckie (1994) shows how those threatened with eviction are portrayed as beggars and thieves. Similarly, Joël Audefroy (1994) describes how the Sudanese government justified eviction by blaming squatters for crime and insecurity.

Governments increasingly cite environmental protection and “sustainable development” as justifications for eviction. In Mexico City, Rio de Janeiro, Bogotá and elsewhere, governments have declared certain areas as ecological reserves. Several authors have shown the contradictions of such policies, however, when these areas are closed to poor settlements but opened to luxury residential and commercial development (Kothari 1994, E. Fernandes 1997, Everett 1997, Audefroy 1994). Some proponents of sustainable development blame the poor for environmental degradation, particularly in reference to urban environments (for example, World Commission on Environment and Development 1987: 238).

Others have countered such assumptions by pointing to the low consumption rates of the urban poor, compared with those of the wealthy living in high-rise buildings for example (Seabook 1993: 88), and citing the tendency of the poor to recycle a wide variety of materials (Geisse and Sabatini 1988: 324-325). This is indeed the case in eastern Bogotá, where no piece of brick, metal, or wood goes unused or reused, where residents walk or use public transportation, and where communities organize cleanups of streams and other resources. Given the lack of evidence for the environmental risks posed by low-income settlements, efforts to relocate them to less-valued areas of the city certainly suggest political and economic motivations.

Two studies of the Ajusco Foothills in Mexico City (Pezzoli 1991; Díaz Barriga 1995) note the use of ecological arguments by government agencies to reduce, limit or eliminate low-income settlements from highly contested terrain. Díaz argues that the Mexican government has justified forced evictions by declaring “ecological conservation zones.” The struggle over development in the Barra de Tijuca area of Rio de Janeiro offers another example. Declared an area of environmental protection in 1969, the city nonetheless granted permits for luxury condominium development throughout the 1970s, and began attempts to evict poor communities in 1989 (Kothari 1994; Pereira 1997; E. Fernandes 1997). Pezzoli predicts that such conflicts and contradictions will increase as developers and speculators try to consolidate their “control over unbuilt land supplies at

urban fringes” (1991: 207). This is also the case in eastern Bogotá, where at least three competing plans have used the rhetoric of sustainable development in an effort to control territory and land use in the valuable area. Like the Ajusco Foothills, the eastern hills in Bogotá are highly prized because of their green space, clean air and panoramic views. While easily accessible to the downtown area, developers market new exclusive condominiums in the hills as a refuge from urban life.

The Social Impact of Evictions

A number of studies have shown the effects of population relocation related to development projects in rural areas, particularly those associated with hydroelectric dam projects. Much less has been reported on urban development and displacement. Despite this imbalance, most evictions occur in urban areas, and massive evictions typically occur in cities. Michael Cernea estimates that six million people are evicted per year due to urban development and transportation (1994: 46). The dearth of comprehensive studies on urban displacement is especially critical because the populations affected and challenges for public policy and planning are necessarily different in cities (Bartolomé 1993).

A few anthropological studies of slum eradication in Latin America have demonstrated the volatility of land disputes when peripheral areas become attractive for development or redevelopment (Perlman 1976; Vélez-Ibañez 1983). Other authors describe the devastating social impacts of involuntary displacement with or without resettlement (Murphy and Anana 1994; Kushner 1988; Cernea 1996b; Finsterbush 1980; UNESCO 1983; Dunkerley 1983; Bartolomé 1993; UN 1996). When families are forced to move, they lose not only their land and houses, but neighborhoods, communities and social networks. The psychological stress caused by months of uncertainty and the health effects alone can be devastating.

As Oliver-Smith describes, forced migration can be a “totalizing phenomena,” causing dramatic changes in environment, social organization, and worldview (1991: 133). The community loses a sense of control over their own destiny and becomes what Kushner aptly describes as “an administered community” (1988: 29). Children often lose months of school and their parents often travel long distances to get to work. Anthropologists have demonstrated the way in which relationships of mutual aid and social networks are dismantled as populations disperse (Guggenheim and Cernea 1993). Social scientists have long recognized these social networks as a critical survival tool for the urban poor who must constantly weather economic fluctuations and uncertainty. Even when families receive compensation for lost homes, these social relations are virtually irreplaceable.

Urban displacement carries a very high risk of impoverishment (Cernea 1993b). This is especially true for those who lack legal title to their land because they generally do not receive compensation. Displacement disrupts or destroys the survival mechanisms of the urban poor – networks of mutual assistance, do-it-yourself-housing. Even with compensation, a cash settlement cannot meet the needs of many relocatees in reestablishing their lives, and homelessness and joblessness frequently follow.

One of the most distressing consequences of urban displacement is the effect that insecurity of tenure has on *all* irregular settlements. Whether or not residents are ever evicted, the threat of eviction affects huge areas of developing cities and prevents the investment in housing and services that is necessary to solve the problem of slums in the first place. Even when the number of families forcefully removed from their homes is small, the effect of insecure tenure and the threat of possible eviction can be a significant problem for urban development. Security of tenure is a critical policy issue that must be addressed in order to prevent frequent, and often violent, land disputes from continuing. This is one of the reasons why the problem of evictions must be addressed within the framework of human rights; until security of tenure and adequate shelter are fully acknowledged and protected as human rights, the problem of urban displacement will continue.

The fact that the victims of evictions are forced from one illegal housing solution to another points to the failure of states to offer viable alternatives. Denis Murphy and Ted Anana, looking at this situation in the Philippines, place the responsibility for this situation on governments: “One reason we have slums is because people ask whether it is worthwhile building decent homes when they can be evicted at any time. Paradoxically, it is the government officials, who instill fear in the urban poor, who are responsible for the shabby state of the slums and squatter areas” (1994: 41). I will explore this paradox in eastern Bogotá where three decades of land disputes have elicited a wide range of responses from residents and government officials.

Eastern Bogotá: Thirty Years of Displacement

The spectacular ridge of mountains that borders Bogotá on the east has long been a symbol of the city and its standard postcard image. As the city spread north and west in this century, the large estates of the *sabana* (high plain) were broken up and sold to developers. The *patrones* of these great estates allowed the workers to stay in the hills because developers considered the area worthless due to its inaccessibility and the difficulty of bringing services to the higher elevations.^{iv} Most of the families living in the hills originally came from the highland region of Cundinamarca and Boyaca. Even today, many residents address each other as “*su merced*” and “*su persona*” and the older women wear layered skirts and black felt

hats. Over the years, others arrived from the highlands to live in eastern Bogotá, often the relatives of the original workers.

Though there are many differences between neighborhoods, principally in terms of their history and legal status, the barrios share the characteristics of do-it-yourself housing, inadequate services, and gradual improvement of both through the formation of neighborhood committees. Since the 1970s and 1980s when the city built a major road through the area, the *cerros orientales* (eastern hills) have been the focus of intense competition on the part of land speculators, urban planners, politicians, and the workers who had made the hills their home. Just below, or to the west, of the “informal settlements” of the eastern hills, lie some of the city’s wealthiest neighborhoods home to influential business leaders, senators, and ex-presidents. These wealthy residents fear their neighbors and view the neighborhoods in the hills as chaotic, an embarrassing sign of the country’s underdevelopment.

Residents living in these neighborhoods, which appear to cling to the hillsides of eastern Bogotá, view the area quite differently. They see their neighborhoods as the product of long years of struggle, community effort, organized resistance, and sacrifice. El Paraíso, for example, began as an illegal subdivision in the 1950s and residents spent long years building their houses and struggling to acquire basic services. Residents are fond of saying that their barrio should be called El Infierno (“hell,” rather than “paradise”) because of the sacrifices they have made to settle the area. When the city government failed to provide services, residents took the initiative themselves, installing an aqueduct to bring water from a nearby stream, or tapping into nearby power lines.

The pride that residents take in their neighborhoods is bittersweet, because of pressures to move out of the area, especially for those without legal title, and because the government and media consistently portray them as temporary, worthless, and even invisible. The technical, apparently neutral language of government planning has variously described the barrios as “clandestine,” “sub-normal,” or “spontaneous.” Residents resent such portrayals because they fail to acknowledge the long years of work improving the settlements. As a result of such denials of the legitimacy of the eastern barrios, residents live in a state of perpetual limbo and uncertainty. In such situations it becomes difficult for residents to move forward, plan for the future, and build more permanent (brick) housing.

Since the early 1970s, residents of the hills have faced a number of eviction attempts related to the expansion of the city and development projects. The first wave of eviction attempts began with the announcement of an ambitious highway project, the Avenida de los Cerros, which was to connect the downtown area with the suburbs in the north. The highway was part of a larger “integrated

development” scheme.^v The development project for eastern Bogotá, Plan Cerros, was the centerpiece of President Misael Pastrana’s 1972 plan for national development, *Para Cerrar la Brecha*, or *Closing the Gap*. The gap between rich and poor, rural and urban, could be narrowed, the plan argued, through statist development projects and urban-led economic growth.

Mayor Fernández de Soto presented Plan Cerros during a televised press conference (*El Espectador*, 22 May 1973). With an unprecedented cost of 86 million dollars, the project consisted of several social programs and the construction of the eight-lane highway. The Inter-American Development Bank and the Colombian government would each put up half the funds for the project. From the beginning, attention and controversy focused on the Avenida de los Cerros, which was the costliest of all the sub-programs. Many opposition leaders and ordinary citizens charged that the health clinics, schools and community centers were merely a way of disguising the unpopular project. The Avenida also sparked controversy because it required the relocation of 4,000 families living in the eastern hills, many of whom did not have legal title to the land.

Planners clearly hoped to control the growth of squatter settlements in the eastern periphery. In my 1993 interview with Fernández de Soto, he claimed that the growth rate of Bogotá in 1973 was 7.6 percent and termed the city’s growth as “explosive” and “dangerous.” He explained, “The growth of Bogotá was excessive. For that reason, in the periphery of Bogotá there began to be sub-normal urban settlements, invasions, poor regulation of land, auto-construction without any kind of planning.” Proponents of the plan promised that it would renew a depressed area, aid in the ecological preservation of the forested mountain areas of the east, curb migration to the peripheral areas of the city and halt unplanned settlements. According to Heberto Jiménez, the director of the firm Consultoría y Sistemas, which prepared the feasibility study for Plan Cerros, “It was an eminently social plan, in the first place. Second [it was] for urban integration and third [it had] an ecological element, because for the first time there was talk of ecology.” According to Jiménez, the Avenida would help the ecology of the area because it was conceived as a parkway with green spaces on either side, and because building restrictions on the eastern side of the highway (towards the mountains) would limit development in the area. The Avenida would serve as a kind of buffer zone, defining the limits of the city and providing a sense of boundary between the city that they could control and plan, and the encroaching hinterland.

Critics of the plan included opposition politicians, Marxist student groups, priests working in the barrios and influenced by Liberation Theology, and of course the residents of the eastern zone.^{vi} Opponents pointed to the negative environmental effects of a highway for private cars with public transportation in such short supply. They predicted that the highway would bring speculation and new

development to the area, not the protection of green space. Opposition leaders and ordinary citizens charged that the social programs had little to do with the highway project, while residents of the eastern barrios voiced their concern that they would never see the benefits of those social programs, since evictions, expropriations and speculation would force them from their homes. One outspoken critic, an urban planner named Alvaro Avila Bernal, argued that speculation would force the poor out of the central and northeastern areas of the city. He argued that the Avenida “involves creating environmental and economic conditions that obligate the poorer strata to find a new location in the periphery of the city and in the most remote regions of the *sabana*” (*El Espectador*, 14 June 1973). Similarly, Carlos Bula of the worker’s party MOIR stated during a city council meeting, “[T]he construction of the Avenida de los Cerros seeks the expulsion of the popular sectors from the [eastern] zone, in order to deliver the same to the speculation of urban landowners” (Concejo 1973, 39:1130:484)

President Pastrana accused detractors of fighting progress and spoiling his efforts to “break the ring of isolation” as he called the squatter settlements of the periphery (*El Tiempo*, 18 April 1973). Cardinal Aníbal Muñoz Duque, a close friend of Mayor Fernández de Soto, defended the plan and blasted its critics by saying that it “made his blood boil” that Bogotanos would oppose a project with so many social benefits (*El Tiempo*, 7 August 1973).

By late 1973, the Conservative Party had lost much of the fragile support it had for the plan. Moreover, the costs of the project increased dramatically with inflation. In an effort to save the highway project, officials planned a modified “Paseo Bolívar” with fewer lanes and using existing roads in some places (*El Espectador*, 16 August 1973). The plan truly stalled with the election of Liberal President López Michelsen in 1974. His own development plan, *Para Cerrar la Brecha* (Closing the Gap), focused on rural rather than urban development and called for the postponement of public works with “elitist expenses” (*gastos elitistas*).

The residents of Bosque Calderón, along with residents of neighboring barrios, organized a defense against the Avenida de los Cerros in the early 1970s. While student activists associated the Avenida with the evils of foreign capital, the residents saw the Avenida as a threat to their tenure in the area, and sought to defend themselves from eviction. Forming defense committees, residents sent letters to the local papers, organized meetings, marches and rallies, and coordinated defenses against eviction attempts.

Women had a particularly strong participation in the movement and associated their resistance to Plan Cerros with their role as defenders of the family. Three women who were particularly active in the movement became known as “the three Marías.” By associating them with the Virgin Mary, people in the barrios

seemed to justify the tenacity and public role of the “Marías.” One of the “Marías,” Edelmira Fajardo, recounted to me how she was arrested for distributing flyers denouncing the highway.

The only bad thing that it said was...’The Avenida de los Cerros is only for the rich.’ We don’t have cars to go out on the Avenida de los Cerros. We poor don’t have cars or anything to go on the Avenida. That is for the rich.’ That was the worst thing it said, and for that they took us in. The police said, ‘You are protesting against the country’s progress.’ And I told the policeman that, I said, ‘The progress of the country? That isn’t progress! Because they want to throw all of us people out, and where are they going to put us all? So what progress is it? For the rich?! They have progressed on the backs of the poor.’

Participants in the movement remember in particular the symbolic “burial” of the Avenida. The Institute for Urban Development (IDU), the city government agency charged with implementing Plan Cerros, had sent letters of expropriation to hundreds of families in 1973. The letters also stated that families must show that they have title to their land in order to receive compensation. This sparked an angry response from residents for two reasons. First, most residents did not have title to their land, and feared eviction without compensation; Second, as the specific route of the highway had not yet been defined, residents suspected that they were being tricked into giving up their land prematurely. At a meeting in a community center of one of the affected neighborhoods, representatives of each barrio deposited the IDU letters in a miniature coffin marked with the words “Plan Cerros” (*El Espectador*, 7 July 1973).

With the announcement of Plan Cerros in the early 1970s, the first wave of eviction attempts began. Developers scrambled to buy land parcels in the area, and titleholders who had long neglected their lands attempted to recover them. In the center of the city, owners of tenement buildings tried to evict renters in an effort to cash in on the area’s increasing value.

Oscar Dueñas, a lawyer who defended families from eviction in the early 1970s, remembered one eviction attempt in Bosque Calderón where several hundred police arrived:

There was nothing we could do [to prevent the eviction]...so we relied on the people. People lined up along the ridge of the hill, and below were the police, the families that were going to be evicted, and myself. On the ridge were all of the people who were fighting against the Avenida de los Cerros, which was like 10,000 people...The police got scared and the *diligencia* never happened.

Mario Calderón, a Jesuit student in the early 1970s who participated in the movement, recalled one particularly creative defense against eviction in the same barrio. “In Bosque Calderón there was a childbirth, real or fake I never did figure out which. I remember that the priest called over the loudspeaker, ‘The women from the health committee are called to attend a childbirth immediately.’ A brigade of women arrived with cotton and alcohol to assist in the birth.”

The defense committees also organized the defense against several evictions attempts in the colonial neighborhoods of the central-eastern section of the city. In the neighborhoods, tenants were being evicted from large courtyard-centered houses, or *casonas*, which had been turned into tenements years earlier. Though not directly in the path of the Avenida, the *casonas* became a symbol of resistance for all the poor barrios of eastern Bogotá. Opponents of the evictions argued that speculation caused by the proposed highway had led to the wave of eviction attempts.^{vii}

Residents and participants in the committees remembered the eviction in La Concordia well because of the death of a young boy. Protesters accused the police of beating the child and causing his death. The families evicted from La Concordia later received government housing in Altamira, in the southeast of the city. One of the priests who was active in the movement described the accommodations as substandard: “They were simply one room about two by four meters, with a drain in the floor. And they had to move there and add on what they could on those little lots.” The housing was far from the city center and the jobs and schools of residents.

Families in the way of the Avenida feared that they would have to move to similar settlements. Because the government had not included the families in the planning phase of the project, nor communicated adequately with them during the early stages of implementation and expropriation, residents were left to fear for the worst: they would lose their homes, possessions, and neighborhoods, and their only compensation, if any, would be a tiny one room house well removed from their previous lives. Edelmira Fajardo, for example, was emphatic about the purpose of the movement:

It wasn't so they would throw out the Avenida, but rather our protest was that they were going to move all those people who were in the way of the Avenida and move them out of the whole eastern zone. So we didn't know where they were going to put them, and that was our fight, that they not throw people out so cruelly.

Long neglected by the government, many residents even viewed the highway as progress for the area. Nonetheless, they demanded that they be relocated in the same area. They accepted Plan Cerros, so long as they remained in the area to enjoy its accomplishments.

Residents of Sucre, another barrio in eastern Chapinero, were taken to see the site of government housing intended for families displaced by the Avenida. Residents flatly rejected this solution, one-room houses in the Guacamayas development in the south. As María Helena de Saavedra (another one of the “Marías”) explained, “Do you know where they wanted to take us? To Guacamayas...And they brought us there and [said] it was beautiful and what not. Well, they gave us the whole song and dance (*nos pintaron los mil pajaritos*). But no sir, none of us gave in.” Government bureaucrats, who from a distance had considered all poor neighborhoods to be the same, had failed to anticipate the attitude of residents toward the homes and barrios that they had built themselves. A resident of El Paraíso told a reporter in 1973,

We are not opposed to the progress of Bogotá. We agree with the Avenida and if it comes down to selling, we will do it with pleasure. But we will sell if and when they pay us the real value of our homes and if they relocate us in houses that are well built, with good materials and completely finished. Our homes have been built with good bricks, with good cement, with good sand. They are large and comfortable, resistant to any weather and have all the services (*El Vespertino*, 4 July 1973).

The Avenida Goes Through

In 1984 and 1985 the Institute for Urban Development built the Avenida Circunvalar, connecting the historic center and downtown areas of Bogotá with the northern suburbs. Finally, after decades of failed attempts, the city had its eastern highway, allowing private car owners to avoid the nightmarish commute along the Séptima.

As with the ill-fated Avenida de los Cerros project, IDU promised that the Circunvalar would contribute to ecological preservation, not over-development. As one IDU report claimed, “The Avenida was built with the preservation of the ecology of the eastern zone of Bogotá in mind. The road serves now, and will serve in the future, to control the urbanization of the city” (IDU 1985: 21). However, the city council did not try to block development in the mountains east of the Circunvalar. In fact, the construction of the Circunvalar made such development possible. In a 1993 interview, Elizabeth Rodado, director of the city government’s environmental office, or DAMA (Departamento Administrativo del

Medio Ambiente), acknowledged the effect that the Circunvalar had on the area's development:

I think that the construction of roads in green areas, roads of that size, obviously causes urbanization along those roads. And causing urbanization obviously leads to a deterioration of the environment. So all of the land around the Circunvalar is going to be developed, because people tend to settle along roads.

Unlike the response to the Avenida de los Cerros, there was no major social movement against the construction of the Circunvalar, which the city government built with little public debate or press coverage. Local leaders did revive the defense committees in order to push the government to compensate families who were forced to move because of the Avenida's construction, even if they had no legal title. The Circunvalar caused much fewer evictions than planned with the original highway design, and most families were relocated within their own barrio.

Despite the scaled-down size and cost the IDB financing from the original project had disappeared and the city government built the Circunvalar by assessing a special tax on those properties closest to the highway. According to Fernández de Soto, "The [IDB] said, 'No sirs, there is only one way to do it – *valorización* – because the bank can't put up any more'." The tax is usually a progressive one, assessed on the properties whose value will increase as a result of public work. The problem with funding the Circunvalar with such a tax, however, was that the government built the road to allow private cars to travel relatively quickly from one side of the city to the other, not to provide access to the eastern barrios. With few connecting roads into the barrios, the neighborhoods saw little benefit from the Circunvalar. Yet the city government charged them the highest tax rate because of their close proximity to the road. Conversely, those who benefited the most from the road, residents of the suburbs well to the north, often lived too far from the road to pay any tax on it at all.

Residents of Paraíso, most of who have legal title to their land, were among the first to be charged a tax for the Circunvalar. As Rosa Almancer of El Paraíso explained, "The mayor, when he inaugurated [the Circunvalar], said that it benefited us here in the barrio, that it wasn't just for the bourgeoisie...but really very few of us have cars here." Teresa Díaz, whose house stands just above the highway, commented, "They had the Avenida for the rich, who pass by with their flashy cars...but we poor people who had to pay the *valorización* almost never use that road."

While the highway was anything but a deterrent to luxury development in the area, it did provide another block to the consolidation and "regularization" of the

neighborhoods that lacked legal titles. While residents wanted to legalize and improve their barrios, they were unable to pay the tax on the highway construction. So the Circunvalar's construction perpetuated the vicious cycle which is typical of many settlements in Latin America. With legalization, residents can get basic services, improve their homes, and invest in their neighborhoods with community work projects. But legalization would require that they pay taxes on a highway that they did not use and which nearly evicted them twice already. This has created a situation in which residents are forced to sell their land as soon as they achieve legal status in order to pay the taxes on it. This has in fact occurred in several neighborhoods and it appears that such an exodus will continue.

Despite claims that the Circunvalar would control development in the eastern hills, the expressway has in fact opened the once inaccessible area to extremely lucrative land development, bringing a construction boom to Chapinero. New apartment buildings have sprung up along the mountainsides of the northeast, providing spectacular views of the city below and a short commute to downtown Bogotá. In a city with often-overwhelming noise and air pollution and an overburdened transportation system, Chapinero Alto has quickly become one of the most attractive residential areas. As the lower part of Chapinero grew into a crowded commercial sector, the district fell out of fashion with elites, who moved further to the north. However, in recent years eastern Chapinero has become one of the fastest growing areas of the city. According to one newspaper article, "The modern residential part [of Chapinero] is located near Bogotá's mountains... Modern apartment buildings, built on the lots of old mansions [casonas], have changed the area's image to that of a peaceful and central place to live" (*Espectador*, 28 March 1992).

The Avenida Circunvalar also had the effect of making the poorer eastern barrios, which had faded from public attention after the Avenida de los Cerros failed, visible to the city and especially to the elite living in the north. For government and business leaders who travel along the Circunvalar daily, the expressway has exposed what they see as poverty, ugliness and illegality. Following the construction of the Avenida, a number of articles appeared in the local press focusing on the poverty of the eastern barrios, and the visible contrast they present with their wealthy neighbors. One article characterized the eastern hills as "a panorama of absolute poverty," while others focused on the constant flooding and erosion that informal settlement has caused (*El Espectador*, 28 March 1992; *El Siglo*, 4 September 1988). *El Siglo* claimed that 80 percent of the eastern barrios were situated on unstable terrain. This points to one of the common justifications for the eviction of poor families from the area – environmental damage and erosion.

One of the most detrimental effects that the Circunvalar has had on the barrios that lie to the east of the highway is that it cuts the settlements off from the rest of the city. For the residents, the design of the road itself seems a clear demonstration of the government's disregard for their interests. This is because the Circunvalar has very few access roads into the poor barrios, no stoplights, and only a few pedestrian bridges. This not only makes the road extremely dangerous to cross, but has also isolated rather than integrated the poor settlements in the hills. As Santiago Camargo, an architect and activist, explained, "That has created a kind of ghetto [by] geographically isolating the area."

The biggest impact of the new road for the squatters was in the threat it posed to their possession of the land. From the time the Avenida de los Cerros was proposed to the time that the Circunvalar was built, the possibility of a major road through the hills blocked the development and improvement of the poor barrios. The threat of the Avenida, which always seemed imminent, created a climate of uncertainty, particularly for residents that had years of possession but no title to the land. Because of the constant threat of eviction, such residents were often unwilling to invest in improving their homes or to participate in community projects to improve their barrios, such as building a community center or installing regular water and electrical services. The government was similarly unwilling to provide public funding for such projects, as they refused to accept the barrios as permanent settlements. Legalization, or "normalization" as it is sometimes called, is the process by which informal or semi-legal settlements are improved with community labor and public funds in order to meet minimum building and urbanization codes. It is also the process by which squatter settlements seek to remove the stigma of being "sub-normal."

After the Avenida: Displacement Continues

Though the Circunvalar's construction finally freed the residents from the threat of expropriation, it has caused land prices in the area to skyrocket, creating new uncertainties for residents by contributing to a wave of eviction attempts in the late 1980s and early 1990s. The rise in land values and the area's new accessibility, at least for those with cars, has caused speculation and has led title-holders to attempt to reclaim their land.

Aside from the external pressure from developers and title-holders, internal pressure on the land grew following the construction of the highway. With migration and natural population growth, many barrios were becoming overcrowded and younger generations were looking to set up their own households. In the barrios of San Martín and Los Olivos, residents organized invasions in order to expand onto new lands. In San Martín, the invasions were well organized, accompanied by community watch to prevent evictions and housing programs. An invasion in 1987 resulted in 130 new homes for barrio

residents. In Los Olivos, attempts to expand onto new lands led to evictions and violence. One young man was killed when residents accused his father of selling out to police and the title-holder thereby causing their eviction.

Aside from such “internal” pressures, both legitimate and bogus title-holders came to try to claim the squatters’ lands. Gabriel Silva, of Bosque Calderón, describes an occasion when the lawyer of Senator Rafael Forero Fetcua, the infamous “senador pirata” known for his unscrupulous land development practices, came to try to fence off some land in Bosque Calderón and claim ownership of it. When Silva saw the fence going up near his house, he went to call his relatives:

[My wife] came and she and her brother went and said, ‘You can’t put a fence here...Let’s see the title.’ They were putting in the posts and one of my daughters said, ‘Señor, you can’t put a post here, because this belongs to my father and mother. You can be sure that this is ours.’ They said that they had titles. Some people from [the barrio] Luis Alberto Vega came and helped us knock down the posts.

Another land dispute in Bosque Calderón resulted in years of legal battles, standoffs with police, and violence. In 1972, Jaime Benítez Tobón acquired a parcel of the Calderón family land in auction. Though former workers from the estate were living on the land, Benítez Tobón made no attempt to reclaim the land until the early 1980s, when the Circunvalar was built just west of the parcel. Benítez Tobón visited the barrio and later sent the residents a letter stating that he would help them find housing elsewhere. Wary of the offer and reluctant to give up their land, residents never agreed to move. In 1987, Benítez Tobón, then the director of the family welfare agency, Bienestar Familiar, began eviction proceedings on the families. One of the elderly residents, Ana María Montaña, had worked as a domestic servant for Virgilio Barco in the 1960s. Barco was now President of Colombia, and according to Montaña she was able to deliver a letter to Barco asking for his help in preventing the eviction. Montaña claims that Barco prevented the eviction by threatening to fire Benítez Tobón if he went through with the eviction. In 1989, Benítez Tobón transferred title to his associate, Alfonso Beltrán Ballesteros, and Beltrán Ballesteros continued with eviction efforts.

A number of violent exchanges between police and squatters occurred in 1990. Legally, police inspectors must inform squatters of the day and time of an eviction well in advance of the date, but this is commonly not the case as title-holders bribe police inspectors to suppress such information. In May 1990, police arrived unexpectedly in the barrio. With most of the men gone at work and no organized defense, the women argued with Beltrán Ballesteros and the police. According to

Marlene Zorro, her mother rejected suggestions of a settlement from Beltrán: “My mother said, ‘We aren’t accepting anything from you. We are the owners and you’ll take us out of here dead!’” Police arrested Ana María Montaña and another woman and held them at the station for several hours. The judge did agree to postpone the eviction for one month because the residents did not have a lawyer.

In June the police arrived in greater numbers, including “600 special police agents, cavalry, sharpshooters, bulldozers, ambulances, as well as civil personnel from the armed forces and employees from the power company” (*Solidaridad*, August 1990). This unprecedented number of police and military frightened the residents and caught them off guard. At the time of the eviction, only a few priests were in the barrio with the residents. Father Alberto Parra was there that day and described the situation.

[The police] rounded everyone up and surrounded them in one spot, and the intention was, while they had everyone surrounded, to tear down the ranchos... There was a physical confrontation with the police. The police gave it to Hernando Herrero... They gave him some tremendous blows to the ribs. They also hit the doctor in the area. The army sergeant threatened me personally with death, that if I insisted that the *ranchos* stayed where they were, they would kill me. It was that kind of confrontation... ‘Ready, aim, fire.’ It was a dramatic moment, very frightening. We were finally allowed to go and use the payphone and call the public defender, the Mayor’s office, and the media, and people converged on the barrio. So our resistance and the social pressure prevented the eviction.

Hernando Herrera, a theology student at the Universidad Javeriana, lived in Bosque Calderón and became an impassioned activist for the squatters. He was well known to the residents of the area, who called him ‘Father Hernando’ though he had not yet been ordained. When police beat him, the residents reacted, sparking a violent confrontation with the police. As residents threw rocks and berated the police for their brutality, the police closed in and surrounded the residents. As Ana María Montaña described, “They surrounded me with sixty police because I was going to hit Alfonso Beltrán’s brother with a rock. I managed to send the rock anyway and catch him on the head.”

As the situation escalated, the residents agreed to cede part of their land in exchange for title to the remainder. Families living on the disputed land would move to another part of the neighborhood. In exchange for the titles, Beltrán would get possession of the most valuable parcel of land, that closest to the Avenida Circunvalar. The Jesuits later explained,

Those of us who were present at the eviction made the judgement that a political agreement was better than the use of violence. It was preferable for the community to cede a part of its legitimate rights of possession in exchange for legal titles than to possess all of the land without title and to submit to the constant anxiety of forced eviction. (*Solidaridad*, August 1990)

One final violent exchange occurred when the specific division of land was disputed and renegotiated. It appeared that the agreement might fall through altogether, and the municipal judge scheduled another eviction for August 31. Residents organized a defense and hundreds came to the neighborhood to help prevent the eviction. Hundreds of police also arrived to help carry out the eviction, but with media attention, a renewed effort at negotiation succeeded.

Residents finally received title to their plots in 1993, and almost immediately a dramatic change occurred in the neighborhood. Brick houses began to replace *ranchos*, and priests working in the area helped to create a low-cost housing program to build new houses in the neighborhood. Securing title also helped residents in their efforts to acquire and improve basic services, including sewer lines, telephones, and paved roads. By 1996 they were building a new church for the barrio. Even with legal titles, the process of acquiring services was agonizingly slow. In 1997 Father Parra told me that while the city government legalized 132 barrios in the previous year, they had not legalized Bosque Calderón. Parra criticized the government's actions, arguing that much more recently formed barrios on the periphery had been legalized, while officials denied the demands of residents of Bosque Calderón, who had lived on the land for fifty years. He also pointed to the great value of the land in eastern Bogotá and pressure from developers as causes for the delay.

An eviction attempt in the neighboring Luis Alberto Vega barrio had more tragic consequences. Squatters, mostly recent migrants from the countryside, created the barrio in the 1980s with the help of the Communist Party housing organization, *Provivienda*. Each family paid *Provivienda* a fee. *Provivienda* gave the families some training workshops on how to defend their land, and the promise of legal aid should problems arise. The organization assigned families specific plots of land, though they never gave them titles. The title-holder, María Elena Telléz, began efforts to evict the squatters in 1986. After several failed efforts, Telléz, frustrated with the lack of police support for her claim, secured a massive police and military presence on May 25, 1992.

In 1993 Telléz explained to me that a relative of hers who was a military general helped provide her with extra police support for the eviction date. Telléz had also secured, or so she thought the cooperation of the police inspector who would carry out the eviction order: "You had to give them money so that they would do

what they could and all that...and I was so desperate! They took the cash, that's for sure. And then they didn't carry out the eviction!" According to Telléz, military force was the only thing that helped her. "In the end," she said, "The only thing that worked was the luck of having a relative who was a general who said, 'Don't worry, I know how they are. I'll send you all the police that you want.'"

Early in the morning on the day set for eviction, tanks lined the Circunvalar below the barrio. Inside the barrio hundreds of heavily armed police stood watch, monitoring the residents' calls from the neighborhood's one phone. Special 'anti-guerrilla' forces with bomb-detecting dogs combed the area. Mounted police rode through the hills above the barrio. Helicopters flew overhead. In all, approximately 2,000 police troops had arrived for the eviction of 30 families.

For every migrant who settles on a vacant lot, their attempts to settle and build a home are always filled with uncertainty and anxiety, but for the residents of Vega, the events of May 1992 created an almost unbearable existence of fear. "We are living a nightmare," one woman told me, months after they had been forced from their homes. Nancy Sanchez explained that the anguish and confusion of the eviction was debilitating:

We don't just feel the anxiety on the day of the eviction, or a few days before. The anxiety is endless. People can't sleep at all. And finally we were left exhausted, and slept all the time. We would get together and talk all the time about our fears. Every so often someone would knock on my door and say, 'Listen, doña Nancy, what is going to happen to us? Do you really think they'll tear down our houses?' But what people felt first was confusion...because they didn't know what was going to happen.

Hernando Herrera, the same Jesuit student who had helped defend the families in Bosque Calderón made a desperate attempt to block the eviction by taking the police inspector hostage in her office in Chapinero. Though unarmed, Herrera apparently convinced the inspector that he had a gun, and he began calling radio stations demanding that the mayor call off the eviction. After a standoff that lasted several hours, three members of the anti-kidnapping police team scaled the ledge outside the inspector's window. Bursting through the window, officers shot Herrera in the neck. Television cameras covered the scene as Herrera was rushed from the building and into a waiting ambulance. Though he lost much of the use of one arm, Herrera survived the shooting and eventually left the country for Switzerland before he could be arrested. Three other men, accused of participating in the kidnapping, were arrested and jailed for four months.

Because of the considerable media coverage, Mayor Jaime Castro ordered his staff to negotiate a settlement between the squatters and the title-holder. Telléz refused to consider the kind of land-for-title swap that had resolved the dispute in Bosque Calderón. The mayor's office eventually promised the families space in public housing projects in exchange for leaving Luis Alberto Vega peacefully. The families moved to an abandoned school in the south of the city to await construction of their new homes.

The conditions at the school were difficult. Three families shared each classroom, with only plastic dividers for walls. Children missed months of school, and parents had to struggle to get them placed in new schools. Men now lived far away from their construction jobs in Chapinero, and the women had to travel longer distances to work as domestics or as street vendors. The cramped quarters caused personal conflicts to escalate. By 1993, many women had stopped speaking to each other and many men had left. Rumors of domestic violence increased, and most of the families who were not staying at the school had lost touch with each other. The social networks that had formed in Vega evaporated quickly with the stress of homelessness. A year after being evicted after visiting members of congress, city council members, and countless functionaries, the families still did not have housing. In fact the government's plans changed several times, and eventually the families scattered throughout the city in both legal and illegal housing. The mayor's promise of a housing solution never materialized.

Sustainable Development and Displacement

Another aspect of development planning that is having a major impact on the struggle over land in eastern Bogotá is the politics of sustainable development. The urban poor are often blamed for the destruction of environmentally sensitive areas. Sustainable development and the preservation of the environment have become justifications for evictions. Such environmental concerns have not been used to block new luxury housing in the area. Like the Ajusco Foothills in Mexico, the eastern hills of Bogotá are highly prized because of their green space, clean air and panoramic views. While easily accessible to the downtown area, developers market new exclusive condominiums as a refuge from urban life. This new development is so lucrative that developers have been buying out entire barrios and purchasing land from poor families, even when they do not have title.

In a previous article I reported on several plans for the hills which use the language of sustainable development (Everett 1997). The newly created local planning board for the district of Chapinero, or the JAL (Junta Administradora Local), drafted an ambitious project to limit growth in the hills using the rhetoric of sustainable development in the early 1990s. The 1991 Colombian Constitution mandated decentralization and local participation in planning decisions through

the creation of these local boards. The Plan for the Physical Regulation of the Eastern Zone (Plan de Ordenamiento Fisico Para la Zona Oriental) intended to reduce the size of low-income or “sub-normal” settlements in the hills and regulate future development through zoning, favoring low-density and protected forest reserves in areas of “unstable terrain.”

The cover of the Phase Two report of the JAL plan carried a picture of tree saplings wrapped in US dollar bills, an apparent recognition both of the power of environmental claims and the value of the hills as real estate. The planners suggested that with the “consolidation” of the existing poor barrios, new lands can be opened to development. According to the Phase One study, over half of the land (55 percent) was heavily forested and too steep for development, making it a kind of de facto forest reserve. The remainder of the land, the plan reasoned, was open to development and organization. As one of the JAL board members (*ediles*), Jaime Concha, told me in a 1993 interview, “I think it is an extremely valuable area. Only 30 percent of it is invasion, let’s say, or low-income barrios. So therefore, the remaining 70 percent can be organized, and you can do something logical with it.”

The goal of the JAL plan, stated in the Phase I report, was “the incorporation of an area of excellent location and enormous potential into the development of the district [of Chapinero]” (JAL 1993: no page numbers). The report went on to tie the desire to realize the potential for future urbanization in the area to the preservation of natural resources in the area, especially the preservation of important water sources and forested areas. The report does not address the contradiction between these two goals.

The project report recommended a mixture of conservation of some areas with a “selective development” of other lands. The Phase II report called this option “sustained development.” While it is politically impossible to remove squatters or low-income settlements from the area by force, the report reasoned, market forces themselves would lead to a consolidation (that is reduction) of poor neighborhoods in the area. The low population density that proponents said wealthy housing and careful zoning would achieve was the key to their claims of the project’s environmental sustainability.

While the new planning boards were created in part to increase citizen participation in urban planning, residents of the eastern barrios were intentionally left out of the first several phases of the plan. According to Jaime Rodriguez Azuero, who drafted the JAL plan, including the participation of “the community” too soon could affect the methodology of the study, and might bring undo political pressure to bear on the technical phases of the study. This provided a clear example of what Geisse and Sabatini (1988: 328) call “professional autonomy” when experts disregard or avoid citizen participation because they do

not believe the urban poor can find solutions to their own problems. This effort to depoliticize the issue of participation did not succeed in winning over the residents of the eastern hills. In a meeting between Rodriguez Azuero and leaders from the barrios which would be affected by the plan, one leader from Los Olivos said, “I feel that once again they have pulled a fast one on us [*nos volvieron a hacer un golazo*], and that we didn’t even have anything to say about it. It is not clear what you all were going to do to the barrios...I think that this plan was very secretive.”

In 1994, residents of the eastern barrios were able to elect their own candidate to a seat on the Chapinero planning board. With limited resources and mounting political opposition, the board’s plan to “consolidate” the poor neighborhoods did not materialize. Still, efforts to reduce or eliminate the settlements of the hills in favor of new, wealthier, development continue. With representation from the barrios, the JAL drafted a new plan in 1995 with more emphasis on health, cultural events and education. The JAL also spent local development funds to provide access roads to the barrios and speed the process of legalizing the neighborhoods. Fernando Rojas, the *edil* who represents the barrios on the JAL, secured an agreement from the board that any families displaced by erosion or environmental protection would be relocated within the same area.

With the threat of eviction largely passed, market forces constitute the main force of displacement in the eastern barrios. Once the barrios achieve legal status, the pressure to pay taxes forces many to sell, often at prices well below market value. Land developers have bought entire barrios. In 1996, the residents who remained in Luis Alberto Vega after the eviction of 30 families in 1993 sold their neighborhood to a group of investors. When priests tried to intervene in the sale because they felt that the residents were being taken advantage of, they received death threats. The difference between such financial pressure, though sometimes accompanied by intimidation and threats, and previous displacements, as Fernando Rojas told me, is that “People aren’t leaving because of police, bulldozers, and violent evictions. Today [the developers] have to give them money so that they can buy a house in another part of the city.”

The Human Rights Framework

As I have tried to document above, residents in eastern Bogotá over the past three decades have suffered imprisonment and intimidation, violence and insecurity, the loss of social networks, homes and livelihoods. In many cases, government authorities have participated in eviction proceedings without fully informing residents of their rights or protecting their right to due process. In cases of development-induced displacement, from the 1970s to the 1990s, residents were not involved in planning in meaningful ways. In the remainder of this paper I will look at the current international human rights conventions that apply to these

situations and finally suggest some points for further discussion on how a human rights framework might improve land policies.

Many multinational organizations, such as the World Bank and the United Nations, and dozens of Non-Governmental Organizations around the world, have recognized the problem of forced evictions as a violation of human rights. As one UN publication states,

[T]hose forced permanently to vacate their homes as a result of large-scale development or construction projects, slum-clearance operations, urban renewal, compulsory purchase orders, expropriation measures and the government tool of ‘eminent domain,’ environmental protection measures, land or housing speculation, and on a range of additional grounds can be classified as a distinct group of persons requiring protection under international human rights law.(1996: 6)

Several of the causes of eviction and displacement cited by the UN apply to the situation in eastern Bogotá. The UN document further notes that forced evictions promote the violation of several rights. Obviously, evictions compromise the right to housing, but other rights recognized by international conventions have also been violated. The right to freedom of movement is commonly violated. When community leaders and protestors are killed or subjected to violence, the right to life and security of the person are denied, as are the rights of freedom of expression and association. When children are taken from school, the right to education is affected. When police or military enter homes by force, families lose their rights of privacy. The right to work is one of the most common violations associated with evictions. And the psychological and physical toll wrought by eviction compromises the right to health.

Forced evictions occur in locations where housing is inadequate. The right to adequate housing has been made increasingly explicit in international law. Article 25 of the United Nations Declaration on Human Rights established the right to housing as a fundamental human right for the first time in 1948. The Declaration on Social Progress and Development, the Declaration of the Rights of the Child, the Vancouver Declaration on Human Settlements and other conventions all affirm the right to housing. More than fifty constitutions recognize housing as a human right, including the Colombian Constitution of 1991. As Joël Audefroy laments, however, “the right to housing is one of the least respected human rights” (1994: 9). The right to housing must be central to any policy framework on evictions, because the lack of adequate housing is both cause and consequence of forced evictions.

The United Nations' position on evictions is clear: When governments fail to ensure the availability of adequate housing, they must not claim that the removal of illegal settlements is consistent with international law. While the same report acknowledges that it may be hard for poorer states to fulfill the human right to adequate housing, it says, "Every Government, notwithstanding its position on the global development scale, can act immediately to halt forced evictions and ensure this aspect of the housing rights of their citizens" (1996: 15). Kenneth Fernandes points to the limitations of legal definitions of human settlements in developing countries. While acknowledging that the squatter settlements of Karachi, Pakistan, are illegal in a formal sense, he argues, "these settlements must be considered legitimate in one sense since the state has failed in its responsibility to ensure that its citizens can find adequate, legal shelter. The failure of the administration leaves the urban poor with no choice but to come up with its own solution" (1994: 50).

Just as housing rights have been ratified through a number of international conventions, there is now a strong body of international law condemning forced evictions. The first UN resolution condemning forced evictions came in 1991 from the UN Subcommission on the Prevention of Discrimination and Protection of Minorities. In 1993 a stronger resolution was adopted by the United Nations Commission on Human Rights, which called forced evictions "gross violations of human rights, in particular the right to adequate housing" (cited in Audefroy 1994: 9). Significantly, the UN provided a very broad definition of "forced evictions" in 1995: "the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions" (UN Resolution 1995/29, cited in Stavropoulou 1998: 535).

The United Nations, and many other observers, clearly places the responsibility for preventing evictions on states. The state is either complicit in evictions, by lending police and court powers to accomplish evictions, or guilty of "malign neglect" by failing to protect residents from bulldozers and intimidation (Stavropoulou 1998: 518). The UN strongly condemns governments which carry out evictions in order to "clean up" slums: "Justifying forced evictions in this manner is tantamount to making the victims scapegoats in social and legal structures which deny them the right to a decent, safe and healthy place to live, as well as a broad range of other human rights" (1996: 12). Governments sometimes justify development-induced evictions on the basis that the benefits of the development project for the larger population outweigh the costs for the victims of displacement. Cernea describes this situation as "some people share the gains, while others share the pains." He condemns such arguments, stating, "This kind of spurious rationality conflicts with social justice and plagues rather than serves development philosophy and planning practice, because it distracts planners from seeking alternative approaches and solutions" (Cernea 1996b: 24).

The United Nations has also created a set of guidelines for evictions. The guidelines mandate that relocations should be avoided when possible and minimized when necessary, that they should involve the full participation of all parties affected, and that the affected parties should be fully and adequately compensated (see OECD 1991). These guidelines apply to development-induced displacements and govern the actions of aid agencies. The World Bank has its own policies governing such displacements (see Anderson 1988). The Bank requires that the victims of displacement share in the benefits of the development project, and that any relocation project must also be a development project. The focus of the Bank's policy is income restoration, acknowledging that more is lost with displacement than housing. Yet as Cernea explains, the social losses of displacement can be much more difficult to compensate: "In sociological terms, [displacement] is a process of unraveling the existing patterns of social organization and functioning of ongoing production systems and settlement units. Forced population displacement always creates a social crisis, and sometimes a political one as well" (Cernea 1996a: 1516).

Since virtually all evictions are planned, and since there are a set of internationally recognized guidelines in place, such displacements should be governed by the kind of *social* policies and human rights framework that many observers call for (Audefroy 1994, Guggenheim and Cernea 1993, Stavropoulou 1998). The problem, of course, is one of enforcement. While housing rights have been made increasingly explicit in international law, few governments act on such declarations. Even where governments have ratified UN conventions on housing rights, evictions often occur. As the United Nations report acknowledges, "Although legislation in many countries prohibits 'illegal' or 'arbitrary' evictions, such laws are routinely violated, ignored in practice or not enforced" (1996: 14). One study of 40 evictions worldwide found that most of the countries where the evictions occurred had ratified international laws on the right to housing (Audefroy 1994). Current international conventions rely on governments to monitor and report evictions themselves, certainly a less than perfect arrangement since many argue that governments must be held accountable for forced evictions.

Can Human Rights Make Housing and Land Policies More Effective?

The question remains, how can poor states with limited resources and enormous pressure on land best protect the right to housing for their citizens? The evidence from Bogotá, and from eviction observers worldwide, suggests that the problem must be addressed at a broad policy level, and that such policies must better incorporate a human rights framework. A human rights approach is justifiable not only for humanitarian reasons, but because such a framework can make land and housing policies more effective.

A thorough Social Impact Assessment (SIA), based in part on ethnographic research, should precede any forced displacement, but can offer little more than the mitigation of bad projects if change does not occur at the policy level.^{viii} There is now a wealth of social science literature about displacement and its effects on populations, but this knowledge has not for the most part been translated into policy guidelines.^{ix} As a result, SIAs do not lead to modifications of subsequent projects.

With adequate “social policies,” Cernea argues, governments and aid agencies can not only mitigate the negative effects of development-induced displacement, but can turn such displacement into an opportunity for development. In order for such a plan to be effective, Cernea argues, “Resettlement plans should support the settlers’ social and cultural institutions and rely on them as much as possible, while the initiative of resettlers for self-help should be encouraged through incentive programmes” (1996a: 1522). Such an approach represents a significant improvement over previous resettlement efforts, which offered only inadequate replacement of shelter in typically undesirable locations. The resettlement plans associated with Plan Cerros are a good example of this older approach. Nonetheless, most evictions cannot be avoided through such “resettlement with development” schemes. With development-induced displacement there is a clear mechanism of enforcement: The World Bank or other aid agencies can refuse to disperse funds until an adequate resettlement plan is in place. When displacement is *indirectly* caused by development, such as the rampant speculation and subsequent evictions in eastern Bogotá following the announcement of the highway plan, the enforcement of housing rights is much more difficult.

The United Nations report on evictions states that the human rights perspective must take precedence over economic considerations in order to minimize involuntary displacements. In order to protect housing rights, states must intervene in the market, which means that they must abandon a narrowly legal approach to land disputes.^x Efforts to ‘regularize’ or legalize settlements must be improved. Even where procedures for legalization exist, bureaucracy, delays and prohibitive expenses make such processes impractical for much of the population. Kenneth Fernandes (1994) documents such a situation in Karachi, Pakistan, where residents come up against government intransigence and corruption in their efforts to legalize their settlements. Similarly, in eastern Bogotá, concerns over paying the *valorización* tax for the Avenida Circunvalar make ‘normalization’ difficult for residents. In such cases, the allocation of surplus value must be guided by human rights. In the absence of such a perspective, residents with legitimate land claims and a commitment to improve the area are being forced out.

As many observers have argued, clarifying the often cloudy title situation in Latin American cities is absolutely critical not only for protecting the right to housing and preventing violence, but for stimulating the improvement of low-income

settlements. As Dunkerley explains, “Security of tenure appears to be essential to stimulate the individual initiative necessary for the provision of adequate dwellings for a large part of the urban population of developing countries” (1983: 12). He also notes the difficulties created by formalizing squatter settlements, since it often involves the removal of property rights from legal owners. However, legalization is most urgent precisely in areas such as eastern Bogotá, where competing claims of possession and title lead easily to violence and loss of security.

Geisse and Sabatini argue that governments can use the “survival mechanisms” of the urban poor living in the periphery as a development strategy and recommend that policies focus on the provision of land rather than the provision of housing. They argue that policy makers need to “substitute the principle of the right to housing, so often used as a political platform but never put into practice by governments, for a more modest one, within the reach of public resources: the right to the land” (1988: 333). Governments must find a way to compensate both title-holders and squatters in such disputes in order to avoid violence and protect housing rights. Again, the human rights perspective can guide policy. The United Nations, for example, urges governments to confer legal title on squatters as a preventative measure against forced eviction (1996: 21). This is one of the most important ways in which human rights can make land policies more effective.

The ombudsman offers another possibility to limit the violence associated with competing land claims. The denial of due process constitutes one of the critical human rights violations associated with forced evictions, and the use of a public ombudsman could quite effectively address such violations. The ombudsman is an institution that is independent of the state. According to a report on the Zurich ombudsman, “Its holder receives requests from citizens to investigate, free of charge, the activities of administrative agencies from the standpoint of the moderation of the law, its correct implementation and its expediency” (Vontobel 1983: 115). The Colombian Constitution of 1991 created an ombudsman, the Defensoría del Pueblo, which has investigated a wide range of human rights abuses in Colombia. The office has not been effective in mediating land disputes in Bogotá, however. One limitation of the ombudsman is that it can only make recommendations and has no powers of enforcement. By calling attention to abuses, however, the office could be more effective in encouraging the recognition of rights of possession in the area.

One of the main reasons that international laws on housing rights have not been implemented at the local level is because local governments do not participate in the creation of such agreements. Additionally, as Audefroy argues, decentralization has made municipal governments largely responsible for implementing housing policies without providing them with the resources to protect housing rights (1994: 24). Without the ability to provide housing alternatives, such municipal governments find themselves unable to prevent

evictions or the violence that accompanies them. This was particularly evident in the Luis Alberto Vega eviction described above, when the municipal authorities were unable to provide a housing solution even for a relatively small number of families in the face of a political emergency.

The victims of evictions are similarly unaware of what rights they may have under international law, and local governments have little interest in making such rights public knowledge. Since municipal authorities have the ultimate responsibility in preventing evictions, a major policy concern is how to provide municipalities with the tools to protect housing rights, as well as how to encourage municipal governments to comply with international conventions.

The evidence from eastern Bogotá certainly suggests that insecurity of tenure, not lack of housing, is the most critical problem facing policy-makers in Latin American cities. Only when effective mechanisms for extending tenure rights to the urban poor has been created can the problems associated with forced displacement – violence, impoverishment, stagnated urban development – be adequately addressed. One major way in which current human rights guidelines can be improved is to extend the rights to protection from forced eviction and the rights to adequate resettlement. Those rights have been most effectively applied in cases where international development projects and in situations where evictees owned title to their land. These, however, account for only a small portion of evictions worldwide. By extending human rights guidelines, and improving the mechanisms for implementation of guidelines that already exist, and by placing human rights at the center of land policies, local, national and international agencies can better meet the needs of the urban poor.

Notes

ⁱ This study is based on field research in Bogotá, Colombia in 1992-1993, and on shorter visits in 1994 and 1997. Unless otherwise noted, quotes are from interviews conducted by Margaret Everett and Maria Antonia Jiménez de Obregón.

ⁱⁱ See, for example, Gilbert and Ward 1985; Mangin 1967; Gilbert 1989; E. Fernandes 1997. For more on the informal housings sector in Bogotá, see Hamer 1985; Jaramillo 1990.

ⁱⁱⁱ For a critique of this argument, see Pradilla 1976 and Burgess 1978.

^{iv} Residents now say that they were given the land as a form of severance pay (*cesantía*) though they received no titles to the land. The heirs of some of the former estates have come forward in some cases to verify the families' claims based on possession and their ties to the estates.

^v Integrated development was a popular development strategy in the early 1970s, promoted by the World Bank and other agencies. It generally implied a multi-sectoral, multi-agency approach and the combination of social programs with infrastructure works.

^{vi} For more on the debate over Plan Cerros, see Gilbert 1978 and Everett 1995. For more on the popular movement against the project, see Torres Carrillo 1993.

^{vii} For more on the Casonas and other housing struggles see Arango 1981.

^{viii} For an explanation of SIA and its role in displacement and relocation projects, see Finsterbush 1980.

^{ix} For a review of this literature, see Guggenheim and Cernea 1993 and Cernea 1993b.

^x See for example the UNESCO (1983) report on evictions in Dakar, which argues that a legal model of urban development that is beyond the reach of most residents poses a grave threat to human rights to housing and security. The report further argues for a development model based on human rights, one that takes into account the actual situation rather than insisting on unenforceable standards.

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