Urban Segregation and Inequality in Latin American Cities: A Local Government Law perspective

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Overview

According to the United Nations, in 2012, Latin America and the Caribbean was the most urbanized region worldwide, with more than 80% of its more than 625 million population living in cities. Meanwhile, despite not being the most impoverished region in the world, it is the most unequal region, with 10% of the population accounting for 71% of the total wealth, which means that most urban dwellers in Latin American cities are poor. Poor people in Latin American cities face spatial segregation, poor housing conditions, extensive commutes, urban violence and insecurity, among others. Since the 80s, governments in the region have been promoting decentralization through legal reforms that strengthen local governments facing these issues. “Latin America has been in many ways a “laboratory” for new approaches to managing public affairs at the local level.²

Social scientists, policymakers, and urban planners have analyzed urban segregation and inequality in Latin American cities. However, Local Government Law (LGL) can provide a new perspective on the subject, looking at the role of the law in producing segregation and inequality, as well as promoting solutions to those issues. LGL, as a field, studies the legal frameworks that national or subnational governments create for cities. Nothing that occurs at the local level escapes a superior law, either by action or omission. So far, LGL has been mainly used to analyze the relationship between cities and states in the United States but has been an underdeveloped field in other areas of the world. We will expand this approach to analyze Latin American cities to see the law in action, discussing how LGL affects low-income urban dwellers and how they rebel, accommodate or negotiate upfront or in the shadow of the LGL in place.

The course will start with an initial session in which we will discuss the tension between higher state (national or subnational) power and more city autonomy to solve local issues. It will introduce decentralization debates that have a long history in the U.S. but only started in Latin America since the 80s. The second part will address LGL in Latin America, how it has produced, and tried to solve urban segregation and inequality in the region. The sessions revolve around four subjects that low-income urban dwellers face daily: 1) where they live (housing); 2) what type of social environment they face in their neighborhoods (violence and insecurity in slums); 3) how they commute to work (public transportation systems); and 4) how do they respond when they do not receive what they feel entitled to (social protest). We will discuss LGL approaches to each issue, trying to convey different frameworks and citizens' responses that will allow for dialogue about additional creative solutions.

In each case study session, we will have a short lecture based on assigned interdisciplinary readings and audiovisual materials, followed by group discussions. We will respond to three questions: 1) What was the LGL related to the issue in place in each city and their impact on inequality and segregation? 2) What was the urban dwellers' response to the issue considering the LGL in place? Moreover, 3) How could LGL better address inequality and segregation in that particular case?

With the course, we aim at connecting LGL to other disciplines that allow us to understand better how urban dwellers interact with the law. Likewise, we will examine the role of LGL in constructing and reproducing the dynamics of urban segregation and inequality and how citizens respond to these processes. Finally, we will think creatively on how to create or use current LGL to diminish inequality and segregation in the cities. The course is of particular interest to law students who want to learn from LGL in action in Latin American cities, as well as students interested in the law from urban studies and policy, anthropology, and public policy.

**Session description and syllabus**

**Session 1: Local Innovation vs. State Power in the U.S. and Latin America: A Local Government Law debate**

Throughout the course, we will be interested, among others, in understanding the role that LGL plays in enabling or disabling inequality and segregation in Latin American cities. In order to do this, we have to start by understanding what LGL is. Considering that LGL studies the legal powers that cities receive from a higher legal entity (national or subnational) that allows them to legally regulate local situations, one of the primary debates in this regard is between those promoting greater local autonomy and seeking more state power.

In the U.S. LGL scholarship, R.Briffault argues that increasing local power ends up creating greater segregation and inequality. He explains, particularly when referring to suburbs taking in high tax revenue from central cities, that legal recognition of local autonomy has produced a problematic structure of inter-local competition, and so the state should regain power. By contrast, G.Frug and D.Barron argue that it is a mistake to assume that a larger entity would make better choices, for reasons that range from the value in direct democracy to the innovation produced in the city level. They are not protecting local autonomy but thinking on how to create legal reforms that can enable cities to engage in a political debate and pursue a substantive agenda for the future.

We will continue with an overview of decentralization policies in Latin American countries presented by J.Bossuyt. We will explore how these policies have tried to strengthen cities’ autonomy since the 80s, but have had a limited ability to promote metropolitan governance (connecting two or more cities), that C.Rodriguez-Acosta and A.Rosenbaum describe.

The questions that will guide the session are:
1. Is there a way between absolute local autonomy and total state power?
2. How does the question between local autonomy vs. State power help us think of how to tackle segregation and inequality in Latin American cities?
3. What are the limits to greater local autonomy in terms of addressing inequality and segregation in Latin American cities?

Readings:


Evaluation:

During the session, we will discuss the course description and the evaluation method. The evaluation will be based on class participation and attendance, a series of deliverables, a final essay, and presentations that each student will make centered on case studies. The case studies will come from a Local Government Law issue in a Latin American city. I will hand-in a format to develop the research paragraph proposal that students will deliver on the second session. (I will provide further details during the session).

Session 2: Low-income housing in Santiago, Chile: A robust national state deciding over local matters

In session 2, we will begin examining the case studies of our course. In connection to session 3, we will address where low-income urban dwellers live and the LGL in place. In this particular case study, we will analyze the LGL response to the housing needs of low-income urban dwellers in Santiago. Here we will observe the limited local autonomy to decide over housing issues in the city, under a highly centralized scheme where the national state dictates over local issues.

Based on the piece by Hidalgo et al., we will analyze a housing policy implemented by the national government in 2006. We will further look into the specific example provided in McGuirk’s chapter that presents a creative solution promoted through LGL to respond to the housing needs of the urban poor, analyzing the urban dwellers’ tradeoffs with regards to this solution.
We will analyze the national policies dictating the legal regime for housing in Santiago, considering the discussion between greater national state autonomy vs. strengthened local innovation, to see how this structure promotes or limits urban segregation and inequality. We will further try to see the responses of low-income populations in Santiago.

The questions that will guide our session are:

1. How does a stable national Chilean state deciding over housing matters of the city of Santiago respond to the needs of low-income urban dwellers, and what is the impact of this decision on inequality and segregation?
2. What was Santiago’s urban dwellers’ response to the housing policy that the Chilean state implemented?
3. How could LGL better address inequality and segregation in the case of low-income urban dwellers that need a place to live in Santiago?

Readings:


Evaluation:

During this session, each student will present an “elevator pitch” and hand-in a paragraph describing the case study chosen (Deliverable 1). It will respond to the questions: what, who, where, when, how, and why. A format delivered during the session will describe the content of the paragraph.

Session 3: Informal Housing in Buenos Aires, Argentina: Local Government Law generating non-legal responses

Continuing with the topic of where low-income dwellers live, in this session, we will explore slum dwellers occupying peripheral and central areas of the city of Buenos Aires and the LGL to provide low-income housing. This case study is particularly relevant because it shows how LGL that is not effective in responding to the needs of the urban poor can derive in citizens' non-legal responses to tackle their housing needs.

After watching some parts of the movie White Elephant and following the reading of J.L. Gelder et. al., we will analyze this type of occupation on the backdrop of the LGL in place, considering the legal structure of competence distribution between the national, the provincial and the municipal authorities to provide housing to this low-income population; the production of
inequality and segregation caused by the specific type of LGL operating; and the responses of slum dwellers considering their need for housing.

We will analyze the case of slums in Buenos Aires, focusing on the continuum between housing formality and informality that J.L. Gelder summarizes in his piece “Paradoxes of Urban Housing Informality in the Developing World.” We will discuss this continuum that speaks about the relationships between people and the law, where informality often appears when the local government officials, either by action or omission, do not provide an effective solution to the needs of urban dwellers. We will consider how people respond to the LGL structures, and how formality and informality come into play in their daily lives in contradictory and complementary ways.

The questions that will guide our session are:

1. How does the interaction among national, provincial, and local authorities relative to their legal competences vis-à-vis housing for low-income urban dwellers in Buenos Aires impact inequality and segregation in the city?
2. What were low-income urban dwellers’ formal and informal responses to the housing policy in Buenos Aires?
3. How could LGL better address inequality and segregation in the case of low-income urban dwellers that need a place to live in Buenos Aires?

Readings:


In-class movie:


**Session 4: Police interventions in Rio de Janeiro’s Favelas: Local Government Law fighting or reinstating urban insecurity?**

In sessions 4 and 5, we will focus on LGL addressing urban violence and insecurity within low-income settlements. In this session, we will focus on the case study of Rio de Janeiro’s favelas to understand LGL responding through police intervention to counteract persistent insecurity and violence. This case study is significant because it shows the complexities of police interventions: First, the extreme state violence against favela inhabitants that are often from African descent (entailing racism); second, the limited effects of the interventions in terms of
diminishing insecurity and exclusion; and third, the support from other social groups within the city.

We will start the course watching some parts of the Brazilian Movie Elite Squad related to police forces in Rio de Janeiro’s favelas. This film connects to E. R. Larkin’s account of the spectacular but often ineffective action of the police in a favela in Rio. Afterward, we will continue discussing part of the piece by M. C. Dias and L. Eslava that addresses a case of police intervention in the favelas from the perspective of inclusion and development for urban slum dwellers, considering the LGL in place.

In the light of the movie and the readings, we will discuss, first, how effective are these types of legal interventions in diminishing violence in the city. Second, in terms of inequality and segregation of populations that are already at the margins. We will propose alternative solutions that can operate through LGL.

The questions that will guide our session are:

1. How does intense state violence through police interventions in the favelas of Rio de Janeiro impact low-income urban dwellers that inhabit these areas in terms of inequality, segregation, and public safety?
2. What is the response of favela’s inhabitants to the police’s extreme legal violence aiming at reinstating public safety? What is the response of other urban dwellers?
3. How could LGL better address insecurity issues that inhabitants of Rio de Janeiro’s favelas face?

Readings:


In class movie:

- Elite Squad (2007), Director: Jose Padilha, Country: Brazil.

Session 5: Lynching and “Community Justice” against public insecurity in Cochabamba, Bolivia: Slum dwellers framing violent responses within Local Government Law

This second session on the topic of the social environment that low-income urban dwellers face in the neighborhoods they inhabit will focus on the limited local government responses to insecurity and violence in a slum in Cochabamba, and the solutions promoted by its inhabitants. It is an unusual case because it describes how mob violence to promote public security can
constitute illegal violence. Nevertheless, slum dwellers with an indigenous background strategically frame it within the constitutionally protected Community Justice principle to legitimize it.

Following anthropologist D. Goldstein’s account of Cochabamba, we will try to understand how low-income communities that lie at the bottom of race and class inequality use force to defend themselves, and the role that LGL plays as enabler and disabler of this use of force. We will further explore the tension among the lack of police protection, mob lynching, and Community Justice.

In order to analyze the experiences of slum dwellers in this Bolivian city vis-à-vis the state, we will take political theorist and historian P. Chatterjee’s "Politics of the Governed," to discuss the difference between what he calls the civil and the political society. We will discuss the different legal and non-legal strategies adopted by slum dwellers, and their complex dynamics when negotiating upfront and in the shadow of the LGL in place, regarding urban violence and insecurity in Latin American cities.

The questions that will guide our session are:

1. How does the Bolivian constitutional provision recognizing Community Justice for indigenous communities in connection to local police actions (or omissions) with regards to public safety, impact inequality and segregation in peripheral neighborhoods in Cochabamba?
2. What is the response of slum dwellers in Cochabamba to both the constitutional provision recognizing Community Justice and the (absence of) police forces in their neighborhoods when facing threats to their public safety?
3. How could LGL better address public safety issues in the slums of Cochabamba?

Readings:


Evaluation:

During this session, each student will hand-in a commented outline of the paper of the chosen case study (Deliverable 2).

Session 6: Social Urban Interventions through public transportation in Medellín, Colombia: Local Government Law’s divergent effects on different low-income social groups
In this session, we will start the last section of our course on how low-income urban dwellers commute in Latin American Cities. We will analyze the case of Medellín as an example of policies supported by laws that have used creative public transportation systems in low-income peripheral neighborhoods to counteract violence and exclusion among urban dwellers. These are part of what urban scholars and planners have called Social Urban Interventions. Considering that Medellín passed from being the most dangerous city in the world in the 90s to the "miracle city" only two decades later, mostly due to Social Urban Interventions, we will dive into what public transportation interventions entailed for the urban poor.

We will read historian L.M. Roldán’s account of the social situation of Medellín before the Social Urban Interventions took place in the backdrop of extreme urban violence and drug dealers’ war against the Colombian state. We will follow with K. Maclean’s description of Social Urban Interventions promoted by local government authorities since the 2000s, to understand the transformation of Medellín.

We will continue reading G. Rose’s account on women’s exclusion from geographic knowledge as an introduction for V. Montoya’s piece on how city planners did not include domestic workers in the transformation of Medellín.

We will critically review, on the one hand, the LGL structure that enabled these interventions, and on the other, the impact of these interventions in the lives of different low-income social groups. We will analyze how socially profound the transformation was, who benefited from it, and who was affected by it, and what can we learn from this legal experiment manifested through infrastructure.

The questions that will guide our session are:

1. **What is the LGL related to public transportation in Medellín and its differential impact over different low-income social groups in terms of inequality and segregation?**
2. **What is the response of different low-income social groups to the public transportation system scheme in place?**
3. **How could LGL better address inequality and segregation in the case of diverse low-income social groups that need to commute every day in Medellín?**

**Readings:**

• V. Montoya, “One puts up with the fact that transport is like this”: Unionized Domestic Workers crossing Medellín (2019), Revista CS, (Especial), Pp. 79-109.

Evaluation

During this session, I will respond to questions on the final essay and the presentations.

Session 7: A Bus Rapid Transit solution to connect Soacha and Bogotá, Colombia: Limited Local Government Law coordination affecting low-income commuters

In this session, we will look at another example of low-income urban dwellers commuting to work. We will explore the Bus Rapid Transfer (BRT) public transportation system that the government developed between Bogotá and the neighboring dormitory city of Soacha, where hundreds of thousands of low-income workers live. The transportation case is particularly relevant to show how legal instruments to only partially coordinate cities that share tight economic, geographic, and social dynamics end up affecting the poor urban facing extraordinarily long and challenging daily commutes.

Following L. A. Guzman et al.‘s piece, we will explore the BRT solution in the backdrop of the LGL that has not allowed for the formation of an institutional Metropolitan Area to integrally coordinate shared needs of both cities. We will continue discussing the fragmented legal connection between Bogotá and Soacha, and its effects on the commuting experiences of low-income peripheral urban dwellers, as described by D. Oviedo & J. Davila. We will continue with V. Montoya & G. Escovar’s piece on the specific impact of the current transportation system on the lives of female domestic workers who use it in Bogotá. We will finish by thinking of some solutions to the transportation conundrum, starting with D. Keeling’s proposals, and continuing with creative responses that could operate in the field of LGL.

The questions that will guide the session are:

1. What is the current LGL coordination scheme that allows connecting low-income commuters inhabiting Soacha and working in Bogotá through public transportation, and what are its limitations in terms of inequality and segregation?
2. What is the response of low-income populations inhabiting Soacha to the public transportation system scheme?
3. How could LGL better address inequality and segregation in the case of low-income workers commuting every day between Bogotá and Soacha?

Readings:


**Session 8: Protesting in the streets of Lima, Peru: Local Government Law responding to the claims of urban dwellers**

In this session, we will discuss the interaction between low-income individuals experiencing the city and local authorities that operate under LGL. We will explore how urban dwellers organize, promote their rights, and protest, and against exclusionary state policies and laws. We will start by reading *Poor People’s Movements*: "Poor people's movements" to understand how low-income individuals organize, why they do so, and the institutional constraints they face. We will continue to understand the role that the historical context plays for the success or failure of social protests in The Strategy of Social protests by *W. Gamson*.

Based on the case of *Daniela Gandolfo’s* description of urban protest by sweepers in Lima, Perú, we will explore the role, and types of social protest against the State, the claims that low-income urban dwellers bring to the table, their strategies, and the way authorities respond to these protests.

The questions that will guide the session are:

1. What is the current LGL coordination scheme that allows for protests of the urban poor in Lima? Moreover, what are its limitations in terms of inequality and segregation?
2. What is the response of low-income populations inhabiting Lima to the limited public services that the state provides?
3. How could LGL better address protests that respond to inequality and segregation in the case of low-income workers in Lima?

**Readings:**


Session 9: Presentations and Final Essays

Students will hand in the essays at the beginning of the session. Then, each student will present their case study during a limited amount of time (TBD), and we will devote some time for questions and further discussion (TBD).

Session 10: Conclusions

This session, we will explore the TransmiCable of El Tunal, through a class field trip that will start at Universidad de Los Andes. During the trip, the session will analyze some of the conclusions of the course with regards to the role of LGL in Latin American cities in reproducing as well as solving urban inequality and segregation on the four issues discussed: housing, urban violence, public transportation, and social protest.

During the trip, we will observe housing, safety, and transportation issues as we experience the city with our bodies. In particular, we will discuss, first, how does competence distribution between the national, the sub-national, and the local authorities for issues affecting low-income urban dwellers operates in the three cases studied. We will consider the upsides and downsides of different distribution schemes to address urban inequality and segregation. Second, we will analyze how slum dwellers respond to the LGL in place by combining formal and informal strategies to address their needs in terms of housing, safety, and transportation. We will finally outline some criteria on how LGL could promote solutions to tackle both inequality and segregation in urban settings.

GRADING

20 %: Class participation and attendance
15 %: Deliverable 1
15 %: Deliverable 2
30 %: Final Essay (Instructions on the content will be delivered during the first session)
20 %: Final presentation