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Dipartimento Interateneo di Scienze, Progetto e Politiche del Territorio
Eccellenza MIUR 2018-2022

Doctoral Dissertation

Doctoral Program in Urban & Regional Development (34th Cycle)

Addressing dynamic spatial governance landscapes in Latin America

An inquiry into spatial governance and planning systems in six Latin American countries

By

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Declaration

I hereby declare that the contents and organisation of this dissertation constitute my own original work and does not compromise in any way the rights of third parties, including those relating to the security of personal data.

Francesca Blanc
December 2022

* This dissertation is presented in partial fulfilment of the requirements for **Ph.D. degree** in the Graduate School of Politecnico di Torino (ScuDo)

Acknowledgment

To begin, I would like to thank my supervisor, Prof. Giancarlo Cotella, who was a pleasure to work with. This research project has been a nice and fruitful journey that I could have not undertaken without his support and feedback.

I also would like to acknowledge all the DIST Department, and particularly Prof. Umberto Janin Rivolin and Prof. Marco Santangelo, for their generous support, as well as the TU Delft Urbanism Department, and particularly my co-supervisor, Prof. Marcin Dąbrowski, for making fruitful my visiting period at TU Delft in the Netherlands.

I'm extremely grateful to my dissertation committee members, and particularly my referees, Prof. Luciana Royer and Prof. Daniel Galland, for their invaluable feedback to improve and strengthen my dissertation and to enrich the discussion. Beyond my committee, I have also been lucky to have a nice group of PhD colleagues at the DIST Department, among which I would like to thank Maurizio Pioletti for his careful suggestions and Elena Giglio for her moral support in times of discouragement.

I have to reckon that I could not have undertaken this journey without the collaboration with many colleagues from Latin America, particularly Juan E. Cabrera (Bolivia), Juan Carlos Sandoval (Ecuador), Giovanni Vecchio and Nicolás Santelices (Chile), Marina Blanca and Bruno Reinheimer (Argentina), Rosario Casanova and Matilde Saravia (Uruguay) and Andersón García (Peru). I am deeply indebted to my mentor, Prof. Josep Maria Llop Torné, who initiated me a long time ago into spatial planning studies, and Roxana Tapia, who made

possible the making of the Latin American INTERDUT group I am part of, a group of professionals interested in spatial planning in Latin America and beyond. A sincere thank you should also go to the Policy Mobilities Working Group –led by Ryan Whitney– for their feedback on preliminary versions of the articles that constitute the corpus of my dissertation.

I also would like to extend my sincere thanks to my former colleagues at the Ministry of Habitat and Human Settlements in Ecuador –particularly Arturo Mejía and José Morales– and ex colleagues at UN-Habitat in both Ecuador and Bolivia – particularly Mónica Quintana and Javier Zárate– for their essential professional support and useful comments.

Last but not least, I would like to acknowledge my partner, Nicola, and my two daughters, Nina and Dora (the second one born in March 2020 in the worst covid-19 period in Italy) for their good humour and unconditional support, which made lighter my PhD journey. I must also recognise my parents for their everlasting faith in me and for their logistic support in conciliating research and family commitments.

I would be remiss in not thanking all my friends spread in both Europe and Latin America, and my Ecuadorian family who “adopted” me in the far 2011, when this long professional and personal journey into Latin American spatial governance began.

I dedicate this dissertation to my family, both in Italy and in Latin America.

Abstract

This dissertation aims at broadening the ongoing comparative Spatial Governance and Planning Systems (SGPSs) studies to the global South by addressing the dynamic spatial governance landscapes in Latin America. Stemming from six selected Latin American case studies –namely Argentina, Bolivia, Chile, Ecuador, Peru, and Uruguay– this dissertation broadens both theoretically and methodologically the ongoing SGPSs comparative studies by framing the concept of the ‘other institutionality’ and by showing the mutual interaction between SGPSs and the global urban policy.

The current existing SGPSs literature mainly focused on global North countries may prove ill-equipped when *tested* to contexts that are characterised by a different institutionality. In several global South low- and middle-income countries characterised by an incremental plot-by-plot urbanism, spatial planning frequently occurs as the final stage of the urban development process, when the land occupation and the building activities have already taken place. This ‘inverse planning’ is related to ‘a form of selective spatial regulation and governance’, which further complicates the ‘dynamic landscapes of spatial governance’ hardly addressed by the SGPSs comparative studies. In a number of Latin American countries, the existing legal frameworks often do not correspond to consequent spatial planning practices, by leading to several tensions symptomatic of an ungluing between the SGPSs and the planning reality they are supposed to address. Furthermore, the recently introduced global urban policy documents (e.g. the New Urban Agenda) have settled a common ground within which national and

local governments are acting and tailoring their urban policy discourses and tools, which are part of the SGPSs themselves.

This dissertation firstly explores the functioning of six Latin American SGPSs in terms of legal frameworks affecting spatial governance, spatial planning tools, discourses and current practices. Among the six cases, two of them –namely Bolivia and Ecuador– have been chosen for inquiring about the mutual interaction between SGPSs and the global urban policy. The research methods include literature survey and document analysis, expert interviews, participant observation and consultancy activities.

The heterogeneity of the six selected cases and their peculiarities highlights that, even if spatial planning tools exist, they are often outdated and do not respond to the current societal needs, and the lack of participatory planning stands out as a common feature. When the state is not able to steer spatial transformations, the non-bureaucratised practices emerge from outside the official SGPS and conform the ‘other institutionality’ framed within this dissertation. In terms of theoretical contribution, this dissertation firstly shows that the concept of the ‘other institutionality’ can be useful to broaden the comparative SGPSs studies to the global South. Secondly, the research findings show that the mutual interaction between peculiar SGPSs characteristics (i.e. legislation, instruments, discourses and practices) and the global urban policy –based on the ‘comfortable landscape of the SGDs’– determines how the latter is localised. In terms of methodological contribution, this dissertation argues about the usefulness of adopting a policy mobilities ‘lens’ focused on the interplay between relationality and territoriality and the use of the ‘*a posteriori* comparison’ for bringing a ‘fresh viewpoint’ to the ongoing SGPSs studies.

Overall, rooted on the concept of the ‘other institutionality’ and by considering the interaction between the global urban policy and the local governance, this dissertation opens to a more fluid and broader understanding of SGPSs themselves for addressing their global comparability in Latin America and beyond.

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Appendices

- I. **Blanc, F.**, Cabrera, J.E., Cotella, G., García, A., Sandoval, J.C. (2022). Does planning keep its promises? Latin American spatial governance and planning as an ex-post regularisation activity. *Planning Practice & Research*, pp. 1-22. <https://doi.org/10.1080/02697459.2022.2042921>
- II. **Blanc F.**, Blanca, M., Cabrera, J.E, Casanova, R., Cotella, G., Reinheimer, B., Santelices, N., Saravia, M., Vecchio, G. (2022). Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay. *Manuscript submitted to Disp - The Planning Review*.
- III. **Blanc, F.** (2022). Unpacking the Ecuadorian spatial planning law: Policy mobilities in Latin America between transnational agency and path-dependent logics. *Planning Practice & Research*, pp. 1–15. <https://doi.org/10.1080/02697459.2022.2034283>
- IV. **Blanc, F.**, & Cotella, G. Global urban development frameworks landing in Latin America. Insights from Ecuador and Bolivia. *Development Policy Review*. <https://onlinelibrary.wiley.com/doi/abs/10.1111/dpr.12632>
- V. **Blanc, F.**, Cotella, The role of time in global urban policy localisation. A comparative analysis of Ecuador and Bolivia. *Manuscript submitted to the Journal of Comparative Policy Analysis*.

Contributions: The selected articles are the result of co-authorships, reflecting the collaborative nature of the research involved. In all the articles I am the first author, and I led the phases of study design, data analysis and writing.

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Acronyms

EU	European Union
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH</i>
JICA	Japanese international cooperation agency
LA	Latin America
LAC	Latin America and the Caribbean
LOOTUGS	<i>Ley Orgánica de Ordenamiento Territorial, Uso y Gestión del Suelo (Ecuador)</i>
LOTDS	<i>Ley de Ordenamiento Territorial y Desarrollo Sostenible (Uruguay)</i>
NUA	New Urban Agenda
NUP(s)	National Urban Policy(s)
SDG(s)	Sustainable Development Goal(s)
SGPS(s)	Spatial Governance and Planning System(s)
UN-Habitat	United Nations Programme for Human Settlements



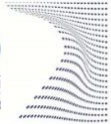
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Chapter 1

Introduction

1.1 Setting the research context

This dissertation is part of a Joint Project entitled ‘Comparative analysis of territorial governance and spatial planning systems in Europe and beyond. Exploring changes in the actual practice’ (EU-PLAN) agreed between the Interuniversity Department of Regional and Urban Studies and Planning (DIST) at the Politecnico di Torino (POLITO) and the Delft University of Technology, The Netherlands (TU Delft). DIST-POLITO and TU Delft research units involved in EU-PLAN developed research on the matter since the end of the 1990s (both jointly and autonomously), and progressively positioned themselves at the forefront of the academic debate (ESPON, 2007, 2019; Nadin & Stead, 2008; Stead & Cotella, 2011; Janin Rivolin, 2012; Nadin et al., 2018; Berisha et al., 2021; Cotella & Dąbrowski, 2021).

Spatial governance and planning systems (SGPSs) are intended as the heterogeneous institutional frameworks allowing the management and the regulation of spatial organisation within a certain society (Berisha et al., 2021). They are focused on the improvement of human well-being (Allmendinger & Tewdwr-Jones, 2002; Hall & Tewdwr-Jones, 2019) and are based on processes of vertical policy interactions and horizontal interplays between the state and the market (Janin Rivolin, 2012). By aiming at implementing the constitutional rights, this activity mostly developed in the 20th century in modern states and led to the establishment of tools and procedures based on the specific domestic historical and geographical patterns (Cotella & Dąbrowski, 2021; Dąbrowski & Lingua, 2018; Sorensen, 2015, 2018, among others). The



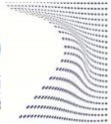
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heterogeneous evolution of SGPSs has been followed by an increasing attention by policymakers and academics interested in their comparative analysis, and particularly in the European context. Several comparative studies have been developed since the 1980s based on differential theoretical and methodological approaches and related to the progressive integration of the European countries into a supranational institutional entity (Davies et al., 1989, Newman & Thornley, 1996; CEC, 1997; Larsson, 2006; ESPON, 2007, 2019; Nadin & Stead, 2008; Tulumello & Cotella, 2020; Berisha et al., 2021). Despite the results achieved so far, however, issues concerning the framing of the subject of comparison as well as the methodology of analysis still remain open, as it appears clear from recent literature focusing on more nuanced notions such as ‘soft planning’ (Haughton et al., 2010; Allmendinger et al., 2015; Purkathofer, 2016; Purkathofer et al., 2021).

Contributions related to the functioning of SGPSs in the global South context –and particularly in Latin America– have been scarcer and scattered, probably due to the high level of informality affecting spatial development, and rarely addressed from a SGPSs perspective (Massiris, 2002; Rossbach & Montandon, 2017; Galland & Elinbaum, 2018a, 2018b). Notwithstanding, in Latin America since the 1990s there have been an incremental ‘urban reform’ process¹ (Maricato, 2011; Rolnik, 2011; Fernandes, 2019; Máximo & Royer, 2021) which led to the enactment of several spatial planning regulatory frameworks, among which the 1997 Colombian spatial planning law (Congreso de Colombia, 1997), the 2001 Brazilian City Statute (Senado Federal, 2001) and the 2016 Ecuadorian spatial planning law (República del Ecuador, 2016) stand out. The latest overview edited by Rossbach & Montandon and published by Cities Alliance (2017) identified 11 urban laws approved in the Latin American and Caribbean region. These ‘urban reform’ legal frameworks often do not correspond to consequent spatial planning practices, by leading to several tensions which have been addressed by many scholars (Caldeira, 2017; Horn, 2019; Friendly & Stiphany, 2019; among others). The tensions have been analysed in terms of mismatch between the urban legal frameworks and the spatial planning practices led by local governments, however overlooking an overall framing of the SGPSs within which these tensions are displayed, in so doing opening to interesting further inquiries about the Latin American SGPSs themselves.

¹ For deepening on the ‘urban reform’ process see Chapter 4.



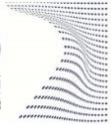
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1.2 Objectives, research questions, and hypothesis

This dissertation aims at broadening the comparative SGPSs analysis to the global South, by using the Latin American spatial–cultural context as a case study. The inquiring into the Latin American ‘dynamic spatial governance landscapes’ (Tasan-Kok, 2021) is the way through which I attempt at complementing the SGPSs European-centred existing literature for a broader understanding of SGPSs themselves. By pursuing this general objective and for answering the main-RQ (*How to broaden the comparative SGPSs analysis to the global South?*), I focus on three specific objectives articulated in three research questions and related research hypothesis (Table 1).

Firstly, I decided to explore the functioning of Latin American SGPSs in six selected countries –namely Argentina, Bolivia, Chile, Ecuador, Peru, and Uruguay– in terms of legal frameworks affecting spatial governance, spatial planning tools, discourses and current practices (Janin Rivolin, 2012). By answering the sub-RQ1 (*How do Latin American SGPSs function among formal and informal practices?*) this dissertation compares land-use competences, land classification, existing spatial planning tools and the provision of land-use development rights in the six selected countries. Alongside formal spatial planning systems, particular emphasis is settled on the non-bureaucratized practices which influence local spatial governance. These practices, in my research hypothesis, are the true engine of spatial development in Latin America, even if they are mostly overlooked.

Secondly, the broadening of the comparative SGPSs analysis to the global South includes an inquiry into the connection between global urban policy and local governance. By answering the sub-RQ2 (*How do global urban policy and local governance merge together and which is the role of the stakeholders involved?*) I focus on two of the six selected case studies –namely Ecuador and Bolivia. The recently introduced global urban policy documents (e.g. the New Urban Agenda) have settled a common ground within which national and local governments are acting and tailoring their urban policy discourses and tools, which are part of the SGPSs themselves. Within the global circulation of urban policy models, many stakeholders are involved, and –in my research hypothesis– the international agents influence local spatial planning activity by leveraging on the allocation of funds and cooperation aids.

Thirdly, and by coming back to the comparative SGPSs scientific literature after the in-depth analysis of the case studies, with sub-RQ3 (*What are the theoretical implications and challenges of expanding the comparative SGPSs analysis to Latin America and, more in general, to the global South?*) I aim at reflecting on the theoretical implications of broadening the SGPSs comparative studies to the global South. My hypothesis here is that broadening the



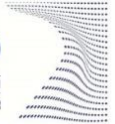
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comparative SGPSs analysis to the global South could have huge repercussions and positive feedback on the Europe-centred existing SGPSs studies.

Table 1: Objectives, research questions, and hypothesis

Objective	RQ	Hypothesis
<p>General Objective</p> <p><i>To broaden the comparative SGPSs analysis to the global South by inquiring into the Latin American dynamic spatial governance landscapes.</i></p>	<p>Main-RQ</p> <p><i>How to broaden the comparative SGPSs analysis to the global South?</i></p>	<p><i>Recurring non-bureaucratised spatial planning practices make hardly possible to frame Latin American SGPSs through conceptual models developed in the global North.</i></p>
<p>1st Specific Objective</p> <p><i>To explore the functioning of spatial planning systems in Latin American countries by comparing their land-use competences, land classification, spatial planning tools, mechanisms for providing land-use and development rights, with a particular attention to the institutionalisation of the non-bureaucratised practices.</i></p>	<p>Sub-RQ1</p> <p><i>How do Latin American SGPSs function among formal and informal practices?</i></p>	<p><i>Non-bureaucratised practices influence spatial planning tools and policies, and they are the true engine of spatial development in Latin America, even if they are mostly overlooked.</i></p>
<p>2nd Specific Objective</p> <p><i>To inquire about the confluence between global urban policy and local governance.</i></p>	<p>Sub-RQ2</p> <p><i>How do global urban policy and local governance merge together and which is the role of the stakeholders involved?</i></p>	<p><i>International agents influence spatial planning activity through the allocation of funds and cooperation aids.</i></p>
<p>3rd Specific Objective</p> <p><i>To come back to the scientific literature focusing on the comparison of SGPSs</i></p>	<p>Sub -RQ3</p> <p><i>What are the theoretical implications and challenges of expanding the</i></p>	<p><i>Broadening the comparative SGPSs analysis to the global South have huge repercussions and positive feedback on the Europe-</i></p>



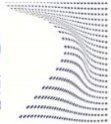
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<i>and to contribute by reflecting on the theoretical implications and challenges stemming from the research results.</i>	<i>comparative SGPSs analysis to Latin America and, more in general, to the global South?</i>	<i>centred existing SGPSs studies.</i>
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1.3 Anticipation of the research results

The research findings stemming from the case studies suggest that for addressing the dynamic Latin American spatial governance landscapes (Tasan-Kok, 2021) is necessary to go beyond the conceptual models developed in the global North and to expand the concept of SGPS itself. As a first theoretical contribution to the current debate, the predominant ‘*ex-post* regularisation’ practice of spatial planning observed in the selected case studies has allowed to frame the concept of the ‘other institutionality’ shaping spatial planning activity in the selected countries. The empirical case studies have shown that the ‘other institutionality’ is a concept that needs further scrutiny, being it related to informal land-use practices, otherwise to the recent phenomenon of the ‘judicialization’ of spatial planning (Sotomayor et al., 2021).

A further scrutiny into the domestic localisation of the global urban policy in Ecuador and Bolivia has allowed to frame the reciprocal interaction between SGPSs and the global urban policy. The selected case studies have shown that the specific domestic institutional configurations have direct resonance on the way the global urban policy is localised and implemented by local and national governments. Within the global circulation of urban policy models and ideas addressed by the policy mobilities literature, the role played by the international agents is pivotal and influence the domestic implementation of the global policy itself, which can follow a ‘fast-track’ (Whitney & López-García, 2020) rather than an incremental process based on peculiar SGPSs configurations. The international agents involved play a crucial role in localising the global urban policy affecting spatial planning activity, and the SGPSs themselves (i.e. in terms of legal frameworks, instruments, practices and discourses) (Janin Rivolin, 2012) influence this localisation, by determining different paths of institutionalisation. The access to international funds is clearly a stimulus towards the adoption of national urban policies and agendas, however, the result findings suggest that national and local governments leverage on the global urban policy and related SDGs in order to justify already existing urban development priorities. Furthermore, and in terms of both theoretical and methodological contribution, I suggest that the policy mobilities ‘lens’ could be an interesting entry point ‘to disentangle the dynamic landscapes of spatial governance from a fresh



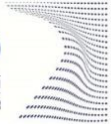
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viewpoint’ (Tasan-Kok, 2021, p. 6). The overlapping between relationality and territoriality (McCan & Ward, 2010) addressed by policy mobilities scholars gives interesting insights on the configuration of the Latin American dynamic and uncertain spatial governance landscapes, being the ‘fresh viewpoint’ (Tasan-Kok, 202) within comparative SGPSs studies.

Broadening the comparative SGPSs analysis to the global South could have huge repercussions and positive feedback on the Europe-centred existing SGPSs studies. Both the concept of the ‘other institutionality’ as well as the rising Latin American phenomenon of the ‘judicialization’ of spatial planning –as a form of the ‘other institutionality’ emerging from the local case studies– seem to be a fruitful terrain to make dialoguing global South and global North SGPSs. In this sense, by ‘looking through the fissures’ (Walsh, 2015) of SGPSs and by undertaking a deeper insight into the non-bureaucratized practices could be an interesting way for inquiring about repeated features (Robinson, 2018) of global urban phenomena.

1.4 Structure of the dissertation

The dissertation consists of a collection of five peer-reviewed journal articles which are the core of my PhD research and are presented as appendices to this dissertation. The text comprised of seven chapters binds together the articles (Figure 1).

After this Introduction (Chapter 1), the theoretical framework is presented in Chapter 2 and then deeply developed in the five peer-reviewed articles. The different research methods applied are described in Chapter 3 in relation to each specific research question. Later, Chapters 4 and 5 constitute an introduction to the five peer-reviewed articles and synthesise the key theoretical contributions of the whole dissertation.

The articles respectively focus on the functioning of Latin American SGPSs (sub-RQ1) and on the confluence between global urban policy and local governance (sub-RQ2), as displayed in Table 2. The theoretical implications and challenges of expanding the comparative SGPSs analysis to the global South (sub-RQ3) are introduced within the five articles and later developed in the discussion chapter (Chapter 6). A conclusion section (Chapter 7) rounds off the dissertation by opening to further research avenues.

More in details, ARTICLE I (*Does planning keep its promises? Latin American spatial governance and planning as an ex-post regularisation activity*) is the first attempt to the broadening of SGPSs studies to the global South through a focus on Bolivia, Ecuador, and Peru. The article inquires about the SGPSs functioning in the three selected countries by comparing their land-use competences, land classification, spatial planning tools, and the mechanisms for



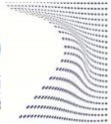
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providing land-use and development rights, with a particular focus on the non-bureaucratized practices, in so doing addressing the first specific objective of my research and answering the sub-RQ1. The main output of this article is the framing of spatial planning in the analysed countries as a prevailing ‘*ex-post* regularisation activity’ developed by the public sector connected to the concept of the ‘other institutionality’ stemming from informal practices of land-use management.

ARTICLE II (*Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay*) extends the research undertaken in Article I by focusing on the functioning of SGPSs in Argentina, Chile, and Uruguay, in so doing complementing the answer to sub-RQ1 and addressing the first specific objective of my research. This article proposes a deeper inquiry into the ‘other institutionality’ by showing that the rising ‘judicialization of spatial planning’ is also part of the ‘other institutionality’ as a response to the outdated or missing spatial planning tools and the lack of participatory planning. This output is a further contribution to the main aim of my research, i.e. broadening the SGPSs studies to the global South, in response to sub-RQ3.

ARTICLE III (*Unpacking the Ecuadorian spatial planning law: policy mobilities in Latin America between transnational agency and path-dependent logics*) proposes a focus on Ecuador by engaging with policy mobilities literature and SGPSs studies with the purpose of addressing the first and second specific objectives of my research, and respectively sub-RQ1 and sub-RQ2. The inquiry about the functioning of SGPSs is addressed by a focus on the tools introduced by the recent spatial planning law, which were the result of a process of assemblage of external spatial planning models, in so doing showing the confluence between global urban policy and local governance. The proposed connection between policy mobilities literature and SGPSs studies in Latin America is a theoretical and methodological contribution to my main aim of broadening the SGPSs studies to the global South and a further answer to sub-RQ3.

ARTICLE IV (*Global urban development frameworks landing in Latin America. Insights from Ecuador and Bolivia*) also addresses the second specific objective of my research and sub-RQ2 by comparatively analysing the implementation of the global urban policy in Ecuador and Bolivia and by inquiring about the hidden institutional configurations laying behind the process. It reckons the leveraging role of the ‘comfortable landscape of the SDGs’ in framing national urban policies and the hidden pitfalls of a ‘fast-track institutionalisation’ and it further details the contribution of policy mobilities literature to the SGPSs studies, in sight of broadening the SGPSs studies to the global South and by answering sub-RQ3.

ARTICLE V (*The role of time in global urban policy localisation. A comparative analysis of Ecuador and Bolivia*) pushes forward the study of the global urban policy



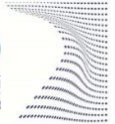
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localisation in Ecuador and Bolivia by deepening on the path-dependent localisation of the global urban policy and by showing the implications of the *time dimension*, within the second objective of my research and sub-RQ2. This is a further scrutiny into the relationship between specific SGPSs and the global urban policy localisation inquired within the policy mobilities framework and in response to sub-RQ3.

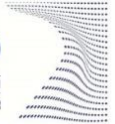
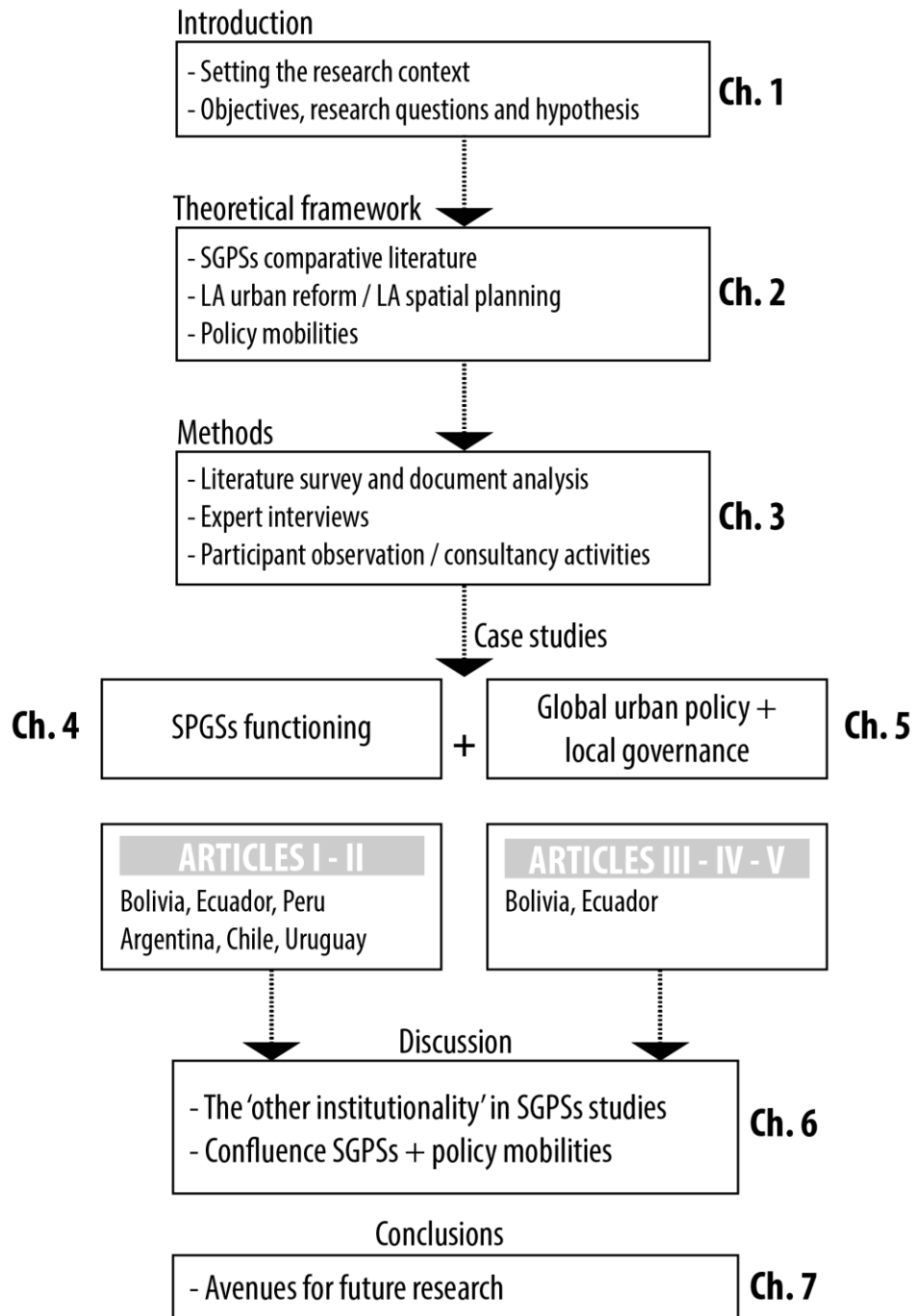


Figure 1: Structure of the dissertation





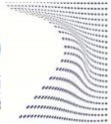
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Table 2: Contribution of each article to the research questions

<i>N.</i>	<i>Title</i>	<i>Sub-RQ1</i>	<i>Sub-RQ2</i>	<i>Sub-RQ3</i>
		<i>How do Latin American SGPSs function among formal and informal practices?</i>	<i>How do global urban policy and local governance merge together and which is the role of the stakeholders involved?</i>	<i>What are the theoretical implications and challenges of expanding the comparative SGPSs analysis to Latin America and, more in general, to the global South?</i>
I	<i>Does planning keep its promises? Latin American spatial governance and planning as an ex-post regularisation activity.</i>	X		X
II	<i>Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay.</i>	X		X
III	<i>Unpacking the Ecuadorian spatial planning law: policy mobilities in Latin America between transnational agency and path-dependent logics.</i>	X	X	X
IV	<i>Global urban development frameworks landing in Latin America. Insights from Ecuador and Bolivia.</i>		X	X
V	<i>The role of time in global urban policy localisation. A comparative analysis of Ecuador and Bolivia.</i>		X	X



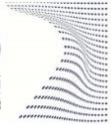
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Chapter 2

Theoretical and conceptual framework

The ongoing debate on the comparative analysis of SGPSs is the main framework within which I locate my research. As introduced in Chapter 1, the functioning of SGPSs in the global South—and particularly in Latin America—has been scarcely and randomly analysed, in so doing opening to further interesting research avenues as well as to the need of setting a theoretical framework rooted in the global South. For broadening this gap at least partially, the theoretical and conceptual framework stemming from the SGPSs comparative analysis has been combined with the ongoing debate on the Latin American ‘urban reform’ paradox as well as with spatial planning theory and practice contributions developed by Latin American scholars (Massiris, 2002; Irazábal, 2009; Galland & Elinbaum, 2018a, 2018b, among others), particularly aimed at understanding the main drivers for spatial development in the region (Abramo, 2012; Calderón, 2017). Simultaneously, these literature streams have been nourished by the rising policy mobilities debate, in so doing providing useful step-by-step insights for an analysis of SGPSs rooted in the global South which—at the same time—considers the influences of the international agents in shaping the SGPSs themselves.

In the following sections, I introduce the theoretical and conceptual framework of my research, by attempting at merging the SGPSs comparative analysis with the policy mobilities literature. It is important to keep in mind that each of the five articles—which constitute the *corpus* of this dissertation—contains a fragment of the overall theoretical framework, therefore needs to be read in continuity with the other ones.



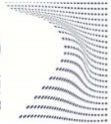
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2.1 The comparative analysis of spatial governance and planning systems

2.1.1 Spatial governance and planning systems: a European business?

The comparative spatial planning research began rather recently in the European context as a consequence of the progressive integration process into a supranational institutional entity. Since the late 1980s, an increasing number of research introduced different approaches and methodologies, by contributing to displaying differences and similarities among European countries. These initial studies had a prevalent legal and administrative focus (Davies et al., 1989; Newman & Thornley, 1996; CEC 1997), with remarkable limitations (Nadin & Stead, 2008; Janin Rivolin, 2012; Reimer et al. 2014). They classified spatial governance and planning systems according to broad law and government ‘families’, by reducing planning to a product of governmental and legal provisions and hiding the extreme variety of applications in practice (Larsson, 2006).

The research towards more sophisticated comparative methodologies merged into the EU Compendium of Spatial Planning Systems and Policies (CEC, 1997), which is the first study in the field commissioned by a supranational policy institution. The Compendium approaches spatial governance and planning as an institutional activity, and defines four ‘ideal types’ of spatial governance and planning in Europe, i.e. ‘regional economic’, ‘comprehensive integrated’, ‘land use management’, and ‘urbanism’ (CEC, 1997, pp. 36–37). This publication inspired a number of further comparative studies, as for instance the ESPON Project 2.3.2 *Governance of Territorial and Urban Policies from the European Union to the Local Level* (ESPON, 2007), which involved 29 countries and compared changes over time. The strong ‘government lens’, based on administration type, distribution of competences, decentralisation, and inter-municipal cooperation, were cross-tabulated with other variables including the constitutional structure and central-local relationships to provide a complex classification of formal governance arrangements.

Nadin & Stead (2008) argued that spatial governance and planning systems should be rather understood as ‘embedded in their historical context, the socio-economic, political and cultural patterns that have given rise to particular forms of government and law’ (Ibid., p. 35). Their critical analysis of comparative studies resonated in the concept of ‘planning culture’ and its interdependency with ‘social, economic and political values, norms, rules and laws’ (Hohn & Neuer, 2006, p. 293), which generated challenging comparisons (Knieling & Othengrafen, 2009). By pushing this further, both planning systems and planning culture concepts allowed



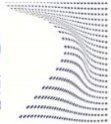
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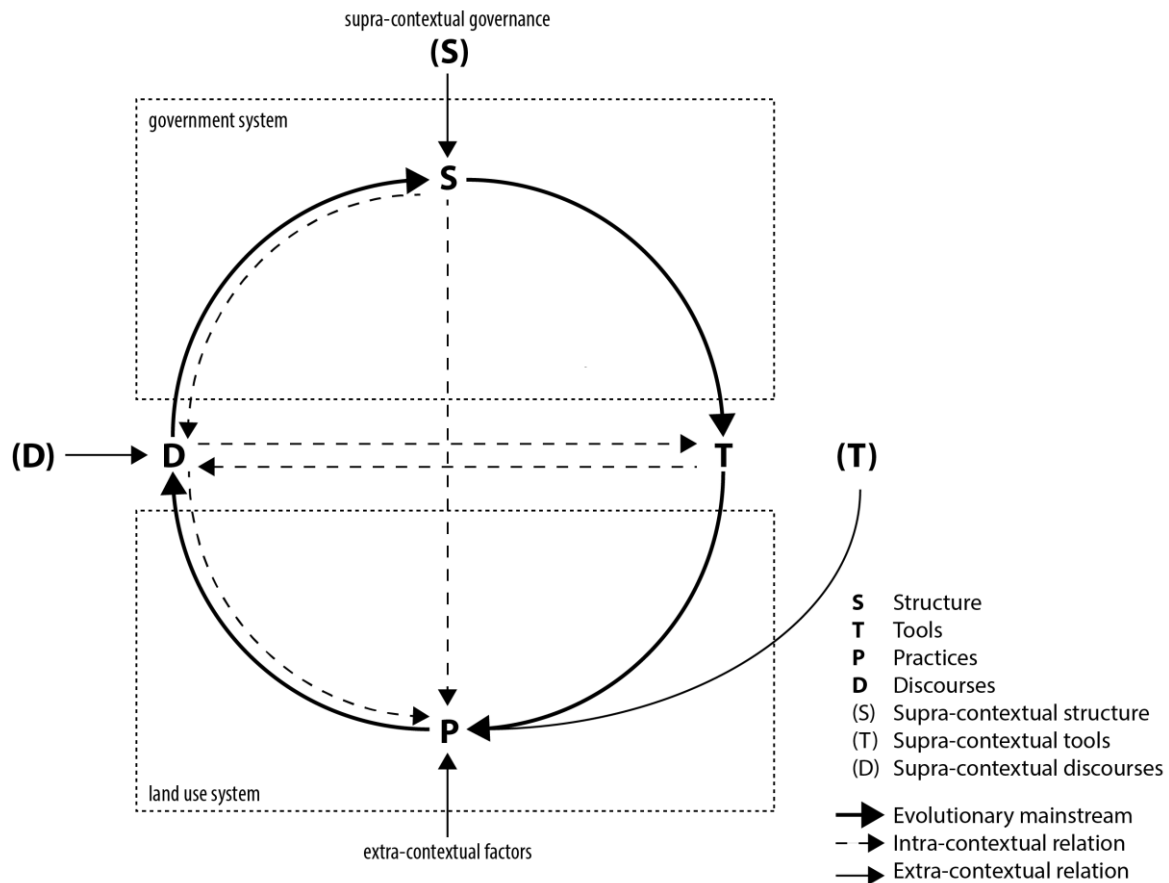
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to explain variations over time as a consequence of both internal and external factors of change, framed as ‘Europeanisation’ or ‘internationalisation’ of spatial planning (Cotella & Janin Rivolin, 2015; Peel & Frank, 2008; Cotella & Stead, 2011; Stead, 2012; Cotella et al., 2015).

Following both conceptual and methodological improvements developed by the *Comparative Spatial Planning Research* working group of the German Academy for Spatial Research and Planning (Akademie für Raumforschung und Landesplanung, ARL), further comparative spatial planning recommendations were developed by Nadin (2012) and Reimer et al. (2014), who pointed out the dynamic and evolving nature of the systems and the differences that may exist between spatial planning practices and the formal system. The proposed multi-scalar approach which does not equate planning in a selected country as a ‘national system’ shaped both conceptually and methodologically the most systematic comparative research on spatial governance and planning systems in Europe: the ESPON COMPASS project –*Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe*– launched in 2016. Within the ESPON COMPASS, spatial governance and planning systems are intended as ‘institutional technologies’ of government, tailored by social conventions shaping the land-use rights provision. In so doing, the proposed analytical approach went beyond the division between formal and informal institutions (i.e. rules and laws), merged with the culture of planning, intended as political and technical discourses and current practices. The resulting four main dimensions that compose spatial governance and planning systems are the structure, the tools, the discourses, and the practices (Janin Rivolin, 2012) (Figure 2).

By following Moroni (2010), the variegated spatial planning *practices* of land use influence the evolution of spatial governance and planning, based on a complex trial-and-error process. The great variety of practices is selected via competitive and iterative technical and political *discourses*, which lead to a number of ‘hegemonic concepts and solutions’ (Adams et al., 2011). These enduring solutions end in a durable system of rules, which modifies the ongoing constitutional and legal rules for territorial governance, the so-called *structure*. Afterwards, new spatial planning *tools* are established as drivers for new practices.

Figure 2: Spatial Governance and Planning System operation



Source: Author's elaboration based on Janin Rivolin, 2012

It is worth mentioning that the ESPON COMPASS project did not end with any typological classification of the analysed countries. Even if similarities could be traced among countries, a high level of spatial governance and planning systems fragmentation in Europe was highlighted. Despite this, 32 short descriptions of the evolution through time of the spatial governance and planning systems configuration have been produced, by including variables not featured before.² Building on the ESPON COMPASS results, and on other studies addressing the capacity of the public sector to steer spatial transformations (Janin Rivolin 2008, Muñoz-

² Full results of the ESPON COMPASS project and materials available at: <https://www.espon.eu/planning-systems> (ESPON, 2019 and related annexes).



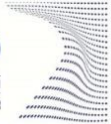
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Gielen & Tasan-Kok, 2010), Berisha et al. (2021) proposed the most recent typological classification of spatial governance and planning systems in Europe, by analysing the allocation of land-use development rights in 39 European countries (EU and non-EU) and the mutual interplay between the *state* and the *market* as leading drivers for spatial development. (Table 3).

Table 3: Main typologies of spatial governance and planning systems

Davies et al., 1989 ¹		Common law England		Napoleonic codes DK, DE, FR, NL	
Newman & Thornley, 1996	Nordic DK, FI, SE	British IE, UK	Germanic AT, DE	Napoleonic BE, FR, IT, LU, NL, PT, ES	
CEC, 1997 ²	Comprehensive integrated AT, DK, FI, DE, NL, SE	Land use regulation IE, UK (+ BE)		Regional economic FR, PT (+ DE)	Urbanism GR, IT, ES (+PT)
ESPON Project 2.3.2 ³	Comprehensive integrated AT, DK, FI, NL, SE, DE (+ BE, FR, IE LU, UK) BG, EE, HU, LV, LT PL, RO, SL, SV	Land use regulation BE, IE, LU, UK (+ PT, ES) CY, CZ, MT		Regional economic FR, DE, PT, (+ IE, SE, UK) HU, LV, LT, SK	Urbanism GR, IT, ES CY, MT
Berisha et al., 2020 ⁴	State-led systems DK, FR, FI, IE, IS, NO, SE, UK	Market-led systems AT, CH, EE, CZ, DE, LT, LV, NL, SI, SK	Conformative systems BE, BG, ES, GR, HR, HU, IT, LI, LU, RO, PT, TR	Proto-conformative systems AL, BA, MK, ME, RS, XK	Misled performative systems CY, MT, PL



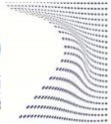
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¹ Davies et al. (1989) do not label the two groups but contrast England and other systems based on their legal frameworks.

² The EU Compendium identifies ‘ideal types’ of planning traditions. Each country may exhibit combinations of ideal types in different degrees. The ideal types are dominant in the countries indicated here.

³ The ESPON 2.3.2 project takes the EU Compendium traditions as a starting point and examines how countries’ systems have changed in the last 10 years, in so doing moving between them.

⁴ The contribution Berisha et al. (2020) builds the typology it proposed on an analysis of the data collected in the framework of the ESPON COMPASS project (ESPON, 2019).

Source: Blanc & Cotella, 2020

Even if the ongoing SGPSs comparative literature is quite extensive, until recently a focus on the global South context has been overlooked. In the following section, I introduce the topic by leveraging on current debates related to the Latin American region.

2.2 Spatial governance and planning systems in the global South

2.2.1 The Southern turn in planning

Latin American spatial planning has been considered ‘a “field” under construction’ (Galland & Elinbaum, 2018a) and both academic and institutional contributions in the last years have shown an increase in analysing and systematising the approaches to spatial planning in the region (Irazábal, 2009; Metzger et al., 2016; Angotti & Irazábal, 2017; Rossbach & Montandon, 2017). By tailoring this ‘Southern turn in planning’ (Galland & Elinbaum, 2018b), in the last decades several growing ‘shifting approaches to planning theory’ (Watson, 2016) have raised and constitute an interesting arena for academics to inquire about spatial planning changes occurring in the global South. Simultaneously, some scholars have warned about this ‘Southern turn in planning’ and called for the need of tailoring a planning theory ‘rooted’ in the South (Mukhopadhyay et al., 2021), in so doing by connecting to decolonial perspectives (Escobar, 2016; Santos, 2010, 2014; Walsh, 2007, 2010, 2011, 2015, among others). Historically, the role of the periphery has been supplying data which has been processed in the metropole, where theory has been produced (Connell, 2014). Then theory has been ‘sold back’ to the peripheries and *applied* in many disciplines. Decolonial spatial planning studies aim at reverting this power relation and at opening to the variety of ‘conflicting rationalities’ (Watson, 2003) by looking through the ‘fissures’ (Walsh, 2015) that are the margins and the places where tensions occur.



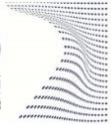
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Connell (2014) pinpoints four possible intellectual projects adopted by scholars for decolonising social thought in theory: the first one is the preservation of indigenous knowledge and practices, the second one is ‘thinking the invasion’, the third one is constructing knowledge from the periphery, and the last one is the reconstruction of knowledge itself (Connell, 2014, pp. 214-215).

In Latin America, in the early 2000s, a potential shift towards a counterhegemonic approach to the current developmentalist model (Larrea Maldonado, 2011) and ‘the hope for and the making of a new society’ (Walsh, 2011, p. 66) was introduced by the Ecuadorean and the Bolivian constitutions. Both are rooted on the *Buen Vivir/Vivir Bien* paradigm and acknowledge the indigenous rights and the rights of nature. Notwithstanding, the potential of this paradigm to produce a change of the ongoing development dynamics has been subject to debate (Radcliffe, 2012; Walsh, 2010) and was considered as mere *discourse* becoming a ‘co-opted term, functional to the State and its structures and with little significance for real intercultural, interepistemic, and plurinational transformation’ (Walsh, 2010, p. 20).

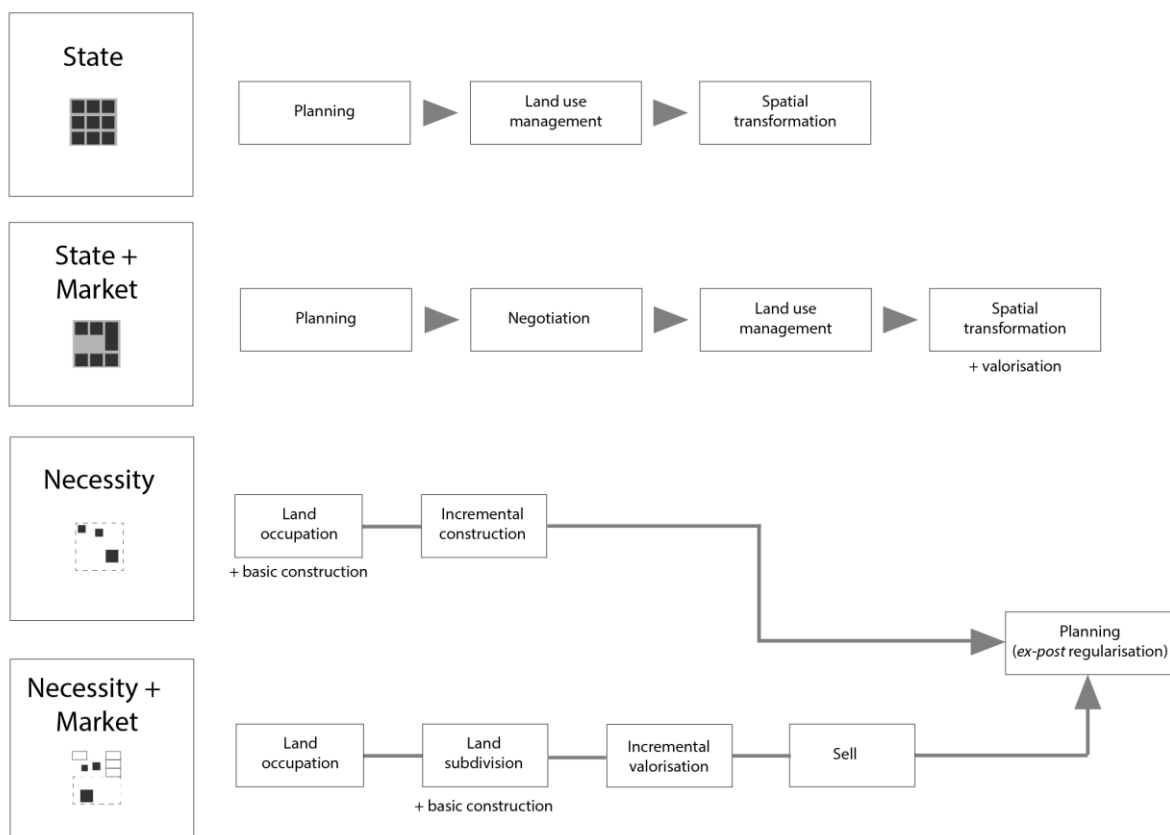
My dissertation does not aim at contributing to the decolonial debate, rather I use the existing decolonial insights and the call to contributions ‘rooted’ in the South to reflect on the tensions between the new and supposed ‘progressive’ Latin American constitutional paradigms and the actual spatial planning practices. In this sense, *testing* SGPSs comparative analysis in Latin America and beyond is not an attempt to reproduce the extraction of data from the South for knowledge production in the North (Connell, 2014), rather it aims at a reconfiguration of SGPSs studies themselves. Looking through the ‘fissures’ (Walsh, 2015) of SGPSs –i.e. making visible the tensions between formal planning systems and local practices– can allow to trace the ‘repeated instances’ (Robinson, 2018) through which understand the global urban phenomena. This could contribute to reconstruct the knowledge behind the conceptual and theoretical foundations of comparative spatial planning studies and to broaden the purpose and the object of study.

2.2.2 State, market and *necessity*

A first step of inquiry into the ‘fissures’ (Walsh, 2015) of SGPSs is the recognition of the many urbanisation processes that are carried out by the informal sector and happen alongside formal planning (Metzger et al., 2016). The *state-market* relationship has been historically acknowledged as the main driver of spatial development, with contributions from Latin America reckoning the complementary role of the *necessity* and the *necessity-market* in

steering spatial development (Abramo, 2012; Calderón, 2017) (Figure 3). As reckoned by a number of scholars, in many low- and middle-income countries characterised by an incremental plot-by-plot urbanism (Karaman et al., 2020), spatial planning frequently occurs as the final stage of the urban development process when the land occupation and the building activities have already taken place. Connolly & Wigle (2017) described the informality in Mexico City as a form of selective spatial regulation and governance, and the patterns of ‘non-public planning’ in Mozambique have been labelled by Chiodelli & Mazzolini (2019) as ‘inverse planning’ which resemble the ‘*ex-post* regularisation activity’ framed within this dissertation. When the state is not able to steer spatial transformations, planning happens as the final stage of the process, with an *ex-post* acknowledgement of land-use development rights already taken on the ground.

Figure 3: State, market, and necessity



Source: Author’s elaboration based on Blanc at al., 2022



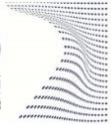
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When looking at the non-bureaucratised practices, frequently led by the *necessity* and the *necessity-market*, it is possible to reckon the existence of alternative planning practices emerging from outside the official SGPSs, which conform the ‘other institutionality’ framed within this dissertation.

2.2.3 The Latin American ‘urban reform’ paradox

Since the late 1990s, a number of new spatial planning legal frameworks have been enacted in Latin America, among which the 1997 Colombian 388 Law (Congreso de Colombia, 1997), the 2001 Brazilian City Statute (Senado Federal, 2001), and the 2016 Ecuadorian spatial planning law (República del Ecuador, 2016) stand out. The latest overview of the Latin American and the Caribbean urban laws (Roszbach & Montandon, 2017) published by Cities Alliance identified 11 spatial planning and urban development laws in the region. This institutionalisation of the urban reform process was the result of the social movements and the citizens’ claims for the right for housing and the right to the city (Máximo & Royer, 2021) which took place throughout the region. Notwithstanding, these legal frameworks that are supposed to be ‘progressive’ and the deriving spatial planning tools disclose a paradox that is at the centre of the ongoing Latin American ‘urban reform’ debate.

The Brazilian experience has shown an intense mismatch between the framework introduced by the City Statute and the local implementation carried out in the last 20 years (Fernandes, 2007, 2011, 2019; Maricato, 2011; Rolnik, 2011; Friendly, 2013; Caldeira, 2017; Friendly & Stiphany, 2019). Many reasons have been identified as responsible for this failure: the excessive bureaucracy of the spatial planning system; the lack of citizens participation; the planning debility in intervening in the land structure and the land property markets; and the lack of an articulated urban policy framework (Fernandes, 2019). Similarly, the analysis carried out in Ecuador and Bolivia (Horn, 2018, 2019) has shown that the frictions between the constitutional frameworks based on the indigenous *Buen Vivir/Vivir Bien* paradigm and the real acknowledgment of the ‘indigenous rights to the city’ in both countries has been influenced by a ‘static, colonial, and rural understanding of indigeneity’ (Horn, 2019, p. 17).

Although not focusing on spatial planning in terms of ‘systems’, the inquiries into the Latin American ‘urban reform’ paradox are a useful starting point for an in-depth scrutiny into the Latin American SGPSs functioning. The ‘dilution’ of the right to the city in Brazil (Caldeira, 2017) as well as the weakening of the *Buen Vivir* paradigm in Ecuador (Walsh, 2010) are



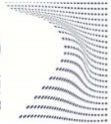
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emblematic of these ongoing tensions between the legal frameworks introduced in many Latin American countries and the ongoing spatial planning practices, in so doing calling for the suitability of spatial planning models that are unable to dialogue with the local practices. The emerging non-bureaucratized practices deserve further scrutiny and are the necessary starting point to understand the Latin American ‘dynamic landscapes of spatial governance’ (Tasan-Kok, 2021) through which it is possible to frame a broader conceptualisation of SGPSs themselves.

2.3 Policy mobilities

2.3.1 Policy mobilities: insights for comparison

The policy mobilities ongoing debate is the second pivotal stream of literature which I involve in this dissertation to improve the SGPSs comparative analysis in Latin America. Policy mobilities scholars have framed the policymaking as a ‘global-local assembling process’ (Temenos & McCann, 2013), looking at the transnational level where the transfers happen and disclosing the role played by the ‘global circuits of knowledge’ (Peck & Theodore, 2010, 2015; McCann, 2011; McCann & Ward, 2012, 2013; Montero, 2020). The simultaneous focus on global circulation and local governance (McCann & Ward, 2010), by combining relationality and territoriality, has improved the existing policy transfer studies, mainly focused at national level on the process, content and agency of transfer (Dolowitz and Marsh, 2000, 2012; Evans, 2009).

In recent years, there have been a shift of the global South ‘from import to export’ (Porto de Oliveira et al., 2019) and, more specifically, an increasing attention to the Latin America internal transfer dynamics (Jajamovich, 2013; Osorio Gonnet, 2018; Porto de Oliveira & Pal, 2018; Porto de Oliveira, 2019b; Jajamovich & Delgadillo, 2020). The attention on the agents, spaces, and policy mobilities processes has allowed to better understand the global phenomenon of travelling ‘best’ urban practices, with recent contributions showing how these mobile policies act as ‘coalition magnet’ (Silvestre & Jajamovich, 2021) for consensus building. However, fewer attention has been paid on the institutional settings laying behind the circulation of policies themselves (Montero & Baiocchi, 2021), which constitute an interesting insight for connecting policy mobilities and SGPSs studies (see Chapter 2.4.2).

Recently, Robinson (2018) has argued about the usefulness of policy mobilities studies for comparative purposes. Looking at the ‘repeated instances’ (Robinson, 2018) which



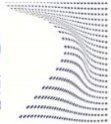
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characterise the process of global circulation and assemblage of policy models could give useful intuitions on the urban phenomena. This suggestion has been embraced by Montero & Baiocchi (2012) who proposed a methodological approach called ‘*a posteriori* comparison’, i.e. the comparative analysis developed *ex-post*, when the empirical research has already been done. This methodological approach does not mean to focus on policy similarities and differences from a comparative perspective, rather to look through the cases to trace repeated patterns and to disclose global urban phenomena. In this regard, the policy mobilities literature can contribute to both theoretical and methodological approaches undertaken by comparative spatial planning studies.

2.3.2 The global urban policy localisation

The global urban policy introduced by the 2030 Agenda for Sustainable Development (United Nations, 2015) –particularly its SDG 11– and the New Urban Agenda (United Nations, 2017) has strengthened the global comparability of policies and programmes. A worldwide race towards the adoption of national urban policies and agendas has risen since the Habitat III conference (Cartwright et al., 2018) and several countries worldwide have adopted their strategies to implement the ‘Urban SDG’ (Barnett & Parnell, 2016). Even if frequently described as a top-down activity (Barnett & Parnell, 2016; Caprotti et al., 2017; Kaika, 2017; Novovic, 2021), the ‘pasteurised’ narratives (Peck & Theodore, 2015) and the pro-urban discourse brought forward by the international agents have favoured the confluence of diverging interest in what Barnett and Parnell (2016) call ‘overlapping consensus,’ in so doing fostering the global urban policy localisation.

Recent interesting studies on the SDGs adoption have shown the selectivity of the process, mainly aimed at legitimising existing domestic priorities (Forestier & Kim, 2020) and at fitting with governance and decentralisation patterns (Berisha et al., 2022; Horn & Grugel, 2018). The differential SDGs’ domestic implementation (Tosun & Leininger, 2017) shows the implication of path dependence (Pierson, 2000; Sorensen, 2020) related to long-past policy choices which influence present possibilities and limitations (Sorensen, 2018). The localisation of the global urban policy –of which the SDG 11 is part– is in turn subject to path-dependent logics which are worth investigating and are addressed in this dissertation.



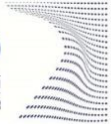
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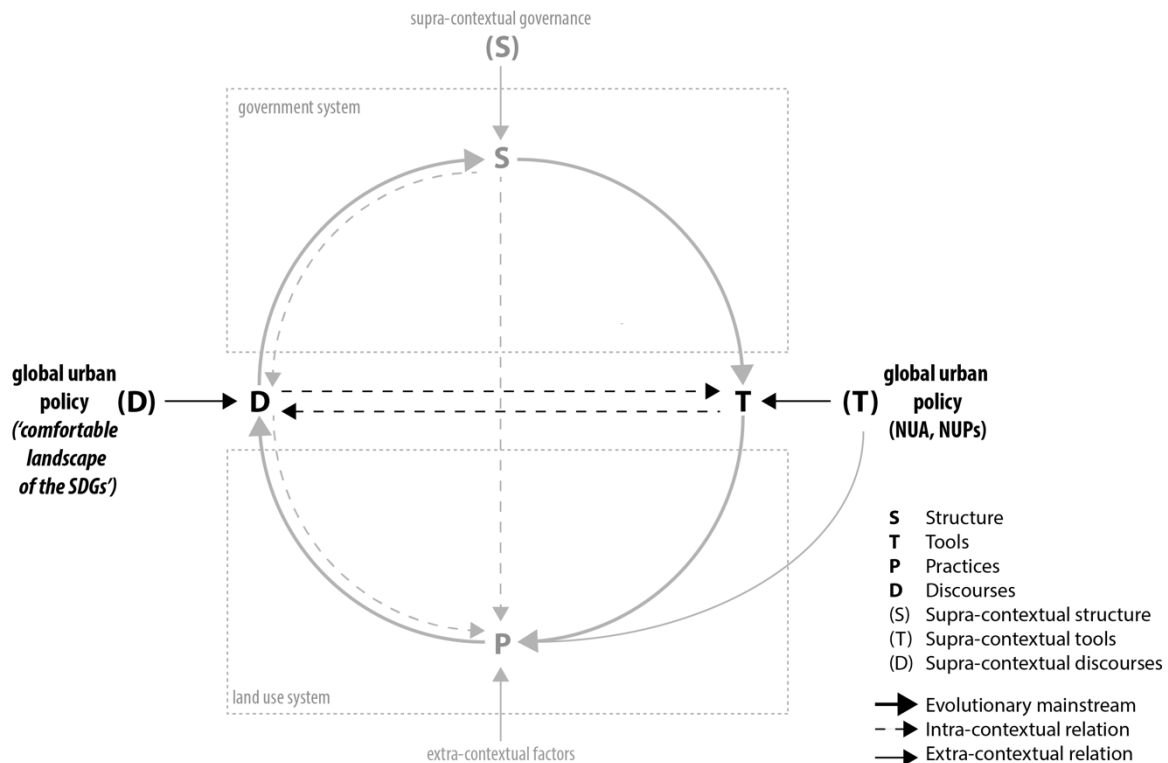
2.4 Extending the comparative spatial planning studies to the global South. A theoretical framework.

2.4.1 The confluence of comparative SGPSs studies and policy mobilities

The policy mobilities debate constitutes an interesting insight for comparative planning studies, both in terms of theoretical and methodological approach. The ongoing debate –particularly referred to Latin America– on the circulation of best urban practices and urban policies offers a robust theoretical ground for reflecting on the mechanisms and processes of policy-making and spatial planning tools formulation, which are a central issue in SGPSs comparative analysis. The spatial planning legal frameworks, as well as the tools for spatial planning, can be understood as a ‘bricolage’ (Stone, 2017) of several models coming from both the global North and the global South, which are fostered by international agents belonging to the ‘global circuits of knowledge’ (McCann, 2011). These agents are particularly dynamics in global South low- and middle-income countries where international cooperation programmes and projects are currently influencing the spatial governance outcomes (Porto de Oliveira, 2019a). Spatial planning tools and legal frameworks are not monolithic, rather they can be analysed as the result of a complex process of policy adaptation based on transnational logics (Stone et al., 2019).

SGPSs –understood as the interrelation of the legal framework (the so-called *structure*), the *tools* for spatial planning, the *practices*, and the *discourse* built around them (Janin Rivolin, 2012)– are simultaneously framed by domestic path-dependent logics and international influences (Cotella & Janin Rivolin, 2015). Among these international influences, the 2030 Agenda for Sustainable Development (United Nations, 2015) and the New Urban Agenda (United Nations, 2017) play a crucial role in shaping spatial planning discourses and tools adopted at domestic level (Figure 4). This happens via the supra-contextual discourse of the ‘comfortable landscape of the SDGs’ framed within this dissertation (see Appendix IV) as well as through the supra-contextual tools, as for instance the NUA and the NUPs framework (see Appendices IV and V), which settle the basis for developing national urban policies and national urban agendas, in so doing tailoring the domestic spatial planning tools.

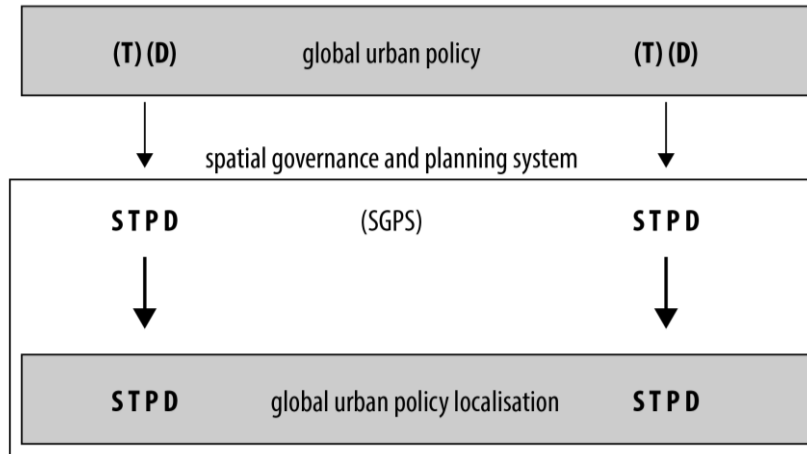
Figure 4: Global urban policy and SGPS



Source: Author's elaboration based on Janin Rivolin, 2012

The process the global public policy localisation has been partially overlooked by the policy literature (Porto de Oliveira, 2022) and the spatial planning studies, with few contributions related to the domestic localisation of the global climate change policy (Carrión et al., 2022, among others). The theoretical debate stemming from the policy mobilities literature could be a useful insight for approaching the global urban policy localisation and for inquiring about the reciprocal influence of the SGPSs and the global urban policy, both in terms of urban narratives (Montero, 2020) and in terms of spatial planning tools. If the SGPS is influenced by supra-contextual tools (T) and supra-contextual discourses (D), the SGPS itself represents the *space* within which the global urban policy localisation takes place, and the specific institutional configurations (Montero & Baiocchi, 2021) influence how the localisation happens, by ending in a mutual interaction between the two (Figure 5).

Figure 5: Mutual interaction between SGPS and global urban policy localisation



- S Structure
- T Tools
- P Practices
- D Discourses
- (S) Supra-contextual structure
- (T) Supra-contextual tools
- (D) Supra-contextual discourses
- Evolutionary mainstream
- → Intra-contextual relation
- Extra-contextual relation

Source: Author's elaboration

In terms of methodology, the policy mobilities literature could be an enriching entry point to broaden the SGPSs studies. By looking through the cases and by tracing the 'repeated instances' (Robinson, 2018) could be a useful methodological approach to include the non-bureaucratised practices into the SGPSs functioning. The many possible assemblages of the 'other institutionality' stemming from the non-bureaucratised practices can be traced and analysed in order to identify broader global urban phenomena. The empirical results analysed *ex-post* by adopting 'a posteriori comparison' as suggested by Montero & Baiocchi (2021) can give further interesting insights about the institutional configuration of SGPSs and enriching their comparative analysis in both the global South and the global North.

2.4.2 Challenges and limitations

Testing SGPSs comparative analysis in Latin America and beyond is not an attempt to reproduce the extraction of data from the South for knowledge production in the North



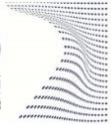
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(Connell, 2014), rather it aims at a reconfiguration of SGPSs studies. Looking through the ‘fissures’ (Walsh, 2015) can contribute to reconstruct the knowledge behind the conceptual and theoretical foundations of comparative spatial planning studies. As suggested by Watson (2016), it is important *testing* and not simply applying the concepts taken from other parts of the world, but especially been aware that ‘new ideas (not ‘best practices’) can feed back to the growing and diverse international ‘pot’ of planning theories and concepts’ (Watson, 2016, p. 39). As some scholars have argued, there is a need of planning studies ‘rooted’ in the South (Mukhopadhyay et al., 2021) and extending the comparative SGPSs analysis to Latin America and beyond means reconstruct the conceptual and theoretical frameworks underpinning these studies, rather than simply applying theoretical concepts originated elsewhere. Furthermore, new conceptual and theoretical frameworks stemming from the SGPSs inquiry into the global South could enhance and stimulate further debates on the worldwide SGPSs functioning.

I am aware that current decolonial scholars could interpret this attempt as a further colonial perpetuation of North-South power dynamics. My role as a Northern academic (and former consultant) involved in spatial planning studies in the global South is a limitation itself. In this regard, I decided to face this bias by carrying out the research in collaboration with Latin American colleagues and to reflect on the role of the international agents involved in spatial planning processes. In doing so, I have critically approached my former involvement as an international consultant, alongside making visible the role played by the middle- and upper-class elites, as already suggested by Whitney (2020). I am conscious that an in-depth scrutiny into the dynamics of policy circulation and spatial planning policy formulation undoubtedly deserves more attention, and the research results could disclose the hidden power relations and improve the attitude of professionals and policymakers involved.

The challenges of expanding the SGPSs studies to the global South are manifold. Firstly, a deeper focus on the non-bureaucratized practices could enhance the overall object of study. In a context as the Latin American one, where several spatial transformations occur within the informal sector –driven by the necessity or the necessity-market– and the state is relegated to eventually acknowledge them, the focus necessarily goes to the alternative forms of institutionality which characterise these dynamic spatial governance landscapes (Tasan-Kok, 2021). The ‘other institutionality’ resulting from the tensions within the formal system opens to interesting comparative South-South or South-North insights and it means acknowledging the dynamic and changing nature of SGPSs themselves. Secondly, by expanding the SGPSs studies through a deeper inquiry into the growing Latin American phenomenon of the ‘judicialization’ of planning (Sotomayor et al., 2022) –which is also part of the ‘other institutionality’– could open to interesting outcomes for a worldwide SGPSs comparison.



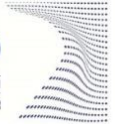
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Chapter 3

Methodological background and research material

This section presents the reasons behind the selection of Bolivia, Ecuador, Peru, Argentina, Chile, and Uruguay as case countries to study Latin American SGPSs. The spatial planning systems of the six countries are summarised in relation to their planning scales and planning tools, classified in terms of level and typology. This allows to have a quick comparative overview of the selected spatial planning systems, further analysed in the corresponding articles (Appendices I and II). Furthermore, the Chapter elaborates on the research methods used for developing the research, distinguishing by literature review, semi-structured interviews and participant observation related to consultancies activities.

3.1 Selection of case studies

Since the late 1990s the Latin American region has been at the forefront for the approval of new constitutional and legal frameworks dealing with spatial development (Roszbach & Montandon, 2017). Some of the most radical political constitutions of the world were approved by Latin American countries in the early 2000s (i.e. Ecuador and Bolivia) (Becker, 2011; Larrea Maldonado, 2011), and nowadays Chile is developing its new political charter which is likely to bring further the regional claim for the right to the city, in so doing representing a fruitful context for inquiring about the spatial planning repercussions.

Among the six selected case studies (Figure 6), three of them belong to the Andean region (Bolivia, Ecuador, and Peru) and the other three are part of the southernmost region of Latin America (Argentina, Chile, and Uruguay). Despite the differences between the former and the latter –urban population ranges from 64% in Ecuador to 96% in Uruguay,³ and the GINI

³ <https://data.worldbank.org> [Accessed: 01/02/2022]



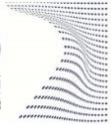
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index⁴ ranges from 47.3 in Ecuador to 40.2 in Uruguay– all of them are characterised by a high degree of inequality, being Latin America the most unequal region of the world (Bárcena et al., 2016).

The local case studies are intermediary cities which belong to a greater metropolitan area. According to the UN-Habitat report on the Latin American and Caribbean cities (UN-Habitat, 2012) and the GOLD IV report published by United Cities and Local Governments (UCLG, 2016), while displaying high urbanisation rates, intermediary cities have fewer technical and economic capacities to develop spatial planning tasks in comparison to main metropolises (Llop et al., 2019). They can be a proxy for the several other intermediary cities in the Andean and Southern Latin American region. The selected intermediary cities from Bolivia, Ecuador, and Peru –namely Sacaba, Rumiñahui, and Huancayo– included in ARTICLE I are facing an increase in land occupation and urban sprawl due to their proximity to major urban centres. The selected cities from Argentina, Chile and Uruguay –namely Paraná, Viña del Mar, and Colonia del Sacramento– are intermediary coastal cities (i.e. river or Pacific coastal cities) which recently faced several planning-related challenges due to an increasing urban pressure and to climate change exposure for being hazard-prone areas (Barton, 2013; Barros et al., 2016; Villamizar et al., 2016). In this sense, the selection of the three intermediary cities included in ARTICLE II has to be understood as a further approximation to the main challenges Latin American intermediary cities are facing nowadays. For each city, local spatial planning has been analysed in terms of tools and practices in both the formal and informal domain, with a particular attention to the relation between planning scales (i.e. national, sub-national, and local levels). The focus of the empirical research has been set on the allocation of spatial development and land-use rights and on the interaction between the state, the market and the civil society, in so doing analysing the role played by the *necessity* and the *necessity-market* as spatial development drivers.

⁴ ‘Gini index measures the extent to which the distribution of income (or, in some cases, consumption expenditure) among individuals or households within an economy deviates from a perfectly equal distribution [...]. Thus a Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality’. <https://data.worldbank.org> [Accessed: 31/05/2022]

Figure 6: Location of the selected case studies



Source: Author's elaboration



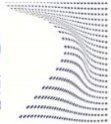
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3.1.1 Bolivia, Ecuador, and Peru

Bolivia, Ecuador, and Peru belong to the Latin American Andean sector and –in recent years– they have undertaken important revisions of their spatial planning legal frameworks. At the beginning of the 2000s, Ecuador and Bolivia approved their new political constitutions, respectively in 2008 and 2009, both based on the *Buen Vivir/Vivir Bien* paradigm, which refers to the indigenous worldview as an alternative to the capitalist model (Arteaga-Cruz, 2017). Both constitutions led to a renewed national territory organisation and a distribution of competences within the urban domain (Bolivia: Cabrera, 2011; Ecuador: Benabent Fernández & Vivanco Cruz, 2017). In Peru, the 1993 constitution is the leading political document and, differently from Ecuador and Bolivia, it was based on the Washington Consensus' recommendations which led to a prevalence of foreign investments and a wider role of the market. In 2016 Ecuador enacted its first spatial planning law called LOOTUGS (República del Ecuador, 2016) and in the same year Bolivia approved its national planning framework called SPIE (Asamblea Legislativa Plurinacional, 2016), both establishing specific tools for managing land-use and urban development at local and sub-national levels. In Peru, the sustainable urban development regulation (the so-called RATDUS) was approved in 2016 (Ministerio de Vivienda, Construcción y Saneamiento, 2016), and recently was enhanced by the enactment of the national sustainable urban development law (LEYDUS, Ministerio de Vivienda, Construcción y Saneamiento, 2021).

These recent approved spatial planning legal frameworks constitute an interesting input for inquiring about the functioning of SGPSs, in a region where spatial planning activity is highly dominated by the informal sector (Metzeger et al., 2016), by resulting into an interesting combination of the *necessity* and the *market* as prevailing drivers for spatial development.

This panorama is further enhanced by the recent approval in Bolivia, Ecuador, and Peru of their respective national urban policies, with the aim of tackling urban inequalities (Bolivia: Ministerio de Obras Públicas, Servicios y Vivienda, 2020; Ecuador: Ministerio de Desarrollo Urbano y Vivienda, 2020; Peru: Ministerio de Vivienda, Construcción y Saneamiento, 2021). These respective national urban policies have the aim of influencing and directing spatial planning activity, and further local urban agendas are in the process of development in several local governments of the three countries. These documents are based on the New Urban Agenda (United Nations, 2017) and the 2030 Agenda for Sustainable Development (United Nations, 2015), with the main purpose of localising the SDGs. As a consequence, the overall SGPSs panorama is enriched by this aim of aligning local spatial planning activity with the global urban policy, in so doing determining a further interesting avenue of research.



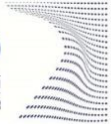
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The selection of Ecuador and Bolivia for a further scrutiny into the localisation of the global urban policy (Porto de Oliveira, 2022) within the policy mobilities debate (see Chapter 5) is due to their similarities in the constitutional and legal frameworks as a result of specific ‘critical junctures’ (Mahoney, 2000; Collier & Collier, 2015; Sorensen, 2018) and path-dependent logics (Sorensen, 2015, among others). Furthermore, my privileged access to the research materials due to my involvement as a consultant in both countries has favoured the selection of these two case studies, to the detriment of Peru. This is certainly a limitation, which I am aware of, and I am planning to address it in further research steps.

3.1.2 Argentina, Chile, and Uruguay

In a very preliminary step of my PhD research, Argentina, Chile and Uruguay were not included among the selected case studies. However, after engaging and questioning about SGPSs with several colleagues from Latin America, I decided to expand the geographical focus of my research to the Southern Latin American region, in order to have three potentially very different case studies from the former ones. Conversely to the Andean ones, Argentina, Chile, and Uruguay have the highest rates of urban population in the region, by making the increasing urban inequality even more pressing (Bárcena et al., 2016) and, consequently, overstretching the SGPSs.

Among the three selected countries, Uruguay is the only one having a national spatial planning law, the so-called LOTDS, approved in 2008 (República de Uruguay, 2008). Chile enacted its Urbanism and Building Law in 1976 (MINVU, 1976), and recently updated it, however exclusively managing the urban domain, and missing an overall spatial focus. The new Chilean political constitution is currently on the making, and this could lead to interesting outcomes for spatial planning, in so doing calling for a need of monitoring spatial planning activities in the country. Conversely to the former ones, Argentina has never enacted a national spatial planning law, by presenting an extremely fragmented and unarticulated legal framework, affecting even further spatial planning activity. As a consequence, the variegated institutional panorama affecting spatial planning activity constitutes an interesting field of research, ranging from the federal Argentinian system based on provincial governments responsible for setting their own spatial planning legislations, to the highly centralised Chilean system or the Uruguayan one, where the departmental governments are leading spatial transformations.

The selection of the Southern Latin American case studies has to be read as a research need of further inquiring about the functioning of SGPSs in the region, by broadening the ‘other



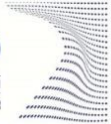
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institutionality' argument. I am totally aware that this is a first insight into the inquiry of Latin American SGPSs, which certainly needs further analysis and a wider research team, however, I reckon that the additional selection of three more countries has strengthened my arguments towards the possibility of expanding the comparative SGPSs analysis to the global South.

3.1.3 Planning systems in the selected countries

The six countries under scrutiny have a different political and administrative organisation which further complicates the comparative analysis of SGPSs. The first step towards the analysis of their spatial planning legal frameworks has been the understanding of their political and administrative organisation (Table 4), for allowing a dialogue between very different levels of government. As for instance, in Uruguay the governmental level responsible for land-use planning is the Department, which is a subnational level, rather than the other countries where the local level is responsible for sanctioning the regulative land-use planning tools. However, many nuances have been traced out and analysed in ARTICLE I and ARTICLE II.

Due to their similarities and differences, the selected Latin American countries provide an excellent testbed for inquiring about the SGPSs functioning in Latin America. Firstly, the authorities responsible for spatial planning range from national, sub-national (namely regional, provincial or departmental governments), to local (namely municipal) level. The panorama is quite variegated (Tables 5 and 6) and, although local governments are the main responsible for spatial development, the sub-national governments have quite high interference in steering spatial development, as the Chilean or the Uruguayan case studies demonstrate. The national and sub-national planning tools have a prevailing strategic and vision nature, rather than the local spatial planning tools which are mainly regulative. The Bolivian case study stands out for a peculiar difference in the allocation of development rights in the urban *versus* the rural domain. Local governments are responsible for urban planning, however, the land-use shift from rural to urban is acknowledged by the central government. Uruguay is the only country where the departmental level (i.e. sub-national) is the prevalent one in producing regulative spatial planning tools.

Table 4: Political and administrative organisation

Country	Level	Definition
Bolivia	Country <i>País</i>	Bolivia is a Plurinational State. It is territorially organized into departments, provinces, municipalities and indigenous territories. The province is not a political administrative unit.
	Department <i>Departamento</i>	The department is the intermediate administrative political unit. It covers provinces, municipalities and indigenous territories.
	Region <i>"Región"</i>	The region is made up of several municipalities or provinces with geographic continuity and without transcending departmental boundaries.
	Municipality <i>Municipio - TIOC</i>	The municipality is the lower administrative political unit. The TIOC or native indigenous peasant territories are autonomies based on self-government as an exercise of self-determination of the nations and native indigenous peasant peoples.
Ecuador	Country <i>País</i>	Ecuador is territorially organized into regions, provinces, municipalities (that include indigenous territories) and rural parishes.
	Region <i>Región</i>	The region is the territorial constituency made up of the provinces that are constituted as such, in accordance with the procedure and requirements provided by the law. Among the requirements for its creation: 5% of the national population; 20,000 km ² .
	Province <i>Provincia</i>	The provinces are territorial districts made up of the cantons that legally correspond to them. Among the requirements for its creation: 3% of the total national population; 10,000 km ² .
	Municipality - Canton <i>Municipio - Cantón</i>	The cantons are territorial circumscriptions made up of rural parishes and the cantonal head with its urban parishes. Among the requirements for its creation: 50,000 inhabitants, of which at least 12,000 must reside in the future cantonal head.
	Rural parish <i>Parroquia rural</i>	Rural parishes constitute territorial constituencies integrated into a canton through an ordinance issued by the respective municipal or metropolitan council. Among the requirements for its creation: 10,000 inhabitants, of which at least 2,000 must be domiciled at the head of the new parish.
Perú	Country <i>País</i>	Peru is territorially organized into the following levels of government: Central, Regional and Municipal (Provinces and Districts).
	Region <i>Región</i>	The Regional Governments are legally acknowledged and have political, economic and administrative autonomy in relation to their competences. There are 25 Regional Government in the country.
	Provincial Municipality <i>Municipalidad Provincial</i>	There are 196 Provincial Municipalities in the country. Those having a special regime are the Metropolitan Municipality of Lima and Borders Municipalities, i.e. provincial capitals and districts located on the borders.
	District Municipality <i>Municipalidad Distrital</i>	There are 1874 District Municipalities in the country.
	Town Center Municipality <i>Municipalidad de Centro Poblado</i>	Among other requirements for its creation, there are: 1) the Town Center Municipality does not lay within the urban area of the district it belongs to, 2) there is a proven need for local services in the Town Center Municipality and the possibility of sustaining it.
Argentina	Country <i>País</i>	Argentina has a federal republican representative form of government. It is organized in Provinces and Municipalities.
	Province <i>Provincia</i>	There are 23 Provinces and an Autonomous City, which has similar competences. Each province enacts its own Constitution, by ensuring the municipal autonomy.
	Municipality <i>Municipio</i>	There are a total of 1298 municipalities in Argentina, 186 of which have already sanctioned their organic charter.
Chile	Country <i>País</i>	Chile is territorially organized into regions, provinces, and <i>comunas</i> . Chile has just begun a constituent process that could redesign, in the medium term, the political-administrative organization of the state.
	Region <i>Región</i>	There are 16 Regions in Chile, each ruled by an <i>Intendente</i> who is chosen by the President of the Republic.
	Province <i>Provincia</i>	There are 56 Provinces in Chile, each of them ruled by a <i>Gobernador</i> .
	Municipality <i>Comuna</i>	There are 346 <i>Comunas</i> , each of them ruled by an <i>Alcalde</i> who is elected by the citizens.
Uruguay	Country <i>País</i>	Uruguay is a presidential representative democratic republic, organized into 19 departments.
	Department <i>Departamento</i>	Each Department is ruled by an Intendente and the Junta Departamental has the legislative power.
	Municipality <i>Municipio</i>	Local municipalities are a recent creation in the country (since the he Law of Decentralization and Citizen Participation).

Table 5: Planning tools (level and typology). Bolivia, Ecuador, Peru.

Country	Tool	Level			Typology		
		National	Sub-national	Local	Vision	Strategic	Regulative
Bolivia	Economic and Social Development Plan <i>Plan de Desarrollo Económico y Social PDES (2016 - 2020)</i>	X			X	X	
	General Economic and Social Development Plan <i>Agenda Patriótica 2025- Plan de Desarrollo General Económico y Social para el Vivir Bien (PDGES)</i>	X			X		
	Comprehensive Metropolitan Development Strategy <i>Estrategia de Desarrollo Integral Metropolitano (EDIM)</i>		X		X	X	
	Territorial Plan for Comprehensive Municipal Development <i>Plan Territorial de Desarrollo Integral Municipal (PTDI)</i>			X		X	X
	Urban Development Plan <i>Plan de Desarrollo Urbano (PDU) (This applies to the case study of Sacaba)</i>			X	X	X	X
Ecuador	National Development Plan <i>Plan Nacional para el Buen Vivir "Toda una Vida" (2017 - 2021)</i>	X			X		
	National Territorial Strategy <i>Estrategia Territorial Nacional (ETN 2017 - 2021)</i>	X				X	
	National System of Protected Areas <i>Sistema Nacional de Áreas Protegidas (SNAP)</i>	X				X	X
	Zonal Agendas <i>Agendas Zonales</i>		X			X	
	Regional Development and Territorial Management Plan <i>Plan de Desarrollo y Ordenamiento Territorial (PDOT) Regional</i>		X			X	X
	Provincial Development and Territorial Management Plan <i>Plan de Desarrollo y Ordenamiento Territorial (PDOT) Provincial</i>		X			X	X
	Municipal Development and Territorial Management Plan <i>Plan de Desarrollo y Ordenamiento Territorial (PDOT) Municipal</i>			X		X	X
	Parish Development and Territorial Management Plan <i>Plan de Desarrollo y Ordenamiento Territorial (PDOT) Parroquial</i>			X		X	
Peru	Land Use and Management Plan <i>Plan de Usos y Gestión del Suelo (PUGS)</i>			X			X
	National Strategic Development Plan <i>Plan Estratégico de Desarrollo Nacional: Perú hacia el 2021</i>	X			X		
	National Urban Development Plan <i>Plan Nacional de Desarrollo Urbano "Territorio para Todos" (2006 - 2015)</i>	X			X		
	National Housing Plan <i>Plan Nacional de Vivienda "Vivienda para Todos" (2006 - 2015)</i>	X			X		
	Concerted Regional Development Plan <i>Plan de Desarrollo Regional Concertado (PDRC)</i>		X		X	X	
	Concerted Provincial Development Plan <i>Plan de Desarrollo Provincial Concertado (PDPC)</i>		X		X	X	
	Concerted Local Development Plan <i>Plan de Desarrollo Local Concertado (PDLC)</i>			X	X	X	
	Territorial Conditioning Plan <i>Plan de Acondicionamiento Territorial (PAT)</i>		X			X	
	Metropolitan Development Plan <i>Plan de Desarrollo Metropolitano (PDM)</i>		X			X	
	Urban Development Plan <i>Plan de Desarrollo Urbano (PDU)</i>			X			X

Table 6: Planning tools (level and typology). Argentina, Chile Uruguay.

Country	Tool	Level			Typology		
		National	Sub-national	Local	Vision	Strategic	Regulative
Country	Tool	Level			Typology		
		National	Sub-national	Local	Vision	Strategic	Regulative
Argentina	National Strategic Territorial Plan <i>Plan Estratégico Territorial Nacional (PET)</i>	X				X	
	National Urban Policy <i>Plan Argentina Urbana (AU-2018)</i>	X			X		
	Strategic Territorial Plan <i>Plan Estratégico Territorial</i> (this applies to the case study of Entre Ríos Province)		X		X	X	
	Provincial Infrastructures Plan <i>Plan Provincial de Infraestructura</i> (this applies to the case study of Entre Ríos Province)		X			X	
	Strategic Development Plan <i>Plan Estratégico de Desarrollo</i> (this applies to the case study of Paraná)			X	X	X	
	Urban Code <i>Código Urbano</i> (this applies to the case study of Paraná)			X			X
	Chile	National Development Plan <i>Estrategia Nacional de Desarrollo, Uruguay 2050</i>	X			X	X
Special protected areas zoning <i>Zonificaciones sujetas a protecciones especiales</i>		X					X
Coastal border zoning <i>Zonificación de uso del borde costero</i> (this applies to the case study of Valparaíso)		X					X
Regional Land Use Plan <i>Plan Regional de Ordenamiento Territorial</i>			X			X	
Metropolitan Land Use Plan <i>Plan Regulador Intercomunal/Metropolitano</i>			X			X	X
Municipal Land Use Plan <i>Plan Regulador Comunal</i>				X			X
Municipal Development Plan <i>Plan de Desarrollo Comunal</i>				X	X	X	
Sectorial Plan <i>Plan Seccional</i>				X			X
Uruguay	Urban boundary <i>Límite urbano</i>			X			X
	National Land Use Guidelines <i>Directrices Nacionales de Ordenamiento Territorial</i>	X			X	X	
	Coastal border guidelines <i>Directriz Nacional Costera</i>	X			X	X	
	Regional Strategies <i>Estrategias regionales</i> (this does not apply to the case study of Colonia)		X			X	
	Departmental Guidelines <i>Directrices Departamentales</i> (this applies to the case study of Colonia)		X		X	X	X
	Local Land Use Plan <i>Plan Local</i> (in Colonia Department this is currently under approval)		X				X
	Special Plan <i>Plan Especial</i> (this tool complements other existing departmental land use plans)		X				X
	Building Ordinance <i>Ordenanza de construcción</i> (this applies to the case study of Colonia, Ord. 126/97)		X				X



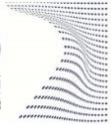
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3.2 Research methods

This dissertation is based on three types of research methods, which were analysed simultaneously and allowed to frame the research questions and hypothesis. Firstly, scientific publications and policy documents were used to frame the theoretical framework presented in Chapter 2. Secondly, more than 70 semi-structured interviews were developed with relevant stakeholders involved in spatial planning activity, and thanks to the collaboration of an international research team which I am part of. Thirdly, participation insights resulting from the consultancy activities I developed before 2018 were considered.

The three research methods have been combined systematically and logically to study the cases scientifically. By complementing the contribution of each of the five articles in relation to the specific research questions, Table 7 displays the combination of the adopted research methods. More in details, the analysis of the Latin American SGPSs functioning, developed in ARTICLE I and ARTICLE II through the six case studies, has been carried out by a combination of literature review, policy documents' analysis and expert interviews. The same research methods have been adopted for ARTICLES III, IV and V –focusing on the confluence between global urban policy and local governance– and complemented by the insights previously collected from participant observation and consultancy activities.

Table 7: Articles, research questions, and research methods

Table 7: Articles, research questions, and research methods

<i>N.</i>	<i>Title</i>	<i>Sub-RQ1</i>	<i>Sub-RQ2</i>	<i>Sub-RQ3</i>	<i>Methods</i>		
		<i>How do Latin American SGPSs function among formal and informal practices?</i>	<i>How do global urban policy and local governance merge together and which is the role of the stakeholders involved?</i>	<i>What are the theoretical implications and challenges of expanding the comparative SGPSs analysis to Latin America and, more in general, to the global South?</i>	Literature survey and document analysis	Expert interviews	Participant observation and consultancy activities
I	<i>Does planning keep its promises? Latin American spatial governance and planning as an ex-post regularisation activity.</i>	X		X	X	X	
II	<i>Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay.</i>	X		X	X	X	
III	<i>Unpacking the Ecuadorian spatial planning law: policy mobilities in Latin America between transnational agency and path-dependent logics.</i>	X	X	X	X	X	X
IV	<i>Global urban development frameworks landing in Latin America. Insights from Ecuador and Bolivia.</i>		X	X	X	X	X
V	<i>The role of time in global urban policy localisation. A comparative analysis of Ecuador and Bolivia.</i>		X	X	X	X	X



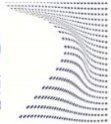
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3.2.1 Literature survey and document analysis

Scientific publications and policy documents were used to develop the theoretical framework for the analysis and for answering the research questions. By considering the rather differential context within which the comparative analysis of SGPSs was developed so far, the literature survey has addressed other relevant and complementary fields of research pivoted around Latin American spatial planning and urban policy mobilities.

In addition to the scientific literature, several policy and legal documents were used for the analysis. This included political constitutions from the selected countries, national and sub-national legal frameworks related to spatial planning, national urban policies/agendas, as well as the global urban framework settled by the United Nations (i.e. the 2030 Agenda for Sustainable Development and the New Urban Agenda). At the local level, spatial planning ordinances and plans from the six city governments were analysed, as well as local newspapers for a contextual scrutiny into current spatial planning dynamics.

The document analysis developed for ARTICLE I and ARTICLE II has benefitted from the collaboration with Latin American colleagues, each of them expert in a specific country, and guiding the selection of relevant spatial planning and policy documents. This has been particularly relevant for the Argentinian context, in which the legal frameworks affecting spatial planning activity are highly dispersed and difficult to trace.

For ARTICLE III I developed an in-depth analysis of the Ecuadorian spatial planning tools, combined with a thorough analysis of other Latin American spatial planning legislations (mainly the Colombian and the Brazilian ones) and European ones (mainly the French and the Spanish legislations). For ARTICLE IV and ARTICLE V only the Ecuadorian and the Bolivian national urban policies/agendas were analysed, combined with the examination of working materials and knowledge products for practitioners.

3.2.2 Expert interviews

The literature survey and document analysis were complemented by the development of semi-structured interviews addressed at relevant stakeholders involved in spatial planning activities. In total, 77 interviews were conducted between 2019 and 2022 in collaboration with the co-authors of the respective articles. Some of the interviews were recorded, and others were not due to the lack of authorisation given by the interviewees. The majority of the interviews was carried out remotely or via email, due to the constraints posed by the COVID-19 pandemics.

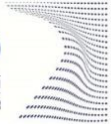


Table 8 gives an overview of the number of interviewees, their belonging to a certain category of business, and the themes discussed, in relation to the articles developed.

Table 8: Expert interviews

Country	Count	Interviewees belonging to	Themes discussed	Article
Bolivia	7	Academia	<ul style="list-style-type: none"> - Planning authorities; - Planning competences; - Planning tools; - Planning practices; - Planning system and relation of different planning scales; - Land-use development rights assignment. 	I
		City Government of Sacaba		
		Construction Chamber		
		Informal neighbourhood organisation		
		National Government		
		Real estate sector		
	13	Academia	<ul style="list-style-type: none"> - National urban policy development and implementation; - International influences; - Relation of the New Urban Agenda and 2030 Agenda with spatial planning policies and tools; - SDGs localisation. 	IV-V
		Architects' association		
		International organisation		
		National Government		
Local governments				
Ecuador	7	Academia	<ul style="list-style-type: none"> - Planning authorities; - Planning competences; - Planning tools; - Planning practices; - Planning system and relation of different planning scales; - Land-use development rights assignment. 	I
		City Government of Quito		
		City Government of Rumiñahui		
		Construction Chamber		
		Informal neighbourhood organisation		
		Real estate sector		
		20		
	Independent consultants			
	International organisation			
	JICA alumnus			
	Local governments			
	National Government			
	Social movements			
Peru	7	Academia	<ul style="list-style-type: none"> - Planning authorities; - Planning competences; - Planning tools; - Planning practices; 	I
		Independent consultants		
		City Government of Huancayo		
		National Government		



Argentina	7	Real estate sector	- Planning system and relation of different planning scales; - Land-use development rights assignment.	II
		Academia		
		Architects' association		
		City Government of Paraná		
		Informal neighbourhood organisation		
		Engineers' association		
National Government				
Chile	8	Architects' association		II
		City Government of Viña del Mar		
		Independent consultants		
		Informal neighbourhood organisation		
		National Government		
		Public Works' association		
Regional Government				
Uruguay	8	Academia		II
		Architects' association		
		City Government of Colonia		
		Independent consultants		
		Informal neighbourhood organisation		
		National Government		

3.2.3 Participant observation and consultancy activities

My academic interest in the functioning of Latin American SGPSs comes from my previous professional engagement as a consultant hired by different international organisations operating in the region. The participant observation which complements the literature review and the stakeholders' interviews was developed previously to 2018. From 2008 to 2018 I took part to the activities of the UNESCO Chair for Intermediary Cities (UNESCO-CIMES) being involved in the development of seminars and peer-learning activities with local governments from different Latin American countries. This allowed me to deeply plunge into the transfer of urban policies and spatial planning tools from a country to another, within the emerging debate on the 2030 Agenda for Sustainable Development and the New Urban Agenda, which was under formulation in those years. From 2011 to 2013 I worked for the Ecuadorian Ministry of Urban Development and Housing (MIDUVI), previously as an UN-Habitat consultant and later as an



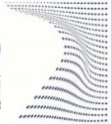
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urban planner at the MIDUVI's Secretariat for Habitat and Human Settlements, which allowed me to deeply participate in the LOOTUGS formulation process and to see the dynamics of transfer first-hand. Furthermore, in 2018 I participated to the preliminary drafting of the Bolivian National Urban Policy, by contributing to the diagnostic phase and interacting with crucial local and national stakeholders. The overall materials used for this dissertation included official policy briefs, conference proceedings, published working materials, knowledge products, and spatial planning toolkits for localising SDGs in intermediary cities (United Cities and Local Governments, 2017) in which I collaborated during my former consultancy activities.

My privileged consultant position allowed me to see the existing tensions between Latin American spatial planning legal frameworks and current practices first-hand and pushed me to look for an in-depth and theoretical analysis on the matter. The consultant activities (all of them related to drafting and implementing spatial planning legal frameworks) encouraged me to critically engage with the current theoretical debate on the comparative SGPSs analysis, by pushing it forward through the participant observation insights combined with the empirical research. At the same time, shifting from a professional to an academic perspective allowed me to critically reconsider my role of consultant involved in domestic spatial planning processes and to reflect on the role played by the international agents. The recently introduced global urban development framework based on the 2030 Agenda for Sustainable Development (United Nations, 2015) and the New Urban Agenda (United Nations, 2017) constitutes the scenario within which spatial planning activity is developed, and the role of international agents (and consultants) is crucial in selecting what narratives and tools are finally adopted at domestic level. In this sense, adopting an academic perspective *after* having been a consultant could enhance the awareness as a spatial planner involved in consulting processes.

My insider perspective combined with the research activities has facilitated the access to information and to reach the interviewees. Nevertheless, the challenges of being simultaneously the researcher and the object of research have been binding due to the lack of distance between me and the object of my research (Lapdat, 2017; Whitney, 2022). I have addressed the limitations of this biased point of view through the interaction with the authors of four of the five articles I developed and through repeated feedbacks from former colleagues and stakeholders interviewed. The information stemming from the interviews and the participant observation were triangulated with the results of the analysis of relevant policy documents and legislative frameworks from the selected countries.

As a warning towards further research, the existing methodological gap in the academic literature on the simultaneous management of research and consultancy activities (Whitney, 2022) is something that should be further addressed. Throughout the development of my



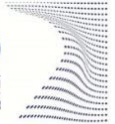
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research, the only space for discussion related to this topic has been the Policy Mobilities Writing Group which I belong to, that allowed me to share my concerns and research limitations with colleagues involved in similar methodological bias.



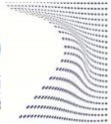
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Chapter 4

Latin American spatial governance and planning systems

The functioning of SGPSs in Latin America is highly differential. The evolution of their constitutional and legal frameworks has led to different spatial planning tools addressed at steering spatial transformations, however with different results when this comes to the local spatial planning practices, which are analysed in ARTICLE I and ARTICLE II.

The first three cases addressed in ARTICLE I are from the Andean sector (Bolivia, Ecuador, and Peru) and the other three considered in ARTICLE II are from Southern Latin America (Argentina, Chile, and Uruguay). Both articles aim at pursuing the first specific objective of my research –i.e. framing the SGPSs functioning in Latin America– and constitute the first part of my theoretical contribution to the current SGPSs studies: (i) the conceptualisation of planning as an ‘*ex-post* regularisation activity’, and (ii) the framing of the ‘other institutionality’.

The observed existing tensions between spatial planning legal frameworks and local practices in Bolivia, Ecuador, and Peru (ARTICLE I) have led to frame the ‘*ex-post* regularisation activity’ put in place by local governments for acknowledging spatial transformations already occurred on the ground. Even if spatial planning tools exist, they are often outdated or substituted by extra-official planning tools, as the case studies demonstrate. The prevailing *ad hoc* negotiations and the resulting ordinances issued by local or sub-national governments are the common practice in all the intermediary cities analysed in ARTICLE I, where participatory planning is mostly overlooked.

The prevailing ‘*ex-post* regularisation activity’ observed in Bolivia, Ecuador, and Peru and the corresponding alternative land-use management practices has allowed to frame the concept of the ‘other institutionality’, as a key theoretical contribution for broadening the SGPSs comparative studies to the global South (ARTICLE I). This concept has been further



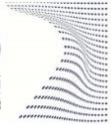
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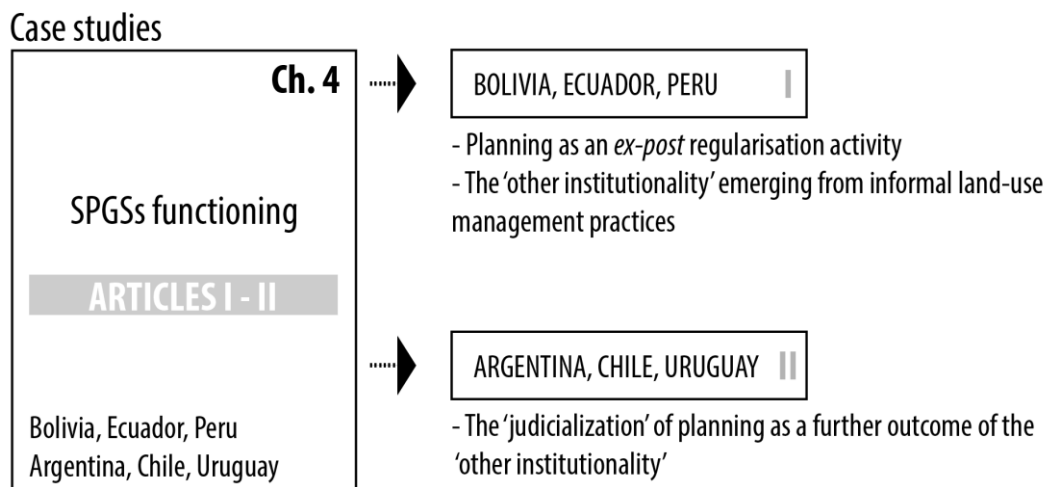


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detailed in ARTICLE II, which shows that the ‘judicialization of planning’ is an additional outcome of the ‘other institutionality’.

The two articles are complementary (Figure 7) and represent two subsequent steps within the Joint Project the dissertation belongs to, i.e. the ‘Comparative analysis of territorial governance and spatial planning systems in Europe and beyond. Exploring changes in the actual practice’. The research findings suggest that the dynamic and uncertain Latin American spatial governance landscapes (Tasan-Kok, 2021) are the product of a fluid alliance of formal and informal institutions and that the theoretical and conceptual implications of the ‘other institutionality’ for the SGPSs comparative studies go far beyond the Latin American context, as further discussed in Chapter 6 (Discussion).

Figure 7: The concepts of ‘*ex-post* regularisation’ and ‘other institutionality’ emerging from Latin American spatial planning



4.1 Does planning keep its promises? Latin American spatial governance and planning as an *ex-post* regularisation activity.

This article (see Appendix I) is a first attempt into the comparative SGPSs analysis in Latin America. By starting from the assumption that the majority of SGPSs studies have been developed within the European continent and may prove ill-equipped when tested to contexts that are characterised by a different institutionality, this study aims at providing a contribution



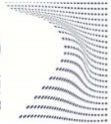
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in this direction. The three case studies belong to the Andean Latin American sector, with two of them that in recent years experienced interesting constitutional and legal changes related to the introduction of the indigenous worldview into their respective charters.

The article explores the actual capacity of the public sector to exert a certain control over spatial development in Bolivia, Ecuador and Peru, by inquiring into the reciprocal interaction and influences occurring between the *state* and the *market* as drivers of spatial transformations, and also as a consequence of their interplay with the logic of *necessity*, frequently resulting into a *necessity-market* driver. The analysis proposes a new SGPS category framed as ‘*ex-post* regularisation SGPS’, in which spatial planning occurs as the final stage of the process, when spatial transformations have already occurred. The role of the state is to acknowledged land-use rights already taken on the ground and the *necessity-market* seems to be the prevalent driver of urban development.

The selected intermediary cities are all part of a metropolitan area which in recent years has shown a considerable urban sprawl and the inability to face this challenge at the inter-municipal level. The local spatial planning tools are mainly outdated and not capable to address the societal needs, a situation that has led to the insurgence of informal land-use management practices, as for instance the ones introduced by the neighbourhood organisations in Sacaba, Bolivia. These alternative form of institutionality is what in the article is framed as ‘other institutionality’, i.e. a variable set of informal institutions which operate independently from the action of the state and function alongside the ‘formal’ system.

The research findings suggest the need of shifting the focus from the formal institutions that regulate the interplay between the state and the market to the ‘other institutionality’, as a possible insight into the functioning of Latin American SGPSs, which are extremely dynamic and changing and do not respond to the categories framed within the European context.

4.2 Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay.

This article (see Appendix II) is a second insight into the functioning of SGPSs in Latin America, in response to my sub-RQ1. After the study carried out within the Andean sector, I proposed to broaden the geographical focus of the research by engaging with three more countries from Southern Latin America, i.e. Argentina, Chile, and Uruguay. Their political and



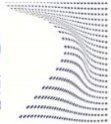
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administrative configuration is a first difference from the former ones: Argentina is a federal country with sub-national governments that are supposed to enact their charters and spatial planning laws; Chile is currently facing an interesting constitutional reform which may lead to radical changes in its territorial configuration and spatial planning activity; and in Uruguay the spatial planning activity is based on the leading role of the Departments, been the country the only one (among the three under scrutiny) with a national spatial planning law.

The purpose of this second article is to deepen the scrutiny of the ‘other institutionality’ in Latin American countries. Considering the high diversity and fragmentation of spatial planning activity in the region, the limitations of this study are undeniable, and this article has to be read as a further insight into a broad phenomenon which deserves more attention, rather than an exhaustive analysis on the matter. By following the methodological approach undertaken in the previous article, the local case studies here analysed are intermediary cities from coastal areas of Argentina, Chile, and Uruguay, facing similar challenges related to climate change and urban sprawl.

The interesting phenomenon emerging from the local case studies is the increasing ‘judicialization’ of spatial planning (Sotomayor et al., 2022), in the form of several legal actions undertaken by the civil society, which can be regarded as a manifestation of the ‘other institutionality’. This mobilisation of the legal expertise to address the citizens’ claims seems to be imputable to the lack of updated spatial planning tools as well as of participatory planning processes. In Chile and Argentina, where this phenomenon is highly visible, the spatial planning activity is mainly led by *ad hoc* negotiations as a result of the lack of a national spatial planning law and reliable participatory planning. Uruguay is the only country (among the three) displaying a good level of public control over spatial planning activity and the 2008 spatial planning law is certainly an incentive towards a more balanced state-market relationship.

The ‘judicialization’ of spatial planning is an emerging field of research in Latin America. A broader scrutiny into this rising phenomenon could open to interesting research avenues within the comparative SGPSs analysis, both in the global South and the global North. Rather than addressing the SGPSs analysis towards new categories of spatial planning systems, it could be useful to trace the ‘repeated instances’ in spatial planning activity for a better understanding of a global urban phenomenon. In this sense, looking at the ‘other institutionality’ emerging from non-bureaucratized and unconventional practices could open to further promising studies (see the discussion Chapter 6).



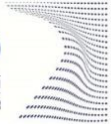
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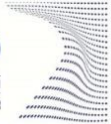
Chapter 5

Global urban policy and local governance

The SGPSs configuration within a certain country is the result of dynamic vertical policy interactions and horizontal interplays between the state and the market (Janin Rivolin, 2012), also as a result of external *stimuli* (global challenges, international cooperation, etc.) combined to domestic and path-dependent factors (Cotella & Janin Rivolin, 2015). The role of the international agents in shaping spatial planning processes is not marginal, and the global urban policy settled by the NUA and the SDGs (in particular SDG 11) is highly influential in determining the SGPSs configuration, as for instance in shaping the spatial planning tools introduced in a certain country. This phenomenon in some way recalls the ‘Europeanisation’ or ‘internationalisation’ of spatial planning (Stead & Cotella 2011; Cotella 2020; Cotella and Dąbrowski, 2021) addressed by SGPSs studies in the global North. At the same time, the peculiar characteristics of a SGPS –in terms of legislation, instruments, discourses and practices– exert an influence on the global urban policy localisation, by resulting in a complex and reciprocal influence between global public policy and SGPSs.

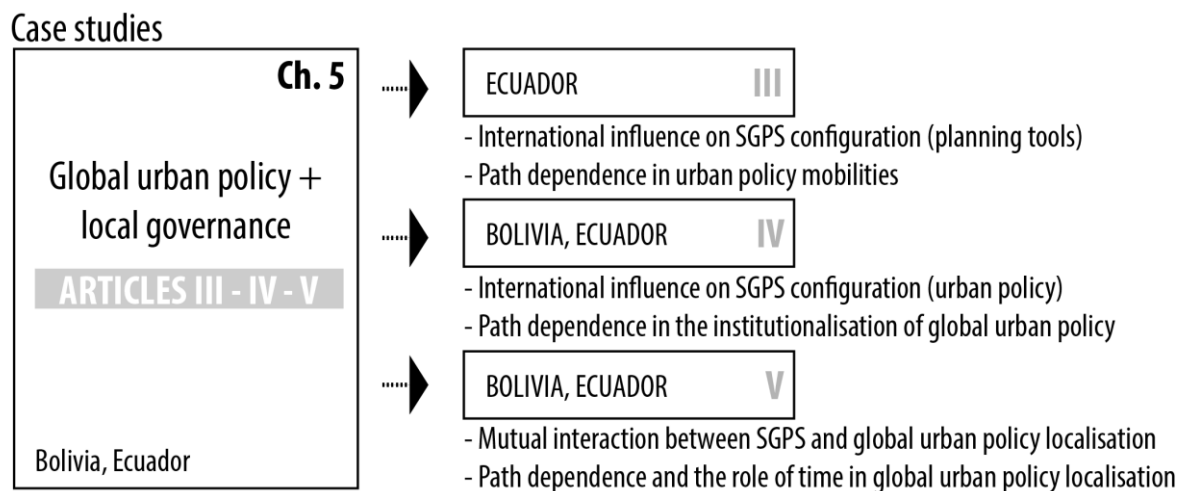
The three articles pursue the second specific objective of my research, i.e. to inquire about the confluence between global urban policy and local governance and constitute the second theoretical contribution of my research to the current SGPSs comparative studies by (i) highlighting the international influences shaping SGPSs configuration, (ii) disclosing the path-dependent factors that influence the global urban policy localisation and (iii) showing the mutual interaction between SGPSs and global urban policy localisation.

In ARTICLE III I analyse the spatial planning models that merged into the Ecuadorian spatial planning law, called LOOTUGS. The resulting ‘bricolage’ (Stone, 2017) has been framed by a combination of Northern models filtered by different Latin American examples, among which the Colombian and the Brazilian ones stand out. These international models have been filtered by the local practices, which opened the path to the spatial planning and land-use management tools introduced at national level. A similar path can be observed in relation to the



localisation of the global urban policy, as the Bolivian and Ecuadorian case studies addressed in ARTICLE IV and ARTICLE V demonstrate. The domestic institutionalisation of the global urban policy which merged into the Bolivian National Urban Policy and into the Ecuadorian National Urban Agenda has been characterised by several international agents fostering the ‘pasteurisation’ (Peck & Theodore, 2015) of concepts and leveraging on the global neutral urban discourse based on the ‘comfortable landscape of the SDGs’, as framed in ARTICLE IV. However, even if often disregarded, the institutional configurations (Montero & Baiocchi, 2021) laying behind the global circulation of policy models and tools is not trivial. The Bolivian and Ecuadorian case studies demonstrate that the global urban policy institutionalisation can follow a ‘fast-track’ (Whitney & López-García, 2020) rather than a more incremental process of institutionalisation, by depending on specific path-dependent SGPS configurations. Simultaneously, the global urban policy institutionalisation is made possible by local governments that foster the process as a way to validate former development priorities and to have access to international funding opportunities.

Figure 8: The interaction between SGPSs and global urban policy



The theoretical and conceptual framework adopted is based on the policy mobilities literature (and marginally on policy transfer), which focuses on how and by whom public policies are made travelling in a global-relational context and, simultaneously, on how the mobilisation of these models is shaped by their territorialisation in a specific context (McCann & Ward, 2010). This means simultaneously focusing on the overlapping between global



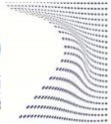
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circulation and local governance, with a combined focus on relationality and territoriality (Ibid., 2010).

A further insight on the global urban policy circulation is undertaken in ARTICLE V, which focuses on the role of time in the localisation of the global urban policy. By complementing the analysis on the differential path-dependent institutionalisation of the global urban policy ('fast-track institutionalisation in Bolivia rather than incremental one in Ecuador), the last article deepens on the complementary role of sequence and timing, i.e. two patterns of the time dimension considered in policy transfer studies. The results show that the global urban policy localisation is influenced by the peculiar SGPSs configuration –which constitutes the space within which the policy transfer takes place– and with a continuous and mutual interaction with the time dimension.

The focus set on the international agency allow to detail the influence played by the international organisations involved in the global urban policy localisation, however, the leveraging factors that encourage the domestic actors to allow this localisation need further scrutiny and opens to interesting research avenues on the overlooked phenomenon of the global public policy localisation (Porto de Oliveira, 2022), which strongly relates to the SGPSs configuration.

5.1 Unpacking the Ecuadorian spatial planning law: policy mobilities in Latin America between transnational agency and path-dependent logics.

The circulation of urban policies and best urban practices is happening worldwide, with a high repercussion on the SGPSs configuration. The international agents involved play a crucial role in selecting which urban narratives have to travel (Montero, 2020) and in shaping the contents of local policies and planning instruments. As argued by Stead (2021), looking at planning tools is a way for observing the public policy decision-making dynamics (Stead, 2021) and their global circulation offers an interesting insight for disclosing the role played the stakeholders involved. This article (see Appendix III) constitutes the first of three articles aimed at inquiring about the global urban policy localisation in Latin America, and its interaction with a specific SGPS. It draws from the policy mobilities debate by examining the 2016 Ecuadorian spatial planning law and by exploring the existing tensions between the constitutional framework and the spatial planning tools outlined by the law, which were the result of a process of adaptation



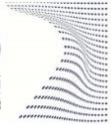
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of external planning models (both from the global North and the global South) influenced by international organisations.

Ecuador constitutes an interesting case study for the matter because it enacted its first spatial planning law (called LOOTUGS) in 2016, drawing from the new political charter based on the *Buen Vivir* paradigm and acknowledging the indigenous worldview. Ecuador followed the path of other Latin American countries (particularly Colombia and Brazil), which enacted their spatial planning frameworks a few years before, however going further for the supposedly progressive nature of its charter and related legal frameworks. In so doing, it constitutes a unique case study within the region (similarly, Bolivia enacted its political charter based on the *Vivir Bien* paradigm, but the country does not count yet with a national spatial planning law).

The scrutiny into the spatial planning tools outlined by the LOOTUGS (understood as policy tools) allows to disentangle the public policy decision-making processes (Stead, 2021) and to explore the implications of path dependence in spatial planning (Sorensen, 2015, 2018, 2020; Dąbrowski & Lingua, 2018). The new spatial planning tools came from a complex interaction with foreign models filtered by the local practices, which opened the path towards the introduction of specific tools at national level, tailored based on the local needs. However, the potentialities of a supposedly ‘progressive’ law were disregarded due to the long-term consequences of property rights (Sorensen, 2010) and a rural understanding of indigeneity (Horn, 2019), which shaped the spatial planning tools outlined by the LOOTUGS, therefore suggesting the implication of path dependence in the outcome of policy mobilities.

The article opens to promising future research avenues aimed at inquiring about the origins and the agency behind the travelling of spatial planning tools, which is a fruitful field of research for scholars involved in policy mobilities in Latin America and beyond. Looking at the spatial planning legislation from the lens of policy mobilities can contribute to the analysis of SGPSs in the global South, and the research outputs can orient the actions of policymakers as well as a critical reflection from the side of professionals hired by international organisations.

5.2 Global urban development frameworks landing in Latin America. Insights from Ecuador and Bolivia.

The global urban policy –mainly based on the New Urban Agenda and the 2030 Agenda for Sustainable Development, particularly SDG 11– is circulating worldwide, by presenting similarities with the circulation of urban policies and best urban practices. What is travelling is frequently the urban narrative (Montero, 2020) they brought forward, and specific ‘pasteurised’



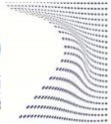
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concepts (Peck & Theodore, 2015) favour the circulation and later institutionalisation of the global urban policy at the domestic level. However, this process is subject to path-dependent logics and the institutional configuration laying behind it (Montero & Baiocchi, 2021) is not a trivial issue. By following the discussion undertaken with the analysis of the circulation of spatial planning tools in Latin America and their landing in Ecuador, this article (see Appendix IV) further engages with the policy mobilities literature and explores the role that ‘pasteurised’ urban narratives play in the domestic institutionalisation of the global urban policy in Ecuador and Bolivia. The case studies under scrutiny are the Ecuadorian National Urban Agenda and the Bolivian National Urban Policy, both launched in October 2020, which received the technical and financial support of the international cooperation sector. An in-depth analysis of the processes that led to their approval made visible the agents that mostly influenced the localisation and the spaces where this peculiar policy transfer happened.

The research findings show that, on the one hand, the ‘comfortable landscape of the SDGs’ offered by the ‘pasteurised concepts’ brought forward by the global urban policy served as ‘coalition magnet’ (Silvestre & Jajamovich, 2021), by favouring the consensus building among different stakeholders. On the other hand, however, the global urban policy institutionalisation followed a ‘fast-track’ (Whitney & López-García, 2020) process in Bolivia *versus* an incremental one in Ecuador by leveraging on specific path-dependent logics which relate to the SGPSs configuration –understood in terms of legal framework, spatial planning tools, discourses, and local practices (Janin Rivolin, 2012). In Bolivia the ‘fast-track institutionalisation’ prevented the concrete engagement of local governments in the process, in turn undermining the relevance of the results achieved, while in Ecuador a more incremental institutionalisation allowed to engage the local stakeholders in the process. Furthermore, what resulted from the case studies is that local governments frequently favour the global urban policy localisation as a way to acknowledge former development priorities and not only to have access to national and international funding opportunities.

The global public policy localisation (Porto de Oliveira, 2022) is an open and promising field of research which deserves more attention and could improve the action of both the policymakers and the international agents involved in the process, as well as it can contribute to the understanding of the SGPSs configuration in Latin America and beyond. The policy mobilities debate is certainly a useful ‘lens’ to inquire about the global urban policy localisation and to disentangle its interaction with the SGPSs in Latin America and beyond.



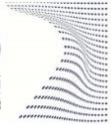
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5.3 The role of time in global urban policy localisation. A comparative analysis of Ecuador and Bolivia.

The inquiry into the international agents shaping spatial planning processes in Latin America and my engagement with the policy mobilities debate have pushed me to further reflect on the global urban policy localisation in Ecuador and Bolivia. After the analysis of the institutionalisation process that happened in the two countries ('fast-track' *versus* incremental), I decided to further reflect on the mutual interaction between SGPSs and the global urban policy localisation, by introducing the *time dimension*.

Even if already acknowledged for been a path-dependent process, the specific combination of *timing* and *sequence* influences the localisation outcomes and are analysed in this article (see Appendix V). In the two countries under scrutiny there have been a 'critical juncture' (Mahoney 2000; Collier and Collier 2015; Sorensen 2018) offered by the combination of peculiar domestic institutionalisation patterns –mainly referred to the constitutional and legal changes introduced in the early 2000s– combined with the worldwide introduction of the global urban policy, which opened a window for policy change. However, the outcomes have been very different, and the analysis of the time dimension gives further insights on the matter.

The research findings suggest that the *timing* of the domestic and global institutionalisation patterns may contribute to generate a 'critical juncture', while the *sequence* of events in time refers to the different steps that have characterised the consolidation of a more or less coherent policy framework in the two countries. As for instance, the setting up of several local urban labs took place *before* the development on the National Urban Agenda in Ecuador, while in Bolivia this has happened *after* the National Urban Policy was launched. Secondly, the article poses the attention on the differential role of the international agents involved in the global urban policy localisation and, thirdly, on the leveraging factors that fostered the process from the point of view of local governments by going beyond the 'comfortable landscape of the SDGs' reckoned in the previous article.

Further research on the matter is certainly needed and the possible research avenues opened by the reflections undertaken on the global urban policy localisation in Ecuador and Bolivia are promising and could complement the SGPSs studies in Latin America and beyond.



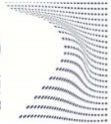
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Chapter 6

Discussion

In this Chapter I discuss the results of my PhD research by leveraging on two key issues: the concept of the ‘other institutionality’ and the confluence of the global urban policy with the local governance. The scrutiny into the Latin American SGPSs has allowed me to reflect on the ongoing theoretical and conceptual framework available for analysing and comparing the functioning of SGPSs. When the analysis is *tested* (Watson, 2016) into fragmented and dynamic contexts characterised by a prevailing plotting urbanism (Karaman et al., 2020) mainly driven by the *necessity* and the *necessity-market* (Abramo, 2012; Calderón, 2017), the ongoing SGPSs framework falls short in understanding the magnitude of the non-bureaucratised practices which do not belong to the official spatial planning system but are the true engine of spatial transformations.

The concept of the ‘other institutionality’ framed within this dissertation opens to a more fluid and broader understanding of the SGPSs themselves, in so doing reckoning the role of the non-bureaucratised spatial planning activity stemming from the necessity and the necessity-market as an inner part of the system configuration. The ‘other institutionality’ also relates to unconventional practices of mobilisation of the legal expertise for spatial planning purposes, which constitutes a growing phenomenon in Latin America and influences the spatial planning tools adopted at local level.

Secondly, an in-depth scrutiny into the localisation of the global urban policy in Ecuador and Bolivia has allowed me to reflect on the convergence between the global urban policy and the local governance. By adopting a policy mobilities lens focused on the interplay between relationality and territoriality (McCann & Ward, 2010), it is possible to frame the reciprocal interaction between the SGPSs and the global urban policy, whose localisation is shaped by the SGPSs institutional configuration, understood as the *space* where the process takes place and subject to path-dependent logics.



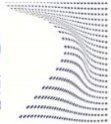
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6.1 What the ‘other institutionality’ adds to the comparative spatial planning analysis. Conceptual and theoretical implications.

The results stemming from the empirical research developed in Argentina, Bolivia, Chile, Ecuador, Peru, and Uruguay allow to reflect on the existing frictions between the official SGPSs and the current spatial planning practices. By adopting ‘*a posteriori* comparison’ methodological approach (Montero & Baiocchi, 2021), which means looking through the cases *after* the empirical research has been done, it is possible to frame a number of considerations. Firstly, when addressing SGPSs comparative analysis into highly dynamic and fragmented spatial governance landscapes characterised by an incremental plotting urbanism (Karaman et al., 2020), the ongoing SGPSs analytical framework based on the reciprocal interactions of the *structure*, the *tools*, the *practices* and the *discourses* (Janin Rivolin, 2012) needs further insights. Even if spatial planning tools exist, they are often outdated or do not respond to the current societal needs, and the lack of participatory instances in planning processes stands out as a common feature, as already acknowledged by several scholars interested in the Latin American ‘urban reform’ paradox (Caldeira, 2017; Friendly & Stiphany, 2019). This situation has forced the civil society to produce alternative forms of ‘institutionality’ (see ARTICLE I), by leading to informal land-use management practices in Bolivia, Ecuador, and Peru or to the mobilisation of the legal expertise in Argentina and Chile (see ARTICLE II) to solve urban conflicts through the courts (Sotomayor et al., 2022). But what does this ‘other institutionality’ stand for and what does it add to the comparative SGPSs analysis?

The ‘other institutionality’ arising from the alternative forms of land use management in Bolivia, Ecuador and Peru (Figure 9) is closely connected to the notion of informality as ‘a form of selective spatial regulation and governance’ framed by Connolly & Wigle (2017) in relation to the Mexican context. The acknowledgement of alternative or selective forms of spatial governance means considering the non-bureaucratised practices as an integral part of SGPSs and, furthermore, responsible for setting up a simultaneous institutional configuration, frequently disregarded for being part of the illegal domain. The process of planning understood as an *ex-post* activity –the ‘inverse planning’ framed by Chiodelli & Mazzolini (2019)– is pivoted around the informal production of spatial development with the inclusion of some actors (e.g. the neighbourhoods organisations or the informal land developers) that are usually excluded from formal planning systems. As already acknowledged by Servillo & van den Broeck (2012), SGPSs do not necessarily equal ‘formal’ planning systems. SGPSs are ‘strategically selective’ (*Ibid.*, 2012), by including some actors and excluding others, and thus having a temporary condition. Within their temporary, Latin American SGPSs are the result of



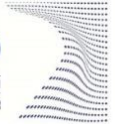
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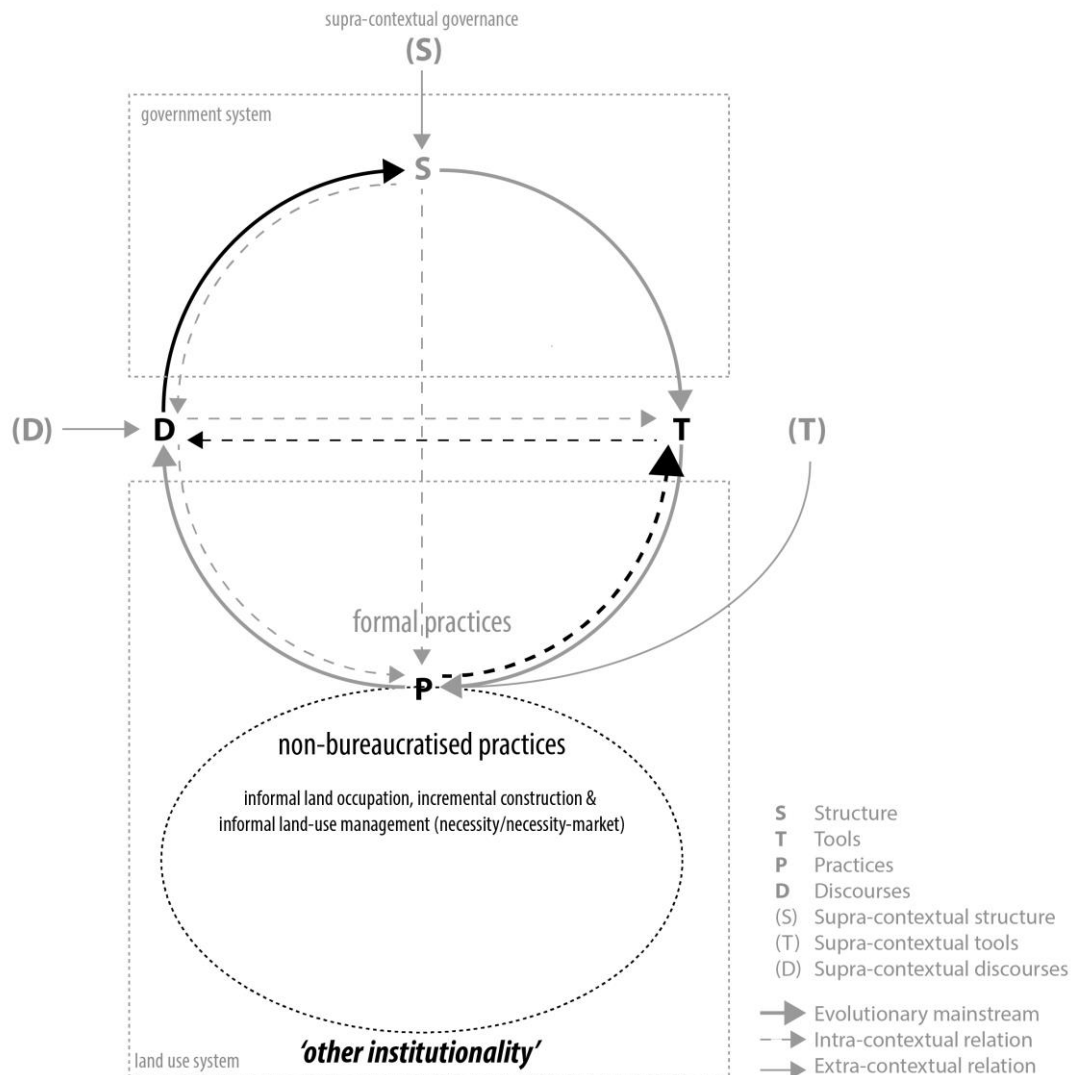


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a fluid confluence of formal and informal institutions, in which the *time* dimension takes further relevance. An informal land occupation and the following incremental ‘plotting urbanism’ (Karaman et al., 2020) turn into acknowledged land-use development rights only *after* a regularisation process has been carried out by the corresponding formal public institutions (ranging from local, sub-national to national governments). As a consequence, the plan follows the spatial transformation already occurred on the ground by resulting into ‘[an]other institutionality’ which better seems to face the dynamic and uncertain ‘multi-actor, multi-scalar, multi-loci and multi-temporal’ spatial governance landscapes (Tasan-Kok, 2021).

A further example for describing the influence of the ‘other institutionality’ emerging from the non-bureaucratised practices in shaping the spatial planning tools (see intra-contextual relation from P to T in Figure 9) is the existing *ex-post* regularisation activity in Bolivia. The several local ordinances (T) acknowledging land-use development rights already taken on the ground have been shaped by the existing non-bureaucratised practices (P) and, later, shaped the local and national discourses (D) on the *ex-post* regularisation and then merged into the national Law num. 247 (S) allowing mass regularisations at country level.

Figure 9: From non-bureaucratized practices to spatial planning tools



Source: Author's elaboration based on Janin Rivolin, 2012

The 'other institutionality' also shows up in the form of the 'judicialization of planning' (Sotomayor et al., 2022) (Figure 10), which belongs to the legal domain, but it is not counted among current spatial planning procedures. When SGPSs fall short in addressing the societal needs and the existing spatial planning tools are outdated or did not involve the citizens through public participation, the civil society takes legal action to see its rights acknowledged. The



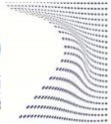
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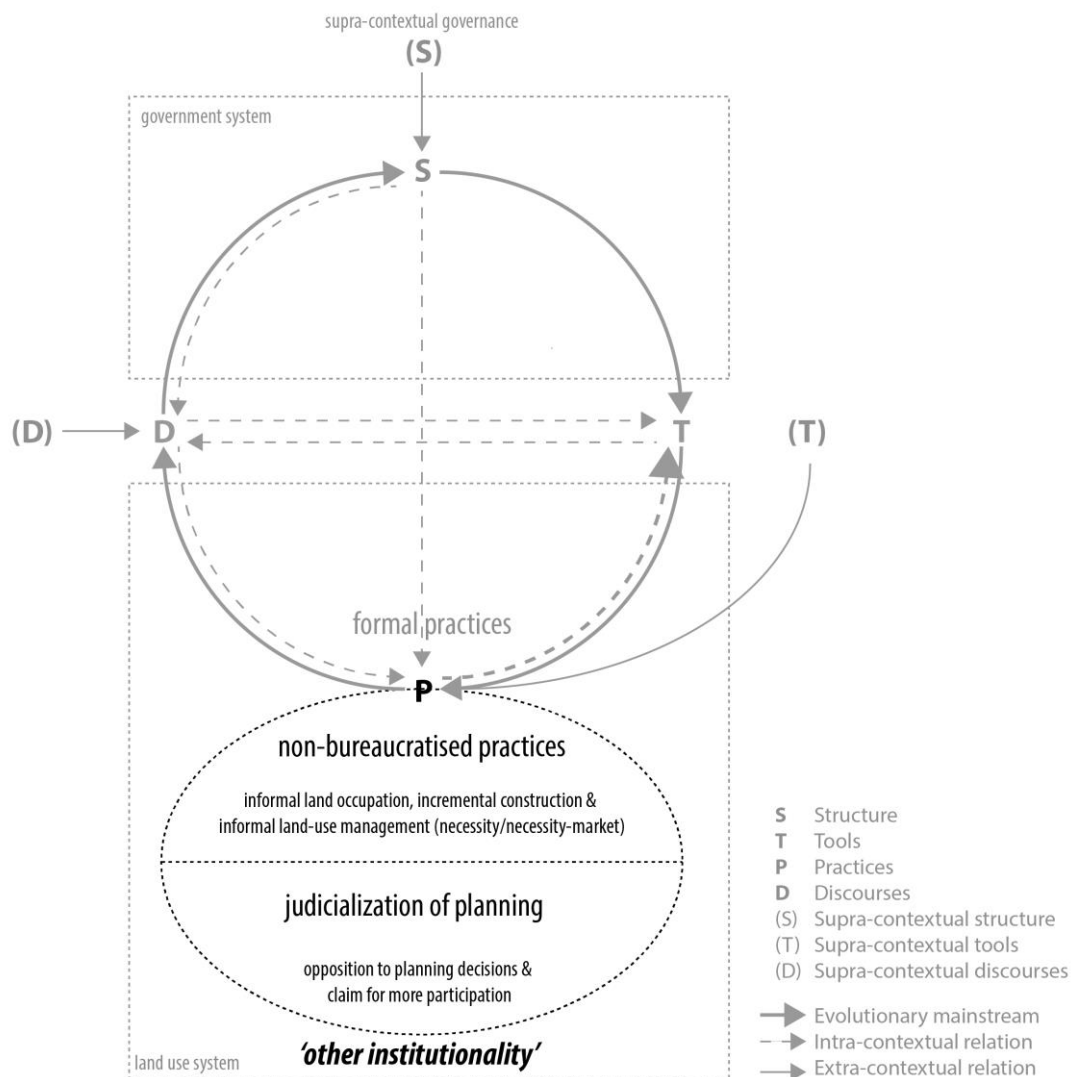
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mobilisation of the legal expertise in Latin America is a growing phenomenon, previously mainly restricted to the environmental domain (Azuela & Cosacov, 2013; Kramarz, 2016; Lamprea, 2018), but nowadays generously extended to the urban one (Pimentel Walker et al., 2020; Angel-Cabo, 2021), as the case studies considered in this dissertation demonstrate (see ARTICLE II). The court's fails generate case laws that become part of the spatial planning system, thus bypassing existing spatial plans or regulations. An emblematic case is what happened in the Valparaíso metropolitan region with the illegal rural land subdivision. In several Chilean municipalities, rural lands that cannot be subdivided are legally split in percentages of ownership (the so-called *derechos*). This *derechos* are then sold into the market and the resulting informal plots (*lotes brujos*) constitute actual 'urban centres outside the planning' (*nucleos urbanos al margen de la planificación*), a form of land development acknowledged by the ongoing national urban legislation, even if produced by an exceptional legal procedure. In the Valparaíso region, the court eventually ruled against the *lotes brujos* and generated a court law which has influenced the adoption of spatial planning tools in local governments since then, by partially limiting the urban growth in rural areas. However, the court's rulings not always fail in favour of the common good and the right to the city (Lapalma & Levrant, 2013). This happened in the city of Paraná (Argentina) where a lawsuit was launched by the civil society against a private developer who built contrary to the current municipal Urban Code. The court eventually ruled in favour of the real estate sector, in so doing limiting the right to the city of the Paraná's citizens. This makes visible how the mobilisation of the legal expertise not always contributes to create more inclusive cities (Sotomayor et al., 2022), in so doing undermining the community benefits of these growing legal actions.

Figure 10: The ‘other institutionality’ within the SGPS



The ‘other institutionality’ which emerged from the comparative analysis of the six Latin American SGPSs allows to develop a more fluid, dynamic, and broader understanding of SGPSs themselves, by reckoning the role of the non-bureaucratized planning practices in shaping the system itself, as well as the ‘judicialization’ of planning whose unconventional procedures influence the spatial planning outcomes. Growing recent Southern case studies (Connolly & Wigle, 2017; Chiodelli & Mazzolini, 2019, among others) are symptomatic of this pressing need among spatial planning scholars for widening the concept of SGPSs themselves.



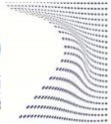
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The research findings stemming from the six Latin American case studies suggest that this emerging ‘other institutionality’ is the one that better seems to face the dynamic and changing societal needs bypassing the existing rigid and outdated planning tools as well as the lack of participatory planning instances. As a consequence, by focusing on the ‘other institutionality’ means ‘looking through the fissures’ –as suggested by Walsh (2015)– and to analyse the existing tensions between the official planning system and the current practices in terms of opportunities. This could complement the existing Latin American ‘urban reform paradox’ debate as well as opening the path to interesting South-South or South-North comparisons, in sight of the global comparability pursued by the implementation of the New Urban Agenda (United Nations, 2017) and the 2030 Agenda for Sustainable Development (United Nations, 2015).

6.2 The mutual interaction of SGPSs and global urban policy

As already pointed out in this dissertation, the circulation of policy models and ideas is a global phenomenon (McCann & Ward, 2012, 2013), particularly fruitful within the urban domain (Temenos et al., 2019). One of the central focuses of the policy mobilities literature has been set on how and by whom these models are made travelling in a global-relational context and, simultaneously, on how the mobilisation of these models is shaped by their territorialisation in a specific context (McCann & Ward, 2010). This means focusing simultaneously on global circulation and local governance, with a combined focus on relationality and territoriality (Ibid., 2010).

Best urban practices are travelling transnationally, and recent contributions have stressed how policy problems also travel (Vecchio, 2022). Mobile policy operates as ‘coalition magnet’ (Silvestre & Jajamovich, 2021) in consensus building, with a pivotal role of international agents in shaping which urban narratives have to travel (Montero, 2020), independently from their effectiveness. This circulation operates from North to South and from South to South, with more recent studies on the travelling South to North dynamics (Porto de Oliveira et al., 2019). Similarly, the global urban policy settled by the 2030 Agenda for Sustainable Development (United Nations, 2015) and the New Urban Agenda (United Nations, 2017) is circulating worldwide, however, since recently the academia has demonstrated a marginal interest in the localisation of the global public policy (Porto de Oliveira, 2022).

Ecuador and Bolivia are two interesting case studies for inquiring about travelling urban policy models in Latin America. Both Andean countries are characterised by new constitutional and spatial planning legal frameworks adopted in the early 2000s and based on the achievement



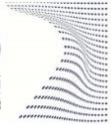
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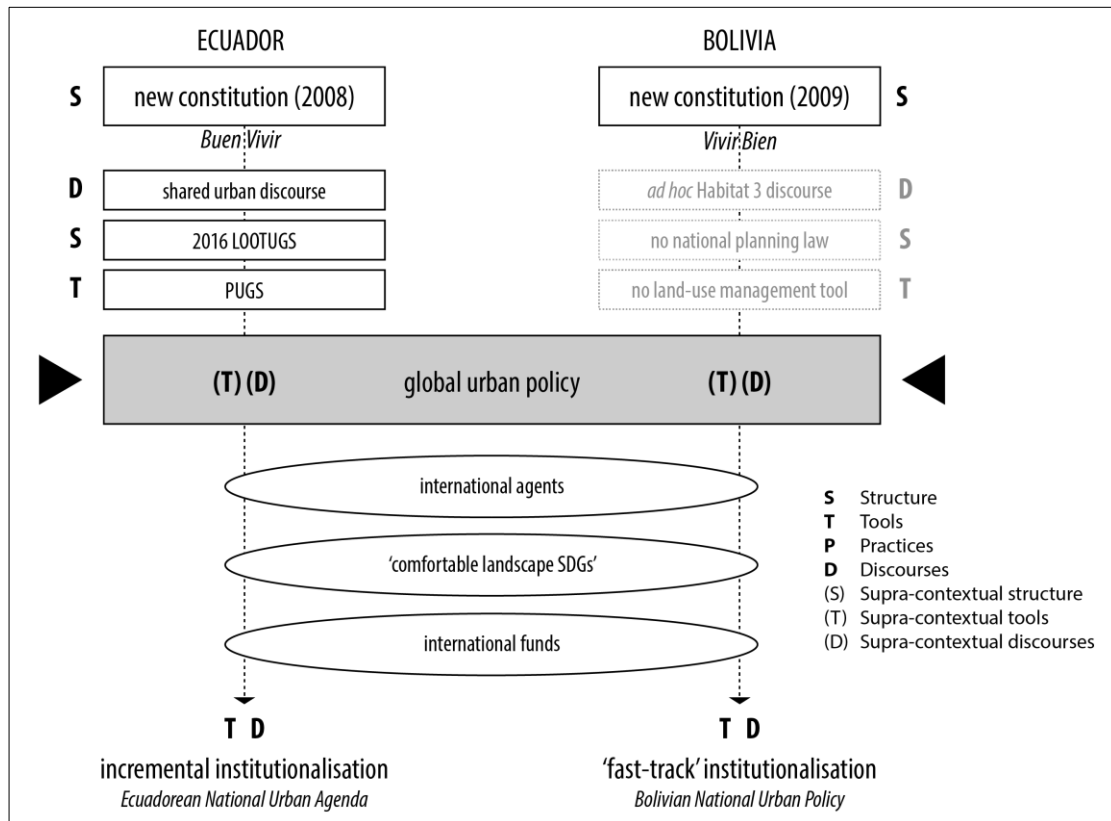


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of the *Buen Vivir/Vivir Bien* (Walsh, 2010). As discussed in ARTICLE III, the recently approved Ecuadorian spatial planning law –the so-called LOOTUGS (República del Ecuador, 2016)– has been the result of a bricolage (Stone, 2017) of spatial planning models coming from both the global North and the global South, with a pivotal role of local governments in filtering and adapting spatial planning tools to the local context. International agents have played a tangible role in fostering both the circulation and the adoption of ‘pasteurised’ (Peck & Theodore, 2015) concepts, mediated by path-dependent logics (Sorensen, 2015). Particularly, in Ecuador the ‘slow-moving’ institutions of property right (Sorensen, 2010), centred on a private property regime, have influenced the outcome of policy circulation and tailored the spatial planning tools outlined, by disregarding alternative forms of ownership and land-use management, as well as marginalising indigenous populations.

A similar path can be outlined in the recent adoption of the Ecuadorian National Urban Agenda (Ministerio de Desarrollo Urbano y Vivienda, 2020) and the Bolivian National Urban Policy (Ministerio de Obras Públicas, Servicios y Vivienda, 2020). Both documents –as the Ecuadorian LOOTUGS– give interesting insights on the overlapping between relationality and territoriality. As discussed in ARTICLE IV and ARTICLE V, the domestic localisation of the global urban policy has brought to different results in the two countries, depending on specific path-dependent dynamics which led to an incremental *versus* a ‘fast-track institutionalisation’ (Whitney & López-García, 2020). Even if in the two countries there have been a similar *timing* between the enactment of the new political constitutions and the introduction of the new global urban policy based on the NUA and the SDG11, the *sequence* (i.e. the set of events that have ended into a specific institutional configuration) has been extremely different (Figure 11).

Figure 11: Different results in localising the global urban policy



Source: Author's own

Despite these differences in the localisation of the global urban policy, Ecuador and Bolivia offer interesting suggestions on the confluence of the global urban policy with the local governance. The two case studies demonstrate that the leveraging factors fostering the localisation of the global urban policy are, from one side, the possibility to apply to national and international funds and, on the other hand, the validation of existing urban development priorities (Forestier & Kim, 2020; Horn & Grugel, 2018) through the adoption of the global urban policy itself. Furthermore, what emerges from the case studies of the Ecuadorian LOOTUGS and the two national urban policies/agendas analysed is a reiteration of the international agents involved, being recurring agents both the global urban agencies (as for instance UN-Habitat) and the international cooperation agencies. The Japanese international cooperation agency (JICA) as well as the German one (GIZ) have played a crucial role in fostering the circulation of policy models and instruments. Particularly, with the aim of a global



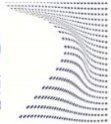
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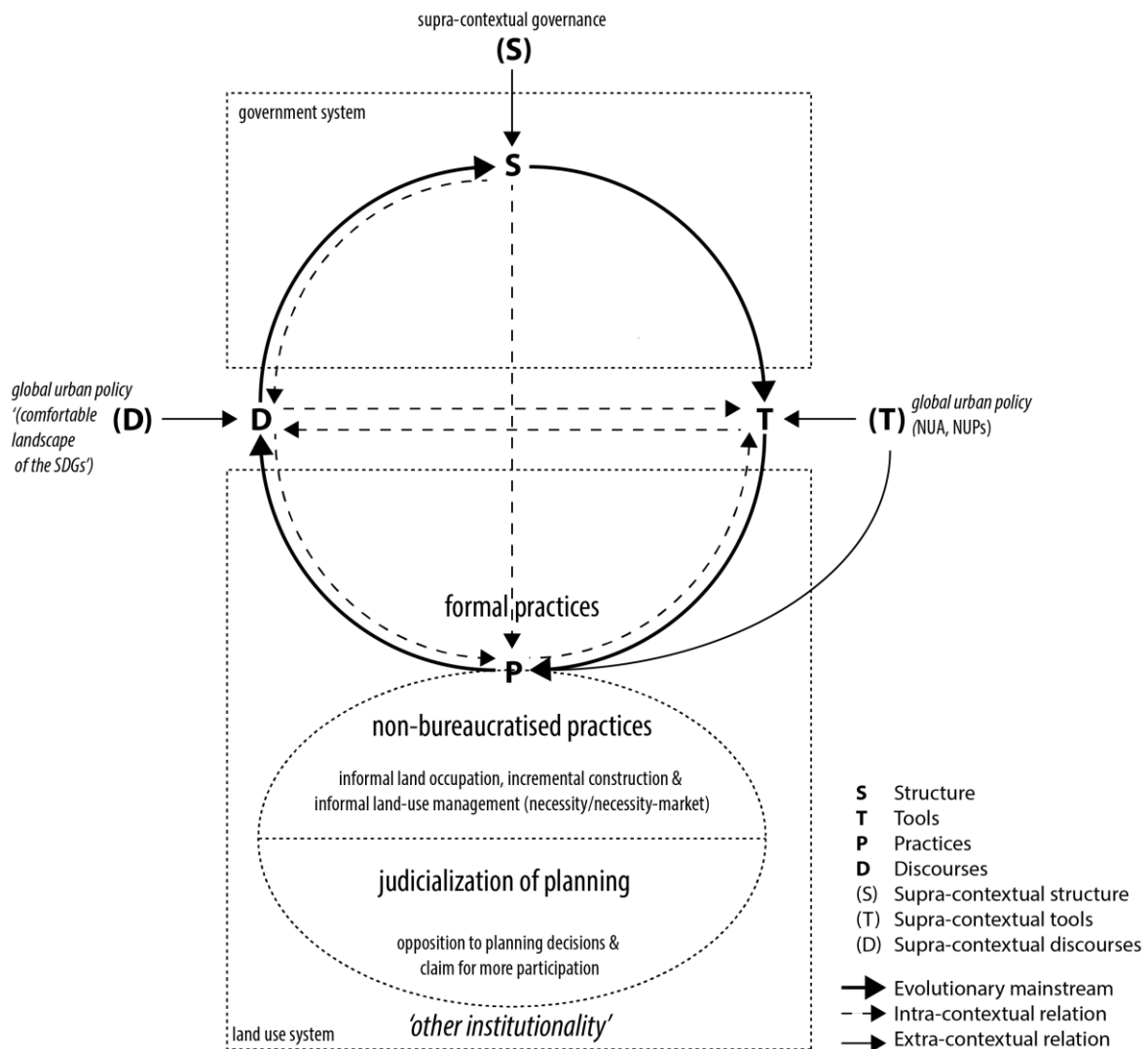
comparability of policies and tools, the ‘pasteurisation’ (Peck & Theodore, 2015) of concepts and ideas has fostered the widespread race towards the adoption of national urban policies, and the ‘comfortable landscape of the SDGs’ framed in ARTICLE IV has favoured the localisation of the global urban policy in both countries. The supra-contextual discourses have influenced the domestic ones, as the adoption of the ‘no one left behind’ discourse in the Ecuadorean National Urban Agenda demonstrated. Simultaneously, and for complementing the existing SGPSs conceptual framework (Janin Rivolin, 2012), the supra-contextual tools brought forward by the global urban policy have influenced the local planning tools. This happened as for instance in Loja (Ecuador), where the new land use plan has been centred on the cross-cutting green spaces management issue, by finding its legitimisation within the NUA’s local implementation, and by acknowledging already existing development priorities as leveraging factors in localising the global urban policy.

Within the framework of the SGPSs analysis, it is possible to argue that their peculiar characteristics (i.e. the legislation, instruments, discourses and practices) (Janin Rivolin, 2012) influence the localisation of the global urban policy as well as the domestic translation of foreign urban policy models. The throughout scrutiny of SGPSs developed in ARTICLE I and ARTICLE II benefits of this simultaneous inquiry about the localisation of the global urban policy (ARTICLE IV and ARTICLE V) and spatial planning tools (ARTICLE III) and their confluence with local governance. The further scrutiny into the path-dependent logics shaping the global urban policy localisation in Bolivia and Ecuador addressed in ARTICLE V has allowed me to disclose the role of the *time dimension*. The peculiar combination of *sequence* and *timing* in the two countries ended in a ‘fast-track institutionalisation’ (Whitney & López-García, 2020) in Bolivia and a more incremental one in Ecuador. This in-depth analysis on the time dimension constitutes a further insight into the functioning of SGPSs, as suggested by Tasan-Kok (2021) in her claim for new research methods which include ‘new relational, temporal, multi-scalar, and multi-dimensional lenses’ (Tasan-Kok, 2021, p. 6). The combination between relationality and territoriality (McCann & Ward, 2010) analysed through the policy mobilities’ lens gives interesting insights on the configuration of the Latin American dynamic and uncertain spatial governance landscapes (Tasan-Kok, 2021). The ‘fresh viewpoint’ suggested by Tasan-Kok (2021) is, in my understanding, the adoption of a policy mobilities’ lens for widening the comparative SGPSs analysis.

Overall, the theoretical and conceptual framework I have employed in this dissertation is outlined in Figure 12. On one hand, the concept of the ‘other institutionality’ should be included within the SGPS configuration; on the other, the extra-contextual relation with the global urban policy has to be taken into account, for both the influence on the discourses and

the tools adopted at domestic level, as well as for the reciprocal interaction with the SGPS itself, which constitutes the space within which the global urban policy localisation takes place.

Figure 12: Overall proposed conceptual framework



Source: Author's elaboration based on Janin Rivolin, 2012



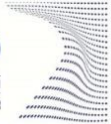
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Chapter 7

Concluding remarks

In this dissertation I addressed the dynamic Latin American spatial governance landscapes within the general objective of expanding the SGPSs comparative analysis to the global South. Rooted on the concept of the ‘other institutionality’ and by taking into account the combination between global urban policy and local governance, the research findings suggest the need of framing a more fluid and broader understanding of SGPSs for addressing the global comparability in Latin America and beyond. The research allowed me to collaborate with several colleagues from Latin America and to broaden the scope of SGPSs comparative studies, with interesting further repercussions for spatial planning comparative studies in the global South. The analysis of the non-bureaucratised practices of spatial planning and the unconventional (but legal) ones, as well as the convergence of the global urban policy with the local governance contributed to shed light to the Latin American SGPSs functioning.

By framing spatial planning as an *ex-post* regularisation activity this dissertation introduced the concept of the ‘other institutionality’, in so doing giving voices to those practices that are often overlooked in SGPSs literature. Simultaneously, the policy mobilities lens allowed to strengthen the SGPSs comparative studies by focusing on the combination of relationality and territoriality resulting from the convergence of the global urban policy and the local governance. On one hand, the empirical research allowed to shed light on the leveraging ‘comfortable landscape of the SDGs’ and its repercussion on the localisation of the global urban policy; on the other, a deep inquiry into Latin American SGPSs allowed to pinpoint the existing interplay between SGPSs and the global urban policy localisation. I am aware that this PhD dissertation is only a first insight into the Latin American SGPSs, but I am confident about the interesting research avenues that will come afterwards.

As concluding remarks, in this final Chapter I summarise the responses to the research questions, I present the implications and recommendations stemming from the results, and I disclose the avenues for future research.



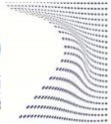
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7.1 Returning to the research questions

Firstly, the inquiry into the functioning of the Latin American SGPSs in the six selected case studies allowed me to pursue the first specific objective of my dissertation and answered the sub-RQ1 (*How do Latin American SGPSs function among formal and informal practices?*). Through my research I highlighted that the dynamic spatial governance landscapes in Latin America are extremely variegated and related to several different stakeholders, ranging from the neighbourhood associations to the informal land developers. In Bolivia, Ecuador and Peru there is a prevalence of the *necessity* and the *necessity-market* in steering urban transformations, with alternative forms of land-use management arising from outside the official planning systems. In Argentina, Chile and Uruguay, the empirical research evidenced that the spatial planning tools are frequently outdated and participatory planning is frequently missing, by leading to the rising phenomenon of the mobilisation of the legal expertise to face the urban conflicts. If the initial hypothesis considered the non-bureaucratised practices as a recurrent phenomenon in Latin American spatial planning activity, the ‘judicialization’ of planning was not included. This is a growing recurrent practice in Argentina and Chile, while in Uruguay the existence of a spatial planning law and the simultaneous citizen control over spatial transformations have limited the ‘judicialization’ of planning. Both the alternative land-use management practices reckoned in the Andean region and the ‘judicialization’ of planning observed in Southern Latin American countries belong to the ‘other institutionality’, i.e. the alternative existing forms of institutionality. This ‘other institutionality’ is fundamental to understand SGPSs in Latin America and beyond and contributes to frame a more fluid and dynamic concept of SGPSs themselves, in response to my main-RQ (*How to broaden the comparative SGPSs analysis to the global South?*).

Secondly, in my dissertation I inquired about the connection between global urban policy and local governance by answering sub-RQ2 (*How do global urban policy and local governance merge together and which is the role of the stakeholders involved?*). By analysing the Ecuadorian and the Bolivian case studies, I reckoned that international agents influence the global circulation of policy and ideas, and this happens by shaping both the spatial planning tools adopted in a specific country and the localisation of the global urban policy. The adoption of spatial planning tools –as the Ecuadorian case study demonstrated– is due to a combination of transnational agency and local practices, framed by path-dependent logics. The international agents involved ranges from global urban agencies to bilateral cooperation aids, with a recurrent ‘pasteurisation’ of concepts taking place within the global phenomenon of urban policy mobilities. The ‘comfortable landscape of the SDGs’ framed within this dissertation is one of the leveraging factors in global urban policy localisation. Simultaneously, the SGPSs –intended



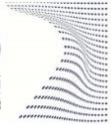
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as the institutional framework, the instruments, the discourses, and the practices— influence the global urban policy localisation, by determining a more incremental or a ‘fast-track institutionalisation’ process. If the initial hypothesis suggested that the international agents influence spatial planning issues through the allocation of funds, the research outputs suggest that this is more complex phenomenon. On one hand, local governments foster the global urban policy localisation to support previous development priorities and not only for having access to international funds; on the other, there is a reciprocal interaction between SGPSs and the global urban policy localisation, and the influence of the international agents is not unidirectional.

Thirdly, in this dissertation I explored the theoretical implications and existing challenges of expanding the SGPSs studies to the global South, in so doing answering sub-RQ3 (*What are the theoretical implications and challenges of expanding the comparative SGPSs analysis to Latin America and, more in general, to the global South?*). The existence of recurrent non-bureaucratised practices in Latin American countries makes hardly possible to frame the SGPSs functioning through conceptual models developed in the global North. A deeper insight into these non-bureaucratised practices happening in different Latin American countries, as well as the inquiry into the ‘other institutionality’ in the form of the unconventional –but legal– ‘judicialization’ of planning, allowed to describe the functioning of six Latin American SGPSs and, simultaneously, opened to a broader and more dynamic concept of SGPSs themselves, which considers its temporary condition. The inquiry into the ‘other institutionality’ alongside a deeper insight into the global urban policy localisation are the two research avenues I have undertaken within this dissertation and the ones I am proposing to follow for contributing to a global comparability of SGPSs. By ‘looking through the fissures’ and by adopting a policy mobilities ‘lens’ allows to trace the ‘repeated instances’ in the SGPSs configuration, in so doing broadening both the theoretical and the methodological SGPSs framework.

7.2 Contribution of the dissertation and avenues for future research

The inquiry into the dynamic Latin American spatial governance landscapes has been extremely engaging and satisfying, and the collaboration with several Latin American colleagues has been essential. This first step towards a SGPSs analysis in Latin America and – broadly speaking– in the global South is a first attempt to broaden a theoretical and conceptual framework which has been tailored upon global North countries. *Testing* SGPSs in Latin America is not only an analysis of the SGPSs functioning, rather it means looking through the fissures and disclosing the tensions between formal legal frameworks and non-bureaucratised



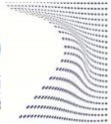
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practices. This allowed to frame the concept of the ‘other institutionality’, which could strengthen the comparative planning studies in both the global South and the global North, towards a global SGPSs comparability. Furthermore, by focusing on intermediary cities –rather than on metropolitan areas– which have fewer technical and economic capabilities related to spatial planning, can be a proxy for the majority of local governments in the region.

The scrutiny into the global urban policy localisation and its interplay with the SGPSs allowed to frame the relevance of the ‘comfortable landscape of the SDGs’, by highlighting the role of the international agents –mainly understood as global urban agencies and bilateral cooperation aids– in fostering the process. This in-depth inquiry was carried out in Bolivia and Ecuador, but certainly needs a further recognition in other Latin American countries. Until now the global urban policy localisation has been an overlooked field of research, and this of course deserves more attention. Following the international agents and analysing their influence in localising the global urban policy could be an excellent research path for understanding a global urban phenomenon, and the policy mobilities literature gives useful insights on that.

I hope that this dissertation could be relevant for planning researchers as well as for policymakers and practitioners. The scrutiny into the SGPSs functioning has allowed me to frame a number of overall recommendations. Firstly, planning researchers interested in SGPSs configuration should deepen on the analysis of the ‘other institutionality’, stemming from both the non-bureaucratized practices and unconventional (but legal) ones. The ‘judicialization of planning’ is certainly a promising field of research, both in the global South and the global North, and its role in shaping the spatial planning activity is increasingly relevant, however since now underestimated. I hope that future SGPSs comparative research could undertake a simultaneous scrutiny into the ‘other institutionality’ and an in-depth analysis of the convergence between global urban policy and local governance. Particularly, I am convinced that the policy mobilities current debate could strengthen both theoretically and methodologically the ongoing SGPSs studies, by providing a ‘fresh viewpoint’ and considering ‘new relational, temporal, multi-scalar, and multi-dimensional lenses’, as suggested by multiple sides. The ‘*a posteriori* comparison’ is indeed a methodological interesting approach that comparative SGPSs could further explore.

Secondly, and even if it is the most difficult one, I would like to remind that domestic policymakers are on the front line of the global urban policy localisation, and this gives them a strong responsibility in selecting which narratives and policy models should be followed. Furthermore, policy makers –together with planning practitioners and international agents– dealing with incremental urbanisation processes should value and take advantage of the non-bureaucratized practices in spatial planning processes. Within *necessity-market*-driven spatial



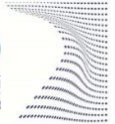
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developments, it is rather complicated to eradicate illegal land-use management practices, and it is preferable to find the best way for taking advantage of them within formal spatial planning processes. Furthermore, and for having been a spatial planner practitioner in Latin America, I would like to remind practitioners that our action in favouring certain policy models/tools rather than others disembrace power and privilege dynamics which are not secondary, and we should be aware of that.

Finally, and within the global monitoring and the global comparability advocated by the United Nations, I wish for a stronger engagement of SGPSs studies. Indeed, the final scope of SGPSs is the acknowledgement of the land-use and development rights, and the monitoring of this activity –also as a result of the ‘other institutionality’– could give interesting insights towards the global monitoring of the SDGs localisation.



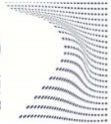
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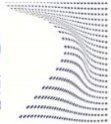
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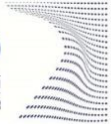
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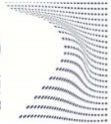
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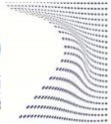
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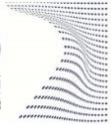
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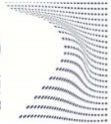
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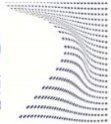
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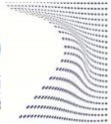
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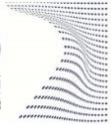
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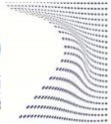
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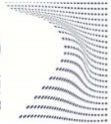
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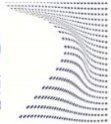
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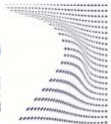
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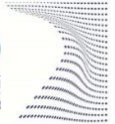
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Appendix I



Does Planning Keep its Promises? Latin American Spatial Governance and Planning as an *Ex-Post* Regularisation Activity

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ABSTRACT

Spatial governance and planning systems empower the public authority to steer and control spatial development. Whereas most comparative studies on how this occurs focus on the European continent, less knowledge is available on the global South incremental urbanisation. The cases of three Latin American countries – Bolivia, Ecuador, Peru – are here discussed, highlighting the role played by the *logic of necessity* (and the resulting *necessity-market*) as the main driver of plot-by-plot urbanisation. The analysis shows that, in the three countries, spatial governance and planning systems are scarcely capable to address societal needs *ex-ante* and limit their activity to *ex-post* regularisation actions.

KEYWORDS

Spatial governance and planning systems; necessity; incremental urbanisation; Latin America; global South

Introduction

Dedicated legislative frameworks have been introduced in all countries from the late 19th century onwards, contributing to the consolidation of ‘spatial governance and planning systems’ (hereafter SGPSs), aiming at managing and regulating the organisation of activities in space in a way that answers societal needs, through vertical (between policy levels) and horizontal (between the state, the market and the civil society) interactions (Janin Rivolin, 2012). The SPGSs are context- and path-dependent objects (Sorensen, 2015), whose characteristics and functioning are interconnected with the geography and history of the places where they interlock with institutional structures (Healey & Williams, 1993).

Whereas the main function of SGPSs remains to empower the public authority to exert control over spatial development (Berisha *et al.*, 2021), the mechanisms that they put in place to this end are highly differential. Since at least 30 years, scholars analyse and compare how SGPSs work in practice within different national contexts, aiming at highlighting similarities and differences and identifying good practices. The majority of these studies focus on the European continent, inspired by the growing interest of the

European Union (EU) for evidence upon which to build pan-European spatial development policies (among others: Davies *et al.*, 1989; Newman & Thornley, 1996; CEC, 1997; Farinos Dasi, 2007; Reimer *et al.*, 2014; Nadin *et al.*, 2018; Tulumello *et al.*, 2020). In contrast, contributions comparing SGPSs in the global South – and particularly in Latin America – are scarcer (Massiris, 2002; Irazábal, 2009; Rossbach & Montandon, 2017; Galland & Elinbaum, 2018a, 2018b), despite the growing institutionalization of the spatial planning discipline that has interested Latin American countries in recent decades (Rossbach & Montandon, 2017). A reason for this gap is the difficulty to apply the analytical categories identified in the existing European studies to other contexts, due to the different levels of institutionality and the incremental urbanisation (Karaman *et al.*, 2020) that characterise the global South.

As a first attempt to fill this knowledge gap, we explore the capacity of the public sector to exert a certain control over spatial development in three Latin American countries (Bolivia, Ecuador and Peru). In order to provide a more detailed account of the fragmented institutional framework (Irazábal, 2009) that characterises Latin American SGPSs and their implementation challenges (Caldeira, 2017; Friendly & Stiphany, 2019; Horn, 2021), we propose to complement the existing comparative spatial planning literature with the inclusion of the *logic of necessity* (Abramo, 2012; Calderón, 2017) as the main driver of the global South incremental ‘plotting urbanism’ (Karaman *et al.*, 2020).

After this introduction, we detail the theoretical foundations of the study and its methodology. The SGPSs of the three countries are then presented, with reference to the evolution of their spatial planning legislation and tools. We then explore the capacity of the public sector to control spatial development in section four, in relation to three intermediary cities – Sacaba (Bolivia), Rumiñahui (Ecuador) and Huancayo (Peru). Drawing on these case studies, we discuss the reciprocal interaction between the state and the market in influencing spatial transformations, and their interplay with the *necessity* that they fail to address. The results of our work suggest that the analysed SGPSs fall short in addressing societal needs, leaving room to incremental urbanisation driven by the *logic of necessity*. Within this framework, spatial planning activities are mostly limited to the *ex-post* regularisation of occurred developments, with the allocation of land-use rights that happens as the final stage of the process, when they are already acknowledged on the ground. A concluding section rounds off the contribution, summarising its main outcomes and proposing a typological conceptualisation of the analysed SGPSs as *ex-post regularisation systems*, in so doing complementing the most recent classifications (Janin Rivolin, 2017; Berisha *et al.*, 2021). On this basis, we argue that to consider the extent to which SGPSs manage to address the *logic of necessity* in a given context opens a promising research avenue to answers to the needs for comparability recently highlighted by global urban frameworks (the 2030 Agenda for Sustainable Development and the New Urban Agenda. United Nations, 2015, 2017), in so doing contributing to the further consolidation of this ‘field under construction’ (Galland & Elinbaum, 2018a, 2018b).

Comparing Spatial Governance and Planning Systems in Latin America. Theoretical Foundations and Methodology

Since the end of the 1980s, the growing interest for the development of a pan-European spatial development agenda has led to a multiplication of comparative spatial planning studies (Faludi, 2008; Nadin & Stead, 2008; Adams *et al.*, 2011; Cotella, 2020; Cotella &

Dąbrowski, 2021). These studies have focused on the description of SGPSs and on the comparison of their patterns of change, while at the same time assessing the different systems in relation to their maturity and effectiveness. However, as the preparation of the EU Compendium of Spatial Planning Systems and Policies (CEC – Commission of the European Communities, 1997) has demonstrated over 20 years ago, ‘criteria that evaluate the effectiveness of a system are particularly controversial’ (Nadin & Stead, 2008, p. 8) and, whereas evaluation is certainly not a new issue in planning (Alexander & Faludi, 1989; Faludi, 1989; Mastop & Faludi, 1997; Alexander, 2006), to assess SGPSs is something different from evaluating plans (Janin Rivolin, 2012, p. 78).

A relevant step in this direction has been recently made by Berisha *et al.* (2021) that, building on the results of the ESPON COMPASS project (Nadin *et al.*, 2018), produced a typological classification of the SGPSs that characterise 39 European countries in relation to the capacity to steer and control spatial development that they grant to the public authority. The work identifies five categories of SPGSs, here ordered from those granting the public authority a stronger influence downwards (Berisha *et al.*, 2021, pp. 192–195):

- *State led systems*, where, despite the different models adopted for the allocation of spatial development rights, spatial development is mainly driven by the state, even if to different degrees with respect to the market’s influence;
- *Market-led neo-performative systems*, where development rights are assigned through detailed plans negotiated with the private actors, so that spatial development is driven by a mix of state and market interests, but with some prevalence of the latter;
- *Conformative systems*, where the public authority assigns development rights through traditional binding zoning plans, but with the recurrent use of variants that can subsequently modify them;
- *Proto-conformative systems*, where the provision of development rights through binding zoning plans is characterised by strong hierarchy and dirigisme, scarcer flexibility and a lower negotiation capacity;
- *Misled performative systems*, where the public authority assigns development rights on a case-by-case basis or through the use of detailed negotiated plans, however most often giving away their discretionary powers to decide if, when and what is allowed to be built to market forces.

Whereas the conceptual frameworks underpinning these studies are useful to analyse and compare countries where spatial governance and planning is a highly institutionalised activity, attempts to compare SGPSs in Latin America highlighted a number of challenges, mostly related to the fragmented institutional frameworks for spatial planning and the high share of urban informality (Massiris Cabeza, 2002; Irazábal, 2009; Blanc & Cotella, 2020). This certainly constitutes a challenge *vis-à-vis* the need of global comparability highlighted in recent years by global urban development frameworks (United Nations, 2015, 2017) and for the implementation of the goals that they identify (Barnett & Parnell, 2017). The latest comparative overview of the Latin American and Caribbean urban laws, published in 2017 by Cities Alliance (Rossbach & Montandon, 2017), identifies 11 national planning laws, which are the result of the

‘urban reform’ process carried out in the region since the 20th Century (Fernandes, 2019; Máximo & Royer, 2021). However, these legal frameworks are often disattended in their local implementation (Caldeira, 2017; Friendly & Stiphany, 2019). Among the reasons for failure, the ‘unclear or unstable structures for decision making’ (Irazábal, 2009, p. 69) and the ‘hyperregulation’ (Horn, 2021) are frequently mentioned, together with the ‘lack of funding, deficient fiscal management, corruption, bureaucratic inefficiencies, and political difficulties’ (Irazábal, 2009, p. 69).

Therefore, a large share of the urbanisation that occurs in Latin America is promoted by different non-state actors that concur to informal urbanisation. This happens with a very low capacity of the public sector to regulate and manage this process, if not through *ex-post* acknowledgement and regularisation (Metzger *et al.*, 2016). Actually, ‘*the state acts after the fact* to modify spaces that are already built and inhabited’ (Caldeira, 2017, p. 7, italic in the original text) and ‘is responsible for the creation and re-creation of irregularity and illegality’ (Ibid., p. 8), leading to an ‘organised disorder’ (Horn, 2021). This clearly makes the institutional background for studying Latin American SGPSs fluid and complex and calls for the adoption of additional concepts to encompass urban informality.

Urban informality in the global South is neither a recent phenomenon nor a clear one. Its definition varies based on the context and the type of institutionality, and many different vocabularies have been used to refer to incremental urbanisation (Karaman *et al.*, 2020). Calderón (2017) argues that the dominant definition is bounded, and it indicates that citizens avoid following the rules because they cannot cover the costs to access and to remain in the formal economy. According to Abramo (2012), urban informality has a strong relationship with the processes of spatial self-production and, among its main causes, features the absence of public policies for the fair access to housing. In other words, SGPSs do not seem able to frame the interaction between the state and the market in a way that addresses societal needs – or, to use the words of Abramo (2012) and Calderon (2017), the *necessity* – effectively, leading to the proliferation of informal markets and settlements. Within this framework, the role of the state is merely to validate the practice of informality, in so doing determining an ‘informal legality’ (Calderon, 2017).

From the beginning of the 20th century, the informal occupation of urban lands driven by the *logic of necessity* has become the main form of access for the poor to urban land, as a way to make up for the failures of SGPSs in addressing the state-market relationship aimed at spatial transformation. The *logic of necessity* leads to two possible outcomes: the informal occupation of land and the emergence and consolidation of an illegal land market. The latter, which is identified by Abramo (2012) as *necessity-market*, is particularly profitable and dynamic. On this basis, Calderón (2017) argues that the *logic of necessity* should be taken into account as a driver of spatial development, in those contexts where the interaction between the state and the market does not manage to address societal needs effectively.

Following this path and drawing on the works of Matos Mar (1968), Riofrío and Driant (1987) and Abramo (2012), when the *necessity* is not fully addressed by the state and the market, we argue that the *logic of necessity* stands out as the main driver of spatial transformations, resulting in what we can label *other institutionality* (i.e. different forms of land management that occur beside the formal ones). By drawing attention

to the latter, the three case studies under investigation aims at enhancing the global comparability of SGPSs, opening the path to comparative analyses that are more sensitive to the global South, in so doing contributing to the Southern turn in planning theory advocated by various authors in recent years (Roy, 2011; Watson, 2016; Galland & Elinbaum, 2018b). By adopting a broad understanding of the concept of ‘institutions’ that encompasses all formal and informal norms and conventions that shape social interaction (North, 1990; Hall & Taylor, 1996; Sorensen, 2015), we devote our attention to the role played by the *necessity* (and the deriving *necessity-market*) as the main driver of incremental urbanisation in Latin America, to allow for an understanding of its ‘unwritten rules’. As this *other institutional* is a result of – and interacts with – formal spatial governance and planning practices, by exploring the process of incremental urbanisation, framed by the interaction between the state and the market and by the resulting *logic of necessity*, we discuss to what extent planning keeps its promises in the analysed countries.

In the following sections, the presented approach is tested in relation to the contexts of Bolivia, Ecuador and Peru. The three countries in recent years have undergone a revision of the regulatory frameworks that allows for the operation of their SGPSs. Ecuador and Bolivia approved respectively their new constitutions in 2008 (República del Ecuador, 2008) and 2009 (Asamblea Constituyente de Bolivia, 2009) and introduced the paradigm of the ‘Good Living’,¹ explicitly referring to the indigenous worldview as a civilising alternative to the capitalist model (Arteaga-Cruz, 2017). In both countries, these frameworks led to a new territorial organisation and new rules for spatial governance and planning. Conversely, in Peru, the 1993 political constitution (Congreso Constituyente Democrático, 1993) framed upon the Washington Consensus’ recommendations, deriving in a subsidiary role of the state and a larger role of the market and foreign investments (Ruiz, 2005).

For each country, we analysed the institutions responsible for spatial planning at the national, sub-national and local levels and the instruments they employ, to then ground our findings on three medium-sized cities that belong to larger metropolitan areas and have recently experienced high urbanisation rates – Sacaba (Bolivia), Rumiñahui (Ecuador) and Huancayo (Peru) (Figure 1). According to the latest UN-Habitat report on the Latin American and Caribbean cities (UN-Habitat, 2012) and the GOLD IV report published by United Cities and Local Governments (UCLG, 2016), while showing high urbanisation rates, intermediary cities have fewer economic and technical resources to carry out spatial planning tasks in comparison to main metropolises (Llop *et al.*, 2019), hence their selection as proxy for the several other intermediary cities in the Andean region.² For each city, we analysed local spatial planning in terms of tools and practices in both the formal and informal domain. Our focus is on the allocation of spatial development and land-use rights and on the interaction between the state, the market and the civil society, with a particular attention to the role that the *necessity* and the *necessity-market* play as spatial development drivers.

In our analysis, we combined the documentary and secondary sources’ analysis with 21 interviews with key stakeholders, including representatives from the national government, the architects’ associations, the chambers of construction, the real estate sector, the civil society and the academia, as well as dwellers from informal neighbourhoods. For addressing the methodological limitations, cross-sectional interviews were triangulated with the study of spatial planning regulations and policy documents.

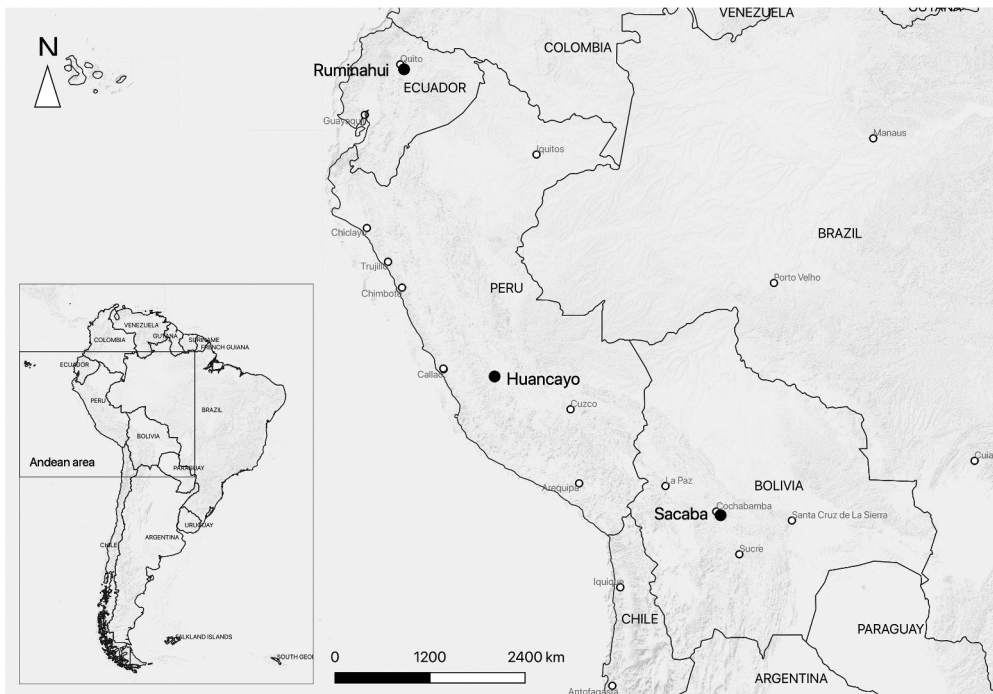


Figure 1. Location of the three case studies within the Latin American context.

Spatial Governance and Planning Systems in Three Latin American Countries

Bolivia

In Bolivia, the first socioeconomic plans (e.g. Bohan Plan) and urban plans (regulatory plans, later master plans) were developed since the 1940s. Only in 1974 the National Planning System (*Sistema Nacional de Planeamiento*) settled the rules for socioeconomic development plans, programmes and other sectoral tools (Cabrera, 2011). In 1976, the first proposal for a National Urban Planning System (*Sistema Nacional de Planificación Urbana*) defining the rules for urban development was proposed, but never approved (Peláez, 1987). As a result, since the 1950s a growing number of regulatory and master plans were developed in many cities, however without any institutional reference.

In the mid-1980s, the so-called ‘first generation economic reforms’ settled a new institutional framework aimed at promoting the free market and was followed in the 1990s by administrative decentralisation and increasing attention towards citizens’ participation (Congreso Nacional, 1994, 1995). Drawing on these reforms, a new planning legislative framework (*Normas Básicas del Sistema Nacional de Planificación*, NB-SISPLAN) was introduced, regulating the administrative practice at the national, sub-national and local levels. The reform provided municipalities with jurisdiction over rural land and the competence to define generic land-use plans oriented to the countryside, while at the same time limiting their activity on the urban context, in so doing *erasing* the already scarce urban planning institutionality (Cabrera, 2011).

Following the new political constitution of the state (2009), the government promulgated in 2016 a new national planning framework (*Sistema Integral de Planificación del Estado*, SPIE) (Asamblea Legislativa Plurinacional, 2016) which organises comprehensive planning into long, medium and short terms. Unlike the previous framework, the SPIE links planning with mandatory budgets and establishes a specific tool for managing land-use and development (*Plan Territorial de Desarrollo Integral*, PTDI) to be used at the subnational and local levels. However, as the previous plans, the PTDI does not focus on the urban context.

The most common urban planning practice of the last 20 years in Bolivia – which is however not recognised by the SPIE – is the regularisation of the urban properties. The plans, therefore, are a marginal part of the institutionality. The initial application of the property's regularisation dates back to 2002, but it was only in 2012 that the government implemented it on a wide scale (Asamblea Legislativa Plurinacional, 2012). Municipal governments, in order to regularise developments that have already occurred on the ground, have to propose the extension of the urban perimeter (to include irregular properties) to the central government, that has the final right of approval. Only the plots and buildings included in the urban perimeter can be regularised and the municipalities are highly encouraged to make it possible due to their exclusive competence on urban lands (while rural lands are under the central government's competence). This process leads to the incorporation of large rural areas into the urban perimeter, hence hampering agricultural and forestry activities in favour of the subdivision of land for speculation purposes.

This situation is mainly the result of conflicting competences between the local governments and the National Institute of Agrarian Reform (*Instituto Nacional de Reforma Agraria*, INRA), responsible for managing rural lands, developing rural human settlement programs and rural cadastral programmes. The fact that INRA can neither control nor regularise urbanisation fosters the informal urbanisation of rural land, that is then included in the urban perimeter and regularised. Furthermore, the urban cadastral regime is still based on a 1991 national regulation, and municipalities are responsible for its application and management. Only the municipal government of La Paz has a functioning cadastre (Rivera, 2020), while the remaining municipalities have scarce real estate inventories or obsolete systems. Therefore, monitoring the urban expansion and controlling the real estate dynamics is impossible and this turns effective planning into a real challenge.

Ecuador

Ecuadorian national planning activity began in the mid-1950s, in the form of economic development planning that lacked any spatial focus (Lozano, 2013). Only in 1999, with the enactment of the Environmental Management Law, land use planning was introduced as a state's competence (Ibid., pp. 1–35). At the same time, municipal spatial planning activity dates back to the 1940s, with regulatory plans that were initially developed by the capital city of Quito and by few other cities. According to Pauta (2014), from the 1960s the Municipal Regime's Law (*Ley*

Orgánica de Régimen Municipal) allowed the municipalities to formulate their spatial plans. Nevertheless, there were few municipalities concerned with planning their territories.

An important change took place in 2004, when the Ecuadorian government introduced a national planning system and created the Planning and Development National Secretariat (*Secretaría Nacional de Planificación y Desarrollo*, SENPLADES), with a ‘multiscale management vision’ (López, 2015) based on different sub-national and local levels,³ among which the indigenous districts are counted. Since 2008, and following the enactment of the political constitution, the approval of a new regulatory framework introduced the *Planes de Desarrollo y Ordenamiento Territorial* (PDOT) whose approval is binding to benefit from the decentralisation of central government resources. This led to a massive production of spatial plans with an attached list of public works to be executed. However, PDOTs most often understand land uses in terms of the land agricultural and productive capacities, weakening their steering potential. Similarly, in most municipalities, the PDOT has not been linked to the urban regulations, leaving it for *a posteriori* development and weakening the plan itself (Benabent & Vivanco, 2019).

In 2016, the first national spatial planning law (*Ley Orgánica de Ordenamiento Territorial, Uso y Gestión del Suelo*, LOOTUGS) (República del Ecuador, 2016) was enacted and introduced the mandatory Land Use Management Plans (*Planes de Uso y Gestión del Suelo*, PUGS). Whereas, according to the law, land use management is an exclusive municipal competence, and the PUGS is the only binding tool for this matter, several overlaps exist between the PDOT and the PUGS (Benabent & Vivanco, 2017). Furthermore, the indigenous communities are responsible for the development of specific plans (*Planes de Vida*), that are however not acknowledged as part of the official spatial planning system (Blanc, 2022).

Importantly, informal settlements are excluded from the official spatial planning system. According to a 2015 report presented by the Ministry of Urban Development and Housing (MIDUVI, 2015) during the Habitat III conference, they correspond to approximately 730,000 households, i.e. 2.8 million people located in precarious and illegal settlements. In 2013, the 79% of the municipalities of the country reported incremental urbanisation activities occurring outside their urban perimeter (Roszbach & Montandon, 2017). The result is a two-speed SGPS that has often to embrace *ex-post* regularisation activity to acknowledge and legitimate occurred informal development. This situation is worsened by the existing precarious cadastres, whose competence is municipal, and this affects the ability of developing forceful spatial plans for controlling urban development.

Peru

In Peru, the first National Planning Office (*Oficina Nacional de Planeamiento y Urbanismo*, ONPU) was created in 1946 and developed several urban plans. After the military government, and through the 1979 political constitution of the country, the municipalities were provided with several urban planning competences. In 1981 the National Institute for Urban Development (*Instituto Nacional de Desarrollo Urbano*, INADUR) was created and, among its functions, it supported the formulation of municipal spatial and development plans. The INADUR and its predecessor, the ONPU, are representative of a stage in which the state played an active role for development planning.

During the 1990s, Peru went through a process of economic structural changes, and the role of the state decreased in favour of the market, with a consequent relaxation in the allocation of land uses to attract private investments (Fernández Maldonado, 2018, 2019). The central government started having a subsidiary role but, at the same time, it maintained its investment capabilities in strategic projects, while delegating to subnational and local governments some competences, including land use and urban development.

At the beginning of the 2000s, the INADUR was replaced by the Ministry of Housing, Construction and Sanitation (*Ministerio de Vivienda, Construcción y Saneamiento*) addressed at formulating, approving, executing and supervising housing, urban planning, construction and sanitation national policies. In 2003 the new Municipalities' Law (Congreso de la República, 2003) established that district and provincial municipalities have the shared competence of urban development planning, while land use assignment is an exclusive provincial competence.

The current urban development regulation (*Reglamento de Acondicionamiento Territorial y Desarrollo Urbano Sostenible*, RATDUS), approved in 2016 (Ministerio de Vivienda, Construcción y Saneamiento, 2016), defines three main spatial planning tools: the Territorial Plans (*Planes de Acondicionamiento Territorial*, PAT), the Metropolitan Development Plans (*Planes de Desarrollo Metropolitano*, PDM), and the Urban Development Plans (*Planes de Desarrollo Urbano*, PDU). According to the RATDUS, the PAT guides the spatial development of provincial municipalities, while the PDM is used for metropolitan areas, and it defines the areas where the PDU and/or other secondary plans have to be developed. The PDU concerns settlements of more than 5,000 inhabitants and the provinces' capital cities, and it is the only tool responsible for the definition of land uses through binding zoning. Its validity is 10 years, although it is common to find outdated PDU that are still legally valid.

Despite its legally binding nature, the RATDUS mainly settles the technical procedures for land use and management but does not make their production mandatory for the lower levels. As a consequence, the country is characterised by an extremely low plans' compliance, with PATs that have been developed by the 47% of the provinces and only 13% of the district municipalities that have produced a PDU (2018 data). According to Calderón, 'urban Peru is a country of cities without planning' (2017, p. 227) with an enduring negotiation ending in the legitimisation of informality. Between 2000 and 2018, more than 90% of the urban expansion has taken place alongside the private and public development of supplied land (Espinoza & Fort, 2020), and planning *ex-post* has been the dominant practice. Since 1996, the regularisation processes have been implemented through the *Organismo de Formalización de la Propiedad Informal* (COFOPRI), which is the central government's body in charge of massive formalisation.

Spatial Governance and Planning and the Logic of Necessity. Three Case Studies

Sacaba, Bolivia

Sacaba is a municipality located in the Cochabamba department, in the Andean sector of Bolivia (Figure 2). It has 213,822 inhabitants (2018), an area of 1,350 km², and it is part of the Kanata metropolitan region (the only one formally established in the country). The

metropolitan region is characterised by a Comprehensive Metropolitan Development Strategy (*Estrategia de Desarrollo Integral Metropolitano*, EDIM) and a Metropolitan Action Plan (*Plan de Acción Metropolitano*). However, even if Sacaba's territory lies within the scope of these activities, they do not affect the municipal urban planning and development to any reasonable extent.

Between 2009 and 2016, Sacaba produced five different versions of its PTDI, however, none were approved. The current Sacaba's official spatial planning tool is the PTDI approved in 2017 (Gobierno Autónomo Municipal de Sacaba, 2017) and updated in 2020, while the ongoing urban management tools are the 1999 building and urbanisation regulation, the regularisation sectoral plans, and the budgeting annual programmes (*Programas Anuales*, POA). Even if the PTDI is the official spatial planning tool, the 1996 Urban Development Plan (*Plan de Desarrollo Urbano*, PDU) (Gobierno Autónomo Municipal de Sacaba, 1996) is the tool that has partially guided the urban growth, frequently modified by municipal ordinances. Concerning rural land management, the municipal government frequently interacts with the national government, to redefine the urban perimeter in order to facilitate development regularisation.

The regularisation of land property rights and buildings that do not comply with the urban regulation stands out as a common practice. Informal urbanisation is driven by several factors among which stands out an unregulated land market suitable for land speculation and a typical Bolivian rural-urban phenomenon called 'multilocality'⁴ (Antequera & Cielo, 2010), i.e. the double or triple residence of families carrying out agricultural and urban businesses simultaneously. This phenomenon is witnessed by thousands of unoccupied land plots (the so-called *lotes de engorde*) located in cheap

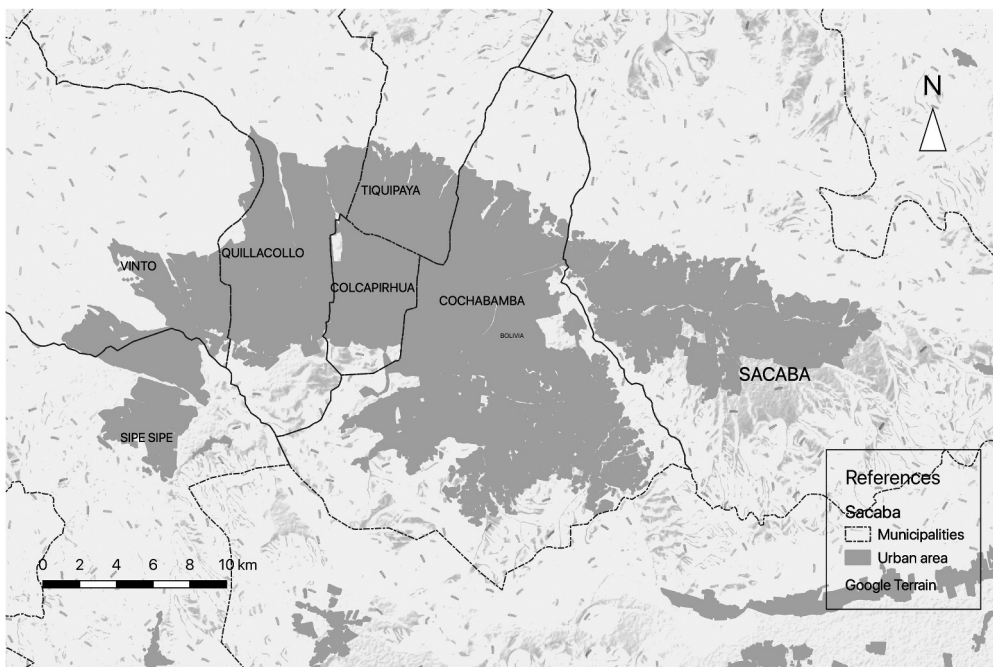


Figure 2. Kanata metropolitan area where Sacaba is located.

peripheral areas, in turn leading to a growing pressure for expanding the urban perimeter, further complicating the spatial planning activity. In 2013 Sacaba defined a new urban perimeter, three times larger than its urban footprint. Although both the PTDI and the PDU have had to acknowledge this new urban area, they do not provide land management tools for it. Consequently, the municipal government acts through specific municipal laws, each time aiming at regularising (and including into the market) a larger number of buildings and urbanised plots.

According to the formal system, new developments should be authorised by the public authority on the basis of urban projects presented by the private sector. However, most often urbanisation occurs incrementally, bypassing the formal regulation. This process is facilitated and encouraged by the capacity of the population to self-produce the main basic services and infrastructures (water, sanitation, transportation, security, etc). The allocation of these services allows the rapid consolidation of informal settlements, without any intervention from the public sector. In several cases this process is even organised in a structured manner by neighbourhood organisations, that self-manage and fund urbanisation through *ad hoc* tools and practices that resemble those devoted to public land value capturing (Cabrera *et al.*, 2022), in so doing setting-up an alternative *other institutionality*.

The above-mentioned process is corroborated by the existence of several informally urbanised areas located beyond the new urban perimeter, which, despite the recent increase of the latter, still corresponds to approximately a 25% of the current urban footprint, according to the cadastre.⁵ The majority of these informal constructions are located in environmental protected areas, as well as hazard-prone areas. Their development has run in parallel to the consolidation of an informal *necessity-market*, that occupies cheaper land outside the perimeter and urbanises it to benefit from its land value increase, in so doing exploiting the failure of the SGPS to address societal housing needs.

The main promoters of informal urbanisation are the landlords or the landowners who hire bricklayers or professional builders for the purpose, and the trade associations (e.g. architects or engineers) have hardly never reported the issue. Finally, among the occurring informal practices, it is also important to include the numerous constructions developed in formal urban areas, where builders do not comply with the existing regulations.

Rumiñahui, Ecuador

The municipality of Rumiñahui (Figure 3) is located in the province of Pichincha, with a total area of 132.78 km². According to the latest national population census (2010), Rumiñahui had a total population of 85,852 inhabitants and an urban population that increased from 35,386 to 75,080 inhabitants from 1990, reaching 102,355 inhabitants nowadays. This significant growth is mainly driven by the displacement of Quito's population, aiming at reaching more affordable housing solutions, preferably in gated communities, and turning Rumiñahui into a sleeping-city. Simultaneously, local populations in Rumiñahui cannot access this formal housing market – which targets the wealthy Quito's inhabitants – in turn being obliged to produce their housing solutions by themselves. Despite belonging to the Quito's conurbation, Rumiñahui is not included in its metropolitan spatial plan, which only covers the municipal jurisdiction of Quito, and there is no metropolitan housing policy to address the societal needs.

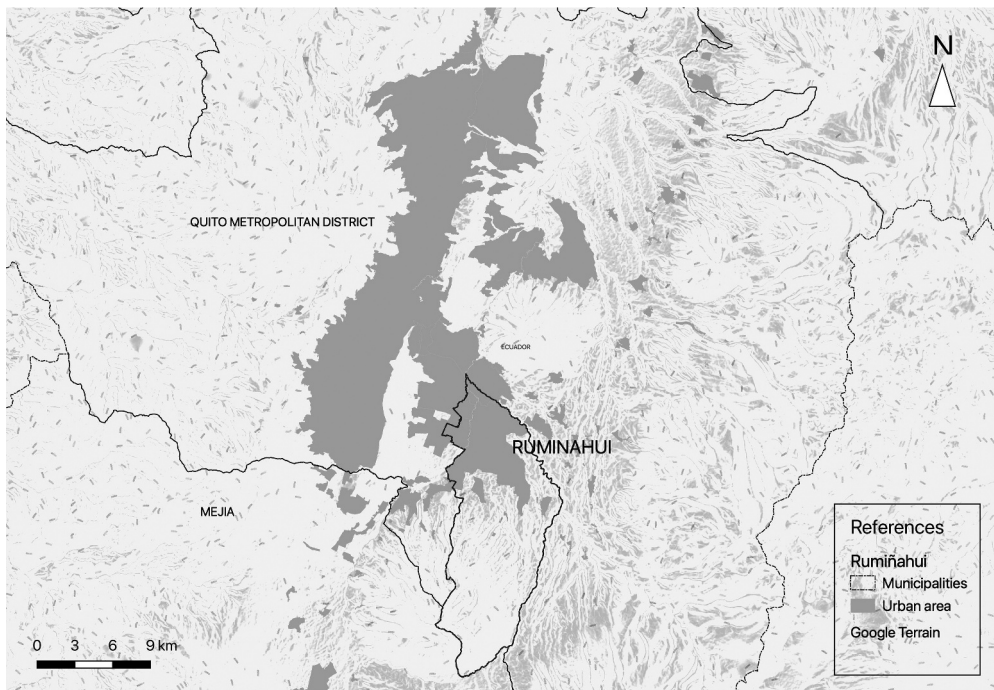


Figure 3. Quito's metropolitan district and the neighbouring municipality of Rumiñahui.

The land use plan (*Plan de Desarrollo y Ordenamiento Territorial*, PDOT) (Gobierno Autónomo Descentralizado Municipal de Rumiñahui, 2015) implements the national development plan's guidelines, as well as the planning indications settled by the province. The current PDOT was approved through a 2017 ordinance (Gobierno Autónomo Descentralizado Municipal de Rumiñahui, 2017), but it does not include any technical prescription for its implementation, turning the latter into a mere intention. As a consequence, formal urbanisation mostly occurs as the sum of single projects authorised by the municipality through plot-by-plot ordinances, without a broader territorial vision neither at the municipal nor at the metropolitan level. The pressure over land is high, mainly due to the proximity to the capital Quito, even if in 2015 the risk of the Cotopaxi volcano's eruption led to the redirection of real estate developers' investments.

Rumiñahui, as most of the country's municipalities, does not have access to a precise census of its informal settlements, so it is difficult to monitor the phenomenon and its drivers precisely. According to the civil servants, it is not possible to talk about informal neighbourhoods, and the municipality is rather characterised by informal constructions which do not comply with the local building code and emerge in property plots, as well as informal constructions in occupied lands which respond to the prevailing driver of the *necessity*. Sometimes the resulting incremental urbanisation is supported by neighbourhood associations, and it has been encouraged by the 2014 local regularisation ordinance, that fostered the imaginary that every informal building will later be regularised. According to some interviewees, informality mainly responds to the impossibility to access social housing programmes as well as formal housing promoted by the real estate sector; while others point out that it is encouraged by the highly bureaucratic process for obtaining

construction permits and the extremely expensive building activity in the formal domain. Nevertheless, it is worth noting that the Quito's Construction Chamber (*Cámara de la Construcción*) estimates that at least 60% of the urbanisation occurring in the metropolitan area concerns informal developments, with the latter that represents a large market for sale and rentals and concerns the participation of numerous real estate developers, often in an organised form, and responding to the *necessity-market* logic.

Currently, the municipal government is developing its Land Use Management Plan (*Plan de Uso y Gestión del Suelo*, PUGS),⁶ a binding tool that should guide the spatial development in the following years. Within the new framework, land management should be performed through lower-scale plans, in so doing limiting plot-by-plot urbanisation and improving the synergy between the state and the market in addressing societal needs.

Huancayo, Peru

Huancayo is the capital of the homonymous province (Figure 4), in the department of Junín, located in the central Peruvian mountain system. The district of Huancayo belongs to the homonymous metropolitan area and had a population of 116,953 inhabitants in 2015, over a total of 500,000 metropolitan inhabitants. The Urban Development Plan (PDU) approved in 2006 (Municipalidad Provincial de Huancayo, 2006) was formulated by the Huancayo district and its three surrounding districts. It was supposed to be substituted in 2011 by a new PDU, according to the legislation, however, the 2006 version

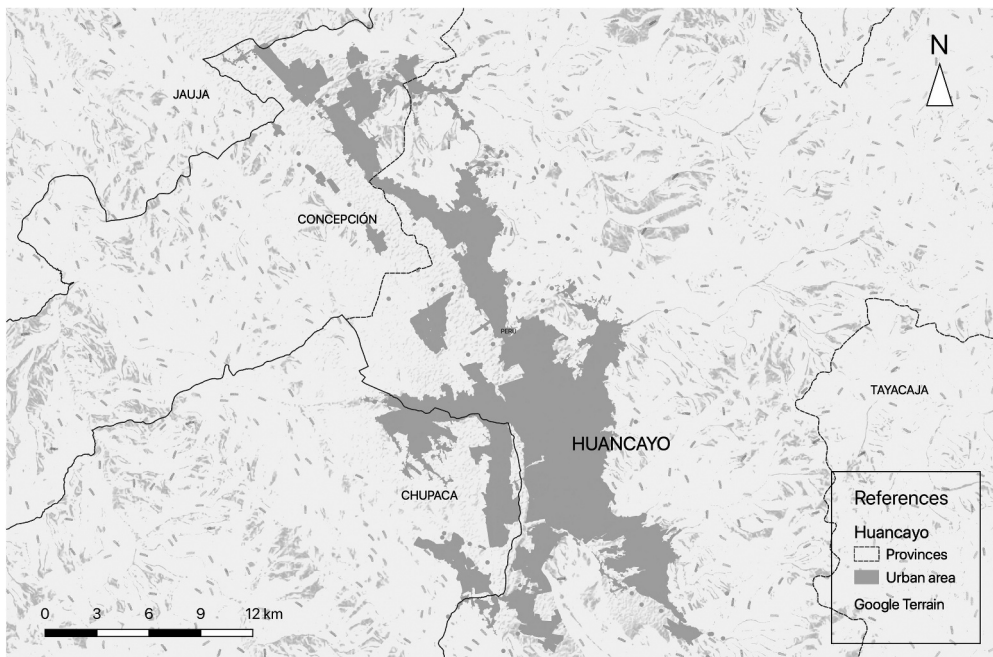


Figure 4. Huancayo's metropolitan area where the homonymous Huancayo district is located.

is still valid. The present conurbation covers 18 districts and the recently approved PDM (Municipalidad Provincial de Huancayo, 2020) () – a non-binding metropolitan spatial planning scheme – raises the need of a greater metropolitan region covering four provinces.

Currently the district of Huancayo appears unable to guarantee compliance with the PDU and to supervise building activities, leading to a general perception, by the users, of having a spatial plan that limits urban development, rather than regulating it. At the same time the actual process of urbanisation occurs outside any regulation, overstepping and bypassing the public control capacity both in peripheral areas and within the consolidated urban area. This situation is worsened by the lack of an updated cadastre and driven by the existence of a rather large and prosperous *necessity-market* that targets rural migrants from the surrounding districts, suffering from climate change adversities and environmental pollution, and in turn forced to abandon their agricultural occupation.

The provincial municipality is the institution responsible for regulating land use and occupation and this is mainly done through *ad hoc* ordinances that mostly aim at acknowledging and regularising the *status quo*. At the same time, in fields usually belonging to the local government's competence, such as public space management or architectural and environmental heritage, the national government seems to still play a strong role, by influencing local planning activities through the implementation of strategic projects. Since its approval in 2006, the Huancayo's PDU has suffered several modifications. It is worth noting that the practice of incremental land use change is recognised and allowed by the current legislation; however, when it becomes the main practice, it contributes to a progressive weakening of spatial planning. Plot-by-plot urbanisation based on private-public negotiation within the *necessity-market* is the prevalent practice especially in peripheral areas, where organised market operators buy cheap rural land to urbanise, and later ask the municipality for a land use change that would allow higher selling profits.

As a consequence, in the last ten years the city has grown by patches, through the sale of rural land (without any services and facilities) driven by the prevailing organised *necessity-market*, and through the consequent incremental urbanisation and self-construction with the participation of the peasant communities. This important market has been attracting migrant population from the surrounding rural districts, aiming at settling in this area due to the increasing drought affecting their agricultural activities and the pollution caused by the mining sector, which has made almost impossible living in highly polluted mining cities such as La Oroya. Informal rural land sales occur both in relation to the private and the communal properties, and the final buyers have to request the provincial municipality or the national government – through the COFOPRI – to regularise their plots or buildings, a practice that happens on a regular basis. Overall, also in the case of Huancayo the actual role of the spatial governance and planning activities remains rather limited, with most urbanisation that occurs bypassing the SGPS and is then regularised *ex-post*.

Analytical Comparison and Discussion

The analysis of the case studies discussed above shows how the SGPSs of Bolivia, Ecuador and Peru fall short in addressing the interactive dynamics between the state and the market in a way that answers societal needs effectively. Within this framework, the

unanswered needs aliment the *logic of necessity* (and often a resulting *necessity-market*), that acts as a driver of incremental urbanisation. According to the majority of the interviewees, the state apparatuses are characterised by a general *laissez faire* attitude towards these processes, and by the misplaced perception that through the SGPS some sort of public control over the market is exerted. However, despite the institution and consolidation of rather articulated SGPSs in the three countries, neither the tools developed at the supralocal level seem to play any role in influencing urbanisation, nor local spatial planning appears able to interfere in this process to a significant extent. In all the three cases, spatial planning outcomes are similar, with urbanisation that is characterised by large shares of informal and illegal developments.⁷

Overall, informality remains the most common form of land occupation in many Latin American countries, reaching almost 90% in Peru and 83% in Bolivia, while representing slightly less than 40% in Ecuador (Espinosa & Fort, 2020). As mentioned above, one of the aim of SGPSs should be to empower the public authority to define, either autonomously or as a consequence of a more or less structured negotiation in which market actors influence the final outcome, the desirable configuration of land uses in a more or less conformative way. As a consequence, the actual spatial transformations occur as the final step of the process, after the projects that guide them are granted permission by the public authority (Janin Rivolin, 2008, 2017; Berisha *et al.*, 2021). Figure 5(a). On the other hand, when SGPSs fail to coordinate the actions of the state and the market in a way that effectively answer the contextual societal needs, the *logic of necessity* and the *necessity-market* that most often generate from these needs step in as the main drivers of incremental urbanisation (Figure 5(b)). The *necessity* leads to the development of informal settlements whose edification starts with the spontaneous plot-by-plot occupation combined to a basic construction activity and later followed by incremental building and self-provision of basic services. At the same time, illegal settlements led by the *necessity-market* develop through subsequent processes of land occupation by the illegal sector, that are followed by the subdivision of the occupied land and the development of basic construction activities. Then a process of incremental valorisation takes place, characterised by the development of basic services, and that allows to eventually sell the plots into the illegal market at higher prices. In both cases, spatial planning occurs only as the final stage of the urban development process, when the public sector enters the stage for the first time in order to regularise *ex-post* occurred urbanisation episodes and to acknowledge them into current planning tools (Baross, 1998).⁸

Altogether, the collected evidence calls for a reconsideration of the role played by the different institutions involved in spatial transformation processes. In particular, the analysed countries revealed the existence of a conspicuous number of stakeholders and processes that contribute to steer and influence urbanisation, alongside those formal processes through which the SGPSs attempt to regulate the interaction of the state and the market. In particular, the inconsistency of the state spatial governance and planning action seems to have *forced* the population into an 'organised disorder' (Horn, 2021), in which to be self-sufficient in the purchase of land (and real estate) is the main path towards social and economic security. At the same time, the market has exploited the SGPSs weakness in meeting societal needs, and individuated alternative forms of institutionality through which to generate profit. Overall, this *other institutionality* seems to be an important determinant of spatial transformation in the analysed

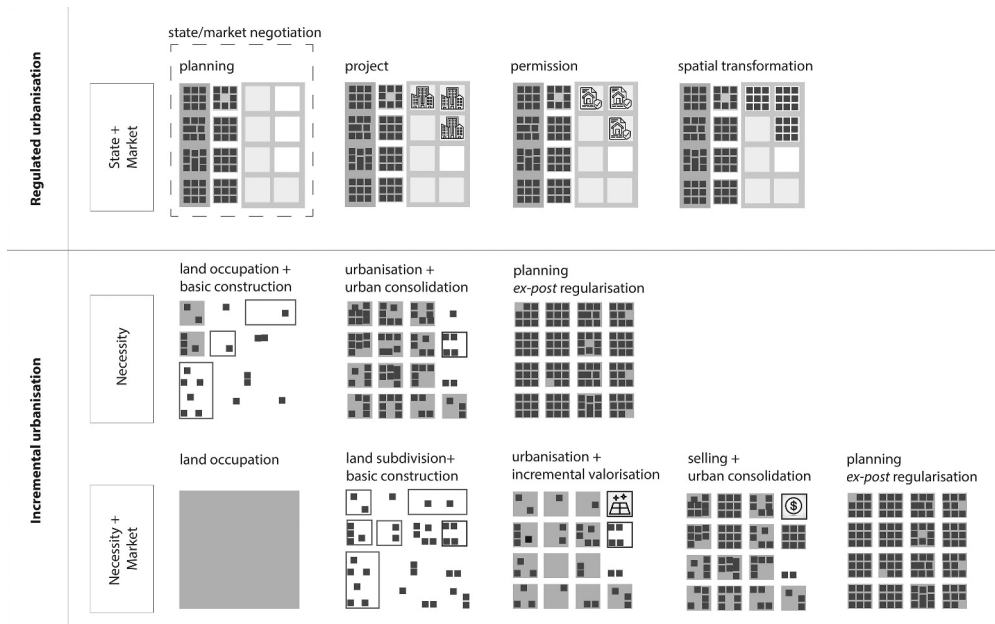


Figure 5. The different steps that characterise regulated urbanisation and incremental urbanisation.

countries, and tentative similarities may be drawn with other contexts in Latin America (e.g. the case of Mexico. Connolly & Wigle, 2017). At the same time, as highlighted above in the text, SGPSs are highly path- and context-dependent, and other countries in the region may be characterised by a different degree of institutionalisation (e.g. the cases of Colombia and Chile, as respectively described by Ortiz, 2018; Vicuña & Orellana, 2018). Be that as it may, we argue that to focus on the unveiled *other institutional* represents a crucial element that studies aiming at inquiring about the Latin American SGPSs should not overlook, in order to give account of these similarities and differences, in so doing fostering the global comparability of SGPSs.

Conclusions

In this paper we have questioned whether planning keeps its promises in Bolivia, Ecuador and Peru, by comparing the role that the public authority plays in steering and controlling spatial development in three intermediary cities, which can be considered a proxy for the Andean region.

From the analysis, a number of characteristics emerge, that are common to the analysed SGPSs. First of all, the existing spatial planning tools appear unable to steer and control the incremental urbanisation. The failure of SGPSs in absolving their role – i.e. addressing the interplay between the state and the market in a way that efficiently answer contextual societal needs – leaves room to the *logic of necessity* (and the resulting *necessity-market*) as the prevailing driver of incremental, plot-by-plot urbanisation.

Within this framework, *ad hoc* ordinances aimed at the *ex-post* regularisation of land use rights already acquired on the ground are the main measures through which the public authorities interact with a large majority of the spatial transformations occurring on their territories.

Building on these characteristics, that are confirmed in the practice in the three analysed cases, we argue that it is possible to detail an additional typological category, complementing those defined by the most recent comparative spatial planning studies developed in the global North. More in detail, we argue that the analysed countries are characterised by peculiar *ex-post regularisation [spatial governance and planning] systems*, where most territorial developments occur independently from the action of the state, through a variable set of informal institutions (the *other institutionality*) through which the civil society, activated by the *logic of necessity*, satisfies (either autonomously or by taking advantage of a so-called *necessity-market*) the needs that spatial governance and planning do not manage to address effectively. Within these contexts, planning does not manage to keep its promise, as its role in framing and addressing the interaction between the state and the market towards spatial development is disattended. On the one hand, the market operators find their own way towards profit, bypassing the state and interacting directly with the civil society through the *other institutionality*; on the other hand, the state sees its planning competence ‘sterilised’, with the produced tools that do not manage to steer urbanisation to any relevant extent, and constrain the public action to the *ex-post regularisation* of territorial transformations decided elsewhere.

Importantly, this new typological category opens a promising way forward for comparative spatial planning research, towards the global comparability advocated from various international organisations and a better understanding of whether and to what extent planning keeps its promises in the global South. It does so by shifting the focus of the analysis from the formal institutions that regulate the interaction between the state and the market to the *other institutionality* that consents to answer societal needs through other means. In this light, the inclusion of the *logic of necessity* and of the resulting *necessity-market* as an additional analytical object may lead to a further understanding of the characteristics and dynamics of this *other institutionality* that would be otherwise disregarded, in so doing contributing to the Southern turn in planning theory already advocated from multiple sides.

Notes

1. The Ecuadorian *Buen Vivir* and the Bolivian *Vivir Bien* translate to ‘Good Living’ in English.
2. In Bolivia, over a total of 339 municipalities, only three are metropolises (La Paz, Cochabamba, Santa Cruz); in Ecuador, over a total of 221 municipalities, only two are metropolises (Quito, Guayaquil); in Peru, over a total of 196 provincial municipalities, only one (Lima) is a metropolis (United Cities and Local Governments, 2016).
3. The territorial organisation is based on regions, provinces, cantons (i.e. municipalities), rural parishes, and special regimes (i.e. the autonomous metropolitan districts, the Galapagos province and the indigenous territorial districts) (Art. 42, 2008 Ecuadorian political constitution).

4. The ‘multilocality’ phenomenon consists in living part of the year in the rural area, employed in agricultural activities (e.g. coca cultivation), and part of the year in the urban context, employed in urban activities (e.g. taxi drivers, bricklayers, etc.).
5. Sacaba improved its cadastral system between 2014 and 2018 thanks to an Interamerican Development Bank’s program. However, this system is not yet operational, and the pace of urbanisation has quickly outdated the cartographic system.
6. The PUGS was enacted in 2021, but the corresponding ordinance has not yet been published in the Official Journal. As a consequence, the PUGS is not yet operational.
7. Rumiñahui’s case-study differs from those of Sacaba and Huancayo by having a predominance of informal constructions emerging spontaneously outside any organised process, rather than informal settlements whose development is coordinated by private operators and the *necessity-market* resulting from their action.
8. It should be pointed out that many contexts of the global North are not immune from informal/illegal urbanisation (e.g. Southern Italy, Greece and most countries in the Western Balkan Region. Berisha & Cotella, 2021). Similarly, most metropolises and intermediary cities across the global South regulate some share of their urbanisation through spatial governance and planning activity.

Disclosure Statement

No potential conflict of interest was reported by the author(s).

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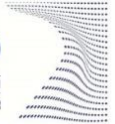
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Eccellenza MIUR 2018-2022

Appendix II

disP - The Planning Review

Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay.

--Manuscript Draft--

Full Title:	Latin American spatial governance and planning systems between informality and judicialization. Evidence from Argentina, Chile, and Uruguay.
Manuscript Number:	RDSP-2022-0020
Article Type:	Manuscript
Keywords:	spatial governance and planning systems; comparative analysis; Latin America.
Abstract:	<p>Recent studies on Latin American Spatial Governance and Planning Systems [SGPSs] have called for the need of focusing on alternative processes and mechanisms of land-use management and transformation that, arising and operating alongside the formal ones, contribute to shape the nature of SGPSs themselves. This paper taps into this ongoing debate by further unfolding this 'other institutionality' and broadening its scope. It does so through the exploration of three case studies –namely the SGPSs of Argentina, Chile, and Uruguay– here analysed in relation to their institutional and legal frameworks and the instruments that are produced. In relation to each case, a zoom on the local spatial planning practices in intermediate cities is operated, allowing to grasp the nuances of the mentioned 'other institutionality' and the role that the latter plays in the overall SGPS. The analysis shows an ongoing 'judicialization' of spatial planning, in the form of an increasing number of legal actions undertaken by the civil society and the mobilisation of legal expertise in addressing informal neighbourhoods' claims. This phenomenon seems to be imputable to the lack of updated spatial planning tools as well as of public participatory processes to accompany official spatial planning practices. Overall, these findings open the path to further comparative spatial planning studies broadening the concept of the 'other institutionality' in Latin America and beyond and shedding light on the role and impact of the latter within existing SGPSs.</p>

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Abstract

Recent studies on Latin American Spatial Governance and Planning Systems [SGPSs] have called for the need of focusing on alternative processes and mechanisms of land-use management and transformation that, arising and operating alongside the formal ones, contribute to shape the nature of SGPSs themselves. This paper taps into this ongoing debate by further unfolding this ‘other institutionality’ and broadening its scope. It does so through the exploration of three case studies –namely the SGPSs of Argentina, Chile, and Uruguay– here analysed in relation to their institutional and legal frameworks and the instruments that are produced. In relation to each case, a zoom on the local spatial planning practices in intermediate cities is operated, allowing to grasp the nuances of the mentioned ‘other institutionality’ and the role that the latter plays in the overall SGPS. The analysis shows an ongoing ‘judicialization’ of spatial planning, in the form of an increasing number of legal actions undertaken by the civil society and the mobilisation of legal expertise in addressing informal neighbourhoods’ claims. This phenomenon seems to be imputable to the lack of updated spatial planning tools as well as of public participatory processes to accompany official spatial planning practices. Overall, these findings open the path to further comparative spatial planning studies broadening the concept of the ‘other institutionality’ in Latin America and beyond and shedding light on the role and impact of the latter within existing SGPSs.

Keywords: spatial governance and planning systems; comparative analysis; judicialization; ‘other institutionality’, Latin America.

Introduction

Since the late 20th century, a growing number of academic contributions have compared the functioning of national spatial governance and planning systems [SGPSs], intended as the heterogeneous institutional frameworks allowing the management and the regulation of spatial organisation within a certain society (Davies et al., 1989; Healey & Williams, 1993; Newman & Thornley, 1996; Reimer et al., 2014; Nadin et al., 2018; Tulumello et al., 2020, Berisha et al., 2021; Berisha & Cotella, 2021). Whereas most of these contributions have focused on the European continent, the geographical scope of the analysis has been recently extended to the global South (among others: Massiris Cabeza, 2002; Irazábal, 2009; Rossbach & Montandon, 2017; Galland & Elinbaum, 2018a, 2018b; Blanc et al., 2022), in so doing raising a number of theoretical implications and challenges (Blanc & Cotella, 2020).

One of the frequent outcomes of a spatial planning activity that ‘does not keep its promises’ is the ‘*ex-post* regularisation activity’ (Blanc et al., 2022), i.e. the public acknowledgement of land-use development rights already taken on the ground. The resulting ‘inverse planning’ (Chioldelli & Mazzolini, 2018) seems to be a common feature in several countries from the global South. The scarce ability of the public sector to steer spatial transformations has been replaced by a sound interaction between the *necessity* that SGPSs do not manage to answer and the action of a *necessity-market* that become the main determinant of urbanisation (Blanc et al., 2022). More in general, various alternative processes and mechanisms of land-use management and transformation seem to arise alongside the formal ones, leading to the setting up of ‘[an]other institutionality’ that contributes to (re)shape the very nature of SGPSs themselves and is worth investigating in their complexity and heterogeneity (Blanc et al., 2022).

Acknowledging the above issues, the purpose of our contribution is to further unfold the concept of ‘other institutionality’ (Blanc et al., 2022), observing how its operationalization into local spatial development and planning practices contributes to connote SGPSs. In so doing, we explore the SGPSs of three Southern Latin American countries, namely Argentina, Chile and Uruguay, characterised by a high share of urban population - ranging from the 88% in Chile to the 96% in Uruguay¹. In relation to each country, the analysis is further deepened through a local case study –focusing on the coastal intermediary cities (Llop et al., 2019) of Paraná in Argentina, Viña del Mar in Chile and Colonia del Sacramento in Uruguay– which in recent years faced several planning-related challenges caused by an increasing urban pressure related to their proximity to major urban centres and to the risks posed by climate change in coastal hazard-prone areas (Barton, 2013; Barros et al., 2016; Villamizar et al., 2016).

After this introduction, we address the theoretical framework and the methodology we adopted in the study. Then we analyse the selected SGPSs, focusing on their institutional and legal frameworks, the existing spatial planning tools at national, sub-national and local levels, and the local practices as they manifested in the selected cities. Subsequently, we discuss the findings of our research, highlighting the growing role played by the legal action undertaken by the civil society to face inadequate spatial planning decisions and to address the claims emerging from informal neighbourhoods. This ‘judicialization of spatial planning’ (Sotomayor et al., 2022) is part of the ‘other institutionality’ (Blanc et al., 2022) that characterises the Latin American SGPSs, and it can be imputable to the lack of updated spatial planning tools as well as of public participatory processes to accompany official spatial planning practices. Finally, in the

¹ <https://data.worldbank.org> [Accessed: 01/02/2022]

concluding section we round off the contribution, arguing in favour of a research agenda aimed at a more comprehensive understanding of the nuances of the ‘other institutionality’ that connotes the nature of Latin American SGPSs and that, in turn, would constitute an important contribution to planning theories situated in the global South (Watson 2016; Galland and Elinbaum, 2018; Mukhopadhyay et al., 2021).

Theoretical framework

Whereas some sort of spatial planning has been intrinsic to every society since the ancient times (Mazza, 2015), it is with the industrial revolution and the consolidation of the nation states that institutional systems aimed at framing this activity were introduced, with the public authority that was given the mandate to regulate the growing pressure over land to the benefit of society. These ‘spatial governance and planning systems’ (SGPSs) evolved through time following context and path-dependent dynamics, as a consequence of the ‘particular histories and geographies of places’ (Healey & Williams, 1993), leading to the consolidation of a highly heterogeneous landscape for spatial planning in the world.

Starting from the 1980s, a growing number of contributions aimed at making sense of said heterogeneity were developed, mostly in relation to Europe and focusing either on the different legal frameworks that pivot SGPSs (Davies et al., 1989; Newman & Thornley, 1996; Larsson, 2006) or on the identification of spatial planning ideal types or traditions (CEC, 1997; ESPON, 2007). More recently, the focus of analysis has shifted on the more detailed theorisation of the object of study - i.e. the ‘system’ – and its dynamic nature (Reimer et al., 2014), leading to the conceptualisation of SGPSs as ‘institutional technologies’ aimed at providing the public authority with the capacity to steer and regulate spatial development (Janin Rivolin, 2012). This approach allowed for the identification of different ‘types’ of SGPSs, drawing on the actual mechanisms that,

within each national or regional context, are put in place to award land-use and transformation rights (Janin Rivolin, 2008, 2017; Muñoz-Gielen & Tasan-Kok, 2010), and on how these mechanisms function in presence of a higher or lower influence of the market *vis-à-vis* the public sector (Berisha et al., 2021). As a matter of fact, the organisation of the interactions between the state and the market in shaping territorial development constitute the core-business of all SGPSs, as they legitimise the public authority to steer and regulate territorial transformations that most often occur on private land, through the employment of private resources and to the benefit of private actors. In principle, this should be done in the public interest and in pursuit of common goals such as more sustainable development and social justice. In other words, the main aim of a given SGPS is to legitimise and organise the interference of the public authority on territorial transformation that would otherwise only follows market logics, in a way that the resulting socioeconomic and spatial conditions satisfy the basic societal needs defined in the Constitution.

Whereas the above conceptualisations and comparisons mostly stem from the European debate, recent contributions argued the need to test and not simply apply concepts in Southern contexts (Watson, 2016), in sight of planning theories rooted in the South (Galland & Elinbaum, 2018a, 2018b; Mukhopadhyay et al., 2021). For example, comparing the SGPSs of Bolivia, Ecuador and Peru, Blanc et al. (2022) reckoned the complementary role of ‘[an]other institutionality’ that operates in parallel –and in addition to– the formal SGPSs and the way they regulate the state-market interactions. More in particular, the authors argue that, when ‘planning does not keep its promises’ and fails to satisfy societal needs, a large share of spatial transformations takes the form of incremental, plot-by-plot urbanisation occurring outside the formal system, driven by the *logics of necessity* and possibly by a resulting *necessity-market*.

Despite not being recognised by the system, this ‘other institutionality’ influences the activity of the latter, that is forced to regularise *ex-post* the occurred transformations and the land-use rights that they bring along with them (Blanc et al., 2022).

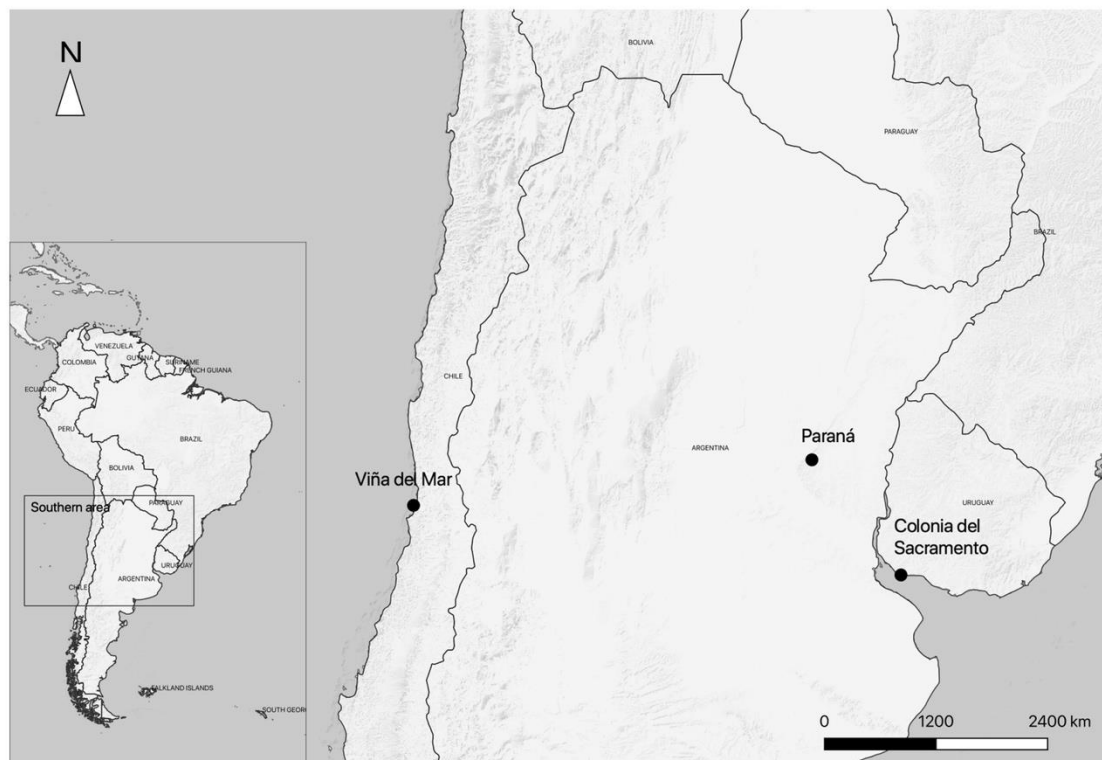
When looking at the non-bureaucratized practices that compose this ‘other institutionality’, other nuances have emerged from the recent work of various scholars, as for instance the ‘reverse planning’ framed by Chiodelli & Mazzolini (2018) in the analysis of the Mozambican spatial planning practices, or the analysis carried out by Connolly & Wigle (2018) on the regularisation activities taking place in Mexico City’s central area. Simultaneously, in recent years there have been an increasing interest from Latin American socio-legal scholars on the legal actions undertaken in different policy fields (Pimentel Walker et al., 2020; Angel-Cabo, 2021) and particularly related to the environmental conflicts (Azuela & Cosacov, 2013; Kramarz, 2016; Lamprea, 2018) and the ‘neextractivism’ phenomenon (Svampa, 2019). As reckoned by Sotomayor et al. (2022), the mobilisation of legal expertise for addressing urban planning conflicts has not yet thoroughly analysed. What we argue here is that the ‘judicialization’ of planning in Latin American countries is a peculiar typology of ‘other institutionality’ arising from outside the SGPSs. In this sense, in this paper we connect these existing streams of literature on the mobilisation of legal expertise in addressing environmental and urban conflicts with the recent studies focusing on Latin American SGPSs (Galland & Elinbaum, 2018a, 2018b; Blanc et al., 2022), and particularly focusing on the interplay between this growing ‘judicialization’ phenomenon and the lack of participatory planning instances in current local practices.

Methodology

To address the judicialization of spatial planning in the three selected countries as a peculiar type of ‘other institutionality’, we analysed their spatial planning legal

frameworks taking into consideration the national, sub-national and local levels. In doing so, we review existing spatial planning tools and policies, as well as the way they have been implemented in the three selected intermediary cities. The local case studies –Viña del Mar (Chile), Paraná (Argentina), and Colonia del Sacramento (Uruguay) (Figure 1) – were chosen for their intermediary nature and their location on coastal areas and for displaying rising urban growth processes characterised by recently created informal settlements, frequently located in hazard-prone areas or protected areas and subject to climate change challenges (Barton, 2013; Barros et al., 2016; Villamizar et al., 2016). They have a direct connection with the rest of the world through the sea or the river where they are located on and constitute important nodes of economic relations due to the presence of important ports. All these specificities motivate their selection as a proxy for the several other intermediary coastal cities in Latin America.

Figure 1. Location of the three selected case studies



In the analysis of the existing spatial planning tools, their level (national, sub-national, local) and their type (visions, strategies, regulations etc.) were considered, and particular attention was devoted to the role they play in the allocation of spatial development and land-use rights as a result of the interaction between the state, the market and the civil society. At the same time, the existence of policies and programmes focusing on informal settlements was also considered. The analysis of documentary and secondary sources was combined with a total of 23 semi-structured interviews (seven in Argentina, eight in Chile, and eight in Uruguay) with relevant spatial planning stakeholders, such as representatives from the local governments, the architects' or urban planners' associations, the construction chambers, the real estate sector, the civil society and the academia, as well as inhabitants from the informal neighbourhoods. We organised the interviews according to three main specific objectives² and considering a set of variables, as well as by defining the different categories of stakeholders involved. A further analysis of recent conflicts in spatial planning practices has been carried out, and newspapers' local articles have been taken into account among the materials reviewed, and later crosschecked with the evidence emerging from the interviews.

² Specific objectives: (i) describing the official SGPS institutional framework; (ii) defining the main local spatial planning practices; and (iii) defining the main tensions occurring in the implementation of spatial planning tools.

National and local case studies from Southern Latin America

Argentina

A fragmented system

Argentina has never enacted a national spatial planning law. Since the 1990s the prevailing territorial development model has followed neoliberal logics aiming at the free action of the market, in turn leading to indiscriminate and unregulated urban sprawl (Gudiño, 2015). In 2004 the country began to promote a federal policy for land use and development (*Política y Estrategia Nacional de Desarrollo y Ordenamiento Territorial*, PENDOT) by merging spatial planning and development issues within the restructuring economic adjustments (Massiris, 2008). Previously, with the 1994 reform of the national Constitution (República de Argentina, 1994), Argentina had included both environmental and human rights in its charter (Art. 41), which led to the enactment of several environmental laws.³ Even if these laws do not define specific rules for spatial planning, however, they do open to the implementation of secondary land use tools aimed at environmental management. The resulting legal framework affecting spatial planning activities is highly fragmented and unarticulated practices have been carried out throughout the country, with several plans implemented at all administrative levels (Maldonado, 2010; cit. in Elinbaum, 2018), however without a clear systemic focus.

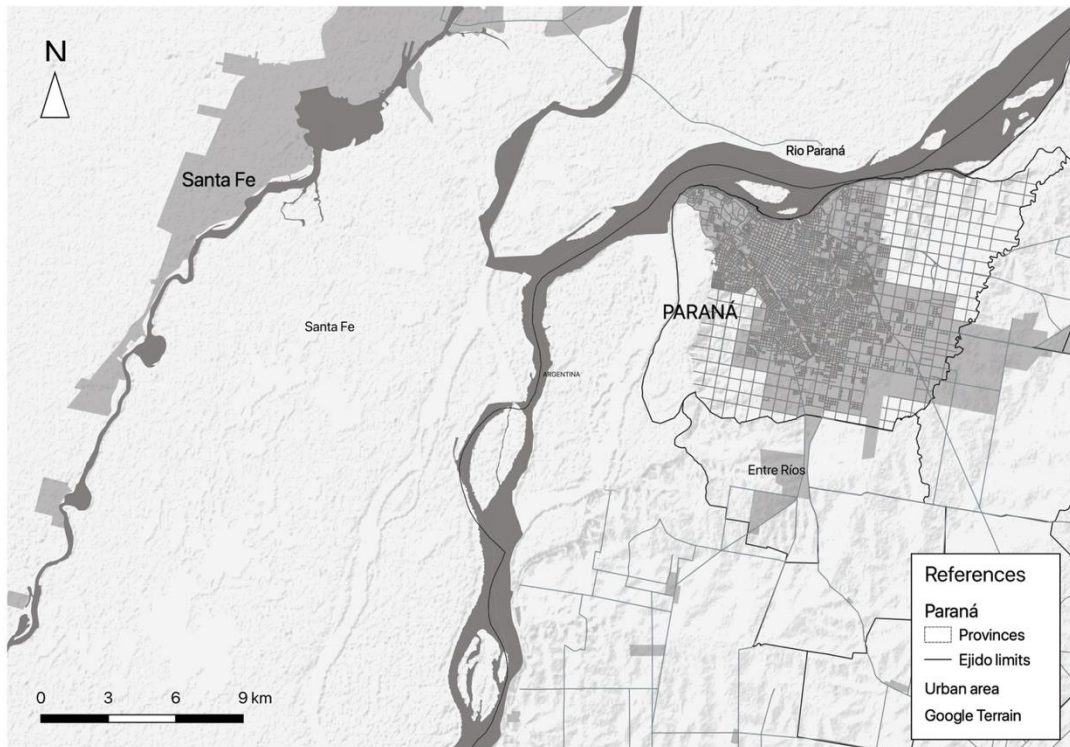
According to the Argentinian Constitution, sub-national provincial governments are allowed to enact their own statutes (*constituciones provinciales*) and are responsible

³ The Environmental Law (*Ley de Presupuestos Mínimos Ambientales*, num. 25.675), the Environmental protection of Native Forests Law (*Ley de Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos*, num. 26.331), the Preservation of Glaciers Law (*Ley Nacional de Glaciares*, num. 26.639).

for the management of natural resources in their jurisdictions. The Constitution also defines the institutional, political, administrative, economic, and financial autonomy of local governments (municipalities). The federal political system delegates to sub-national and local governments the land use competence, resulting in a great variety of spatial planning tools and the lack of a common denomination. Even though the national Constitution fosters the balanced territorial development, there is still no ordering law that implements it (Lanfranchi et al., 2018). In the absence of a clear regulatory framework, there are no general rules focusing on how spatial planning tools should be formulated, which actors should participate, which contents and validity they should have, and their mandatory nature (Maldonado, 2010, p. 129). Furthermore, when a provincial land use legislation exists, the implementing results are rather questionable (Gudiño, 2015). Within this great variety of tools, the municipal urban plans are the most common ones (Elinbaum, 2018), frequently implemented by local governments through ordinances. However, many Argentinian municipalities do not have a local spatial plan yet, and this means that almost everything is resolved case-by-case, leading to a high level of discretionality and to the prevalence of *ad hoc* private-public negotiations (Clichevsky, 2002, p. 154).

The following sub-section explores more in detail how the above-described framework works in practice, by analysing the local case study of Paraná (Figure 2), an intermediary city located on the homonymous river, in the Province of Entre Ríos.

Figure 2. The city of Paraná, Province of Entre Ríos



The city of Paraná

In Paraná, the Urban Code (*Código Urbano*. Municipalidad de Paraná, 2005) approved in 2005 is the current regulatory tool that has been steering –at least partially– municipal spatial planning, frequently modified by other ordinances. It is mainly based on the acknowledgement of the 1998 Paraná’s Strategic Development Plan (*Plan Estratégico de Desarrollo de Paraná*, PEDEP. Municipalidad de Paraná, 1998), whose accurate diagnosis settled the strategic projects for the coastal area and the heritage assets and included scattered regulations and relevant technical knowledge. The Urban Code ‘validated this *status quo* by giving it a technical order’, as a senior officer working for the Paraná’s City Government highlighted (personal communication, 16/12/2021).

The municipal competence of land use has been definitely acknowledged in 2008 by the provincial statute (*Constitución Provincial de Entre Ríos*. Provincia de

Entre Ríos, 2008), however, there is still no provincial land use law, and no municipal land use plan exists, neither exist short- or medium-term spatial planning tools. Paraná and the neighbour city of Santa Fe, in the homonymous province, are located on the opposite fronts of the Paraná River. They are *de facto* part of a metropolitan area which is not legally recognised, but they are facing similar challenges related to the river basin environmental management. However, there is no metropolitan spatial planning tool aimed at jointly managing land use, neither joint tool for managing the infrastructures (e.g., water, sanitation, waste, etc.). In Entre Ríos, there have been two attempts of a partial territorial management in the last decades but, unfortunately, ‘the plans lie in the library’, as a senior municipal officer working for the Paraná’s City Government pointed out (personal communication, 16/12/2022).

The Paraná’s 2005 Urban Code, written by local experienced technicians, was approved with no citizens’ participatory instances, which led to conflicting results and nowadays formerly hidden tensions are arising, as for instance the ones regarding the coastal management and the existing urban sprawl. According to a senior representative of the Architects’ Chamber (personal communication, 28/07/2021), the compliance with the Urban Code was higher in the past and, currently, the urban perimeter is most often overcome by new developments arising alongside new avenues, which are the contemporary pathways of urban growth. *Ad hoc* ordinances decisions usually modify the Urban Code on a plot-by-plot basis and, according to a representative from a neighbourhood association, these single projects mainly ‘lead to the benefit of the real estate developers’, by ending in ‘laws that lag behind the facts’ (personal communication, 29/07/2021).

It is important to highlight that some coastal areas of the Paraná River, as well as the margins of the water streams (e.g., *Arroyo Antoñico*, *Arroyo La Santiagueña*) or the

abandoned railway tracks, are characterised by high rates of informal urbanisation. This happens mainly in hazard-prone sectors and in fiscal areas, with informal settlements characterised by an incremental urbanisation (Karaman et al., 2020) mainly driven by a florid *necessity-market* (Blanc et al., 2022). The coastal Paraná River area is characterised by a peculiar, layered land use zoning, featuring sports and leisure infrastructures in its lower part, and the presence of both informal settlements and wealthy neighbourhoods in other sections. Informal settlements usually start with the occupation of the land through some preliminary construction, then followed by a process of incremental urbanisation (Blanc et al., 2022) supported by different stakeholders ranging from the Church and schools to the NGOs, as a senior officer working for the Paraná's municipal urban planning department pointed out (personal communication, 30/08/2021). Once the informal settlements have been consolidated, national or municipal entities act through neighbourhood improvement programmes (e.g., the *Programa de Mejoramiento de Barrios*, PROMEBA)⁴ and hardly ever resettlements are carried out in Paraná City, as highlighted by a member of a neighbourhood association (personal communication, 29/07/2021).

Moreover, in recent years there have been a growing number of lawsuits concerning spatial planning in Paraná City, by following a national trend in the judicialization of social conflicts (Vaccotti, 2017; Arcidiácono & Gamallo, 2021). This judicialization of spatial planning 'reflects the missing citizens' involvement in planning instances as well as a fragmented regulatory framework', as a senior officer working for the City Government of Paraná pointed out (24/01/2022). One example of this growing tendency is what occurred in the Arenales' neighbourhood, where a private

⁴ <https://www.argentina.gob.ar/habitat/promeba> [Accessed: 20/04/2022]

real estate investment prevented the fruition of the coastal area by building a new gated community surrounded by a perimetral wall. The citizens resorted to the courts and asked for its demolition by leveraging on the fact that it was built contrary to the 2005 Urban Code and limited their right to the city (Lapalma & Levrard, 2013). The courts finally did not order the demolition, and a few windows were opened in the wall. Similarly, several building permits allocated close to the Urquiza Park, an historic urban public space in the riverside, have been going through court decision following a dedicated neighbourhood claim. The 2005 Urban Code allows high land densities near the coastal area, but these were not agreed with the citizens, by leading to the later judicialization. In this case, the courts eventually ruled in favour of the higher land densities in the coastal area and without requesting changes in the current regulations.

Chile

A centralised and discretionary system

Chile has recently undertaken a constitutional reform process, which started in 2019 after the popular protests called *Estallido Social* and was ratified in 2020 by a popular referendum. The resulting new Constitution of the country could significantly change the ongoing SGPS, by leading to the actual implementation of the decentralisation process started in the 1970s and to an improved participatory system. Until now, however, the Chilean SGPS remains highly hierarchical and centralised, with a predominant focus on cities that has been introduced since the 1970s (Vicuña & Orellana, 2018). After the national, regional, metropolitan, and intermunicipal levels, municipal governments (*Comunas*) are the smallest planning scale, with a large economic and human resources' disparity between bigger and -mid or small-scale cities.

Recently, new national policies (e.g., the Spatial Planning Policy approved in 2021, among others; see SUBDERE, 2021) and the strengthening of regional governments could modify the overall SGPS in favour of greater spatial planning competences at regional level and an improved decentralisation.

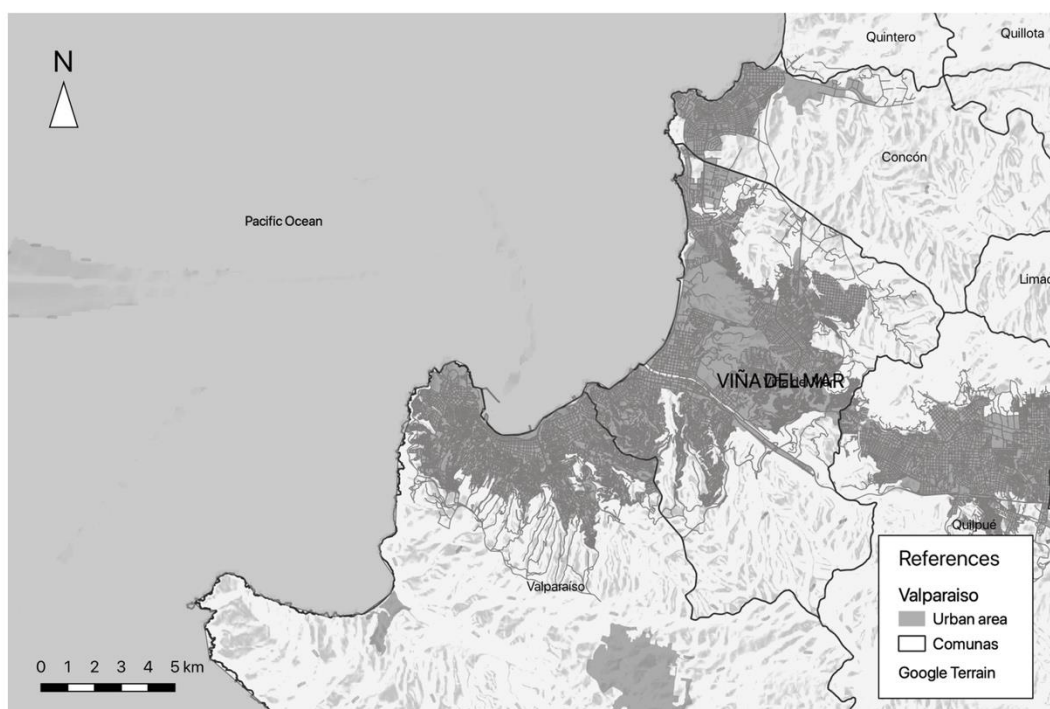
The Urbanism and Building Law (*Ley General de Urbanismo y Construcciones*, LGUC; see MINVU, 1976) –firstly approved in 1975 and updated in 2020– is the regulatory framework which has been steering the urban development at the national, sub-national and local levels. It establishes that the Regulatory Inter-Municipal Plan (*Plan Regulador Inter Comunal*) or the Regulatory Metropolitan Plan (*Plan Regulador Metropolitano*) are the tools responsible to define, among other elements, the limits of urban areas, the hierarchy of the road networks, and the norms regulating new urban developments. The Regulatory Municipal Plan (*Plan Regulador Comunal*, PRC) is the tool responsible for the land-use zoning in municipal urban areas, by allocating the development rights, and further detailing the indications settled at sub-national level. Conversely, the rural area is partially managed by intermunicipal planning tools as well as by sectorial regulations depending on the central government through the Regional Ministerial Secretariat (*Secretarías Regionales Ministeriales*, SEREMI). However, following the predicaments of the LGUC (Art. 55) and other exception rules, the private sector can ask for land use changes from rural to urban, which are later acknowledged by the corresponding SEREMI, bypassing local governments and neglecting citizens' involvement. This practice is frequently implemented through *ad hoc* ordinances and corresponds to an ongoing high interference of the central government in local spatial planning competences.

Also in the case of Chile, the high discretionality of the SGPS and the lack of public participation procedures accompanying spatial planning have led to an increasing

judicialization. Several lawsuits have been carried out in many Chilean cities with the jury verdicts that have incrementally become an integral part of the SGPS. Moreover, the limitations of the planning system and the significant imbalances of the real estate sector also explain the huge presence of informal settlements in the country. According to a recent survey (TECHO Chile, 2021)⁵, 81.643 families live in 969 informal settlements, showing a dramatic increase in the levels of housing informality in the country (between 2019 and 2021, a 73,5% growth in the number of families living in informal settlements was observed).

The next sub-section deepens the above-described framework by analysing the local case study of Viña del Mar (Figure 3), a coastal intermediary city located in the region of Valparaíso.

Figure 3. The city of Viña del Mar, Valparaíso Region



⁵ <https://cl.techo.org/blog/2021/04/01/catastro-campamentos-2020-2021-mas-de-81-mil-familias-viven-en-campamentos-en-chile/> [Accessed: 13/04/2022]

The city of Viña del Mar

On Saturday 29 of January 2022 the Valparaiso's newspaper *El Mercurio* in its front page reported the court ruling on an informal land grab (*toma ilegal*) occurred in Viña del Mar. According to the newspaper, the Supreme Court's ruling reveals the incapacity of the SGPS to address the local housing needs and calls for a 'governance solution' based on the coordination among national, subnational and local governments⁶. The 'judicial government' suggested by the newspaper corresponds to the growing phenomenon of the spatial planning judicialization, which is a recurring practice in Viña del Mar –and in the whole country– and includes both formal and informal urban developments. 'The Supreme Court has become the last stage of approval of environmental evaluation or building permits', as acknowledged by a senior lawyer consultant, by having the judicial processing as 'an increasingly relevant part of the urban planning [system]' (personal communication, 29/07/2021). The main reasons of this 'mobilisation of legal expertise' (Sotomayor et al., 2022) are the lack of participatory instances in planning processes, as well as a regulatory spatial planning framework which is extremely discretionary, as confirmed by the same senior lawyer consultant.

All the interviewees acknowledged the lack of adequate public participation procedures, at both subnational and local levels. The Metropolitan Regulatory Plan (*Plan Regulador Metropolitano de Valparaíso*, PREMVAL; Gobierno Regional V Región de Valparaíso, 2014) enacted in 2014 is the rule establishing the urban perimeter, the areas for urban expansion and their basic urban indicators, which could later be developed by the local regulatory plans (*Planes Reguladores Comunes*, PRC). According to a senior representative of the Architects' Council, 'the PREMVAL took

⁶ <https://www.mercuriovalpo.cl/impresas/2022/01/29/full/cuerpo-principal/2/2> [Accessed: 29/01/22]

17 years to be approved [...], its proposals are outdated, as also happens for the PRC of Viña del Mar (Municipalidad de Viña del Mar, 2017), by leading to a plan that has always followed the development of the city' (personal communication, 20/07/2021). The PRC, firstly approved in 2002 and updated in 2017, is frequently bypassed by *ad hoc* ordinances of land-use change from rural to urban approved by the national government through its regional offices (SEREMI). This happens within the legality of the 2020 LGUC, without any citizens' consultations. This kind of 'reactive planning' instead of 'proactive planning' has been acknowledged by many of the interviewees.

Viña del Mar is considered 'the coastal area of Santiago' (personal communication, 26/07/2021) aimed at providing the capital city with real estate solutions and environmental services. The urban perimeter is established by the PREMVAL, however, as pointed out by a senior officer working for the Municipality of Viña del Mar, 'the true urban limit is the one defined by the health investments [i.e., water and sanitation]'⁷. These investments have led to 'land scarcity and greater densification, which expels the poorest' by leading to an increase of the informal settlements (personal communication, 26/07/2021).

Urban informality in Valparaiso's metropolitan area has been a recurring phenomenon since the 1970s, with new *campamentos* that emerged in the 1990s in the surroundings of Viña del Mar. The current Covid-19 pandemic has worsened this situation and Viña del Mar could be considered 'the Chilean city with the higher rate of urban informality', according to a senior representant of the Chilean Construction Association (*Asociación de Directores de Obras*) (personal communication,

⁷ These data are confirmed by the fact that the 90% of the formal real estate market lays within 10,000 hectares of the 30,000 indicated by the PREMVAL. Outside this area (the company operates only on urbanised land), the value of the land falls off (from 8 to less than 5 UF/m²).

22/07/2021). The formal planning system is not able to face the citizens' needs of an affordable and secure housing, by pushing the populations to find their own housing solutions, as argued by a senior officer working for the regional secretariat of the Ministry of Housing and Urbanism (SEREMI-MINVU) (personal communication, 02/08/2021).

This urban phenomenon is mainly driven by the *necessity-market* logic (Blanc et al., 2022), as happened in the informal settlement of Reñaca Alto –an approx., 13 hectares informal neighbourhood– located in Viña del Mar and recently subject of judicial proceedings jumped on the front pages of local newspapers. The state 'reactive' action –defined 'patcher role' by an interviewee (personal communication, 22/07/2022)– is relegated to the 'ex-post regularisation' (Blanc et al., 2022), which includes the regularisation of both property rights and land-use development rights already taken on the ground. The interviewed senior officer working for SEREMI-MINVU pointed out that the land occupations (*tomas*) are encouraged by the landowners who force the state to buy their 'bad land, that is highly sloped, very expensive, or unattractive for the real estate companies' (personal communication, 02/08/2022). Furthermore, the general perception is that the ongoing urban informality has been worsened by the current covid-19 pandemic. Differently from the past, when the informal neighbourhoods were based on political-partisan logics and the community managers were at the centre of the negotiations towards regularisation, nowadays informal settlements have lost their social fabric, as acknowledged by the abovementioned interviewee working for the SEREMI-MINVU.

Uruguay

A state-regulated system

The current Uruguayan spatial planning legal framework is run by the 2008 Land Use and Sustainable Development Law (*Ley de Ordenamiento Territorial y Desarrollo Sostenible*, LOTDS. República de Uruguay, 2008) whose main aim is to integrate spatial planning with sustainable development (García Ferrari, 2018). The authorities at the subnational and local levels –namely the *Intendentes* and the *Juntas Departamentales*– were introduced by the former Uruguayan 1934 political constitution and the 1935 Municipal Law. In 2008, with the LOTDS enactment, the land-use zoning competence in the urban domain was assigned to the departmental governments.

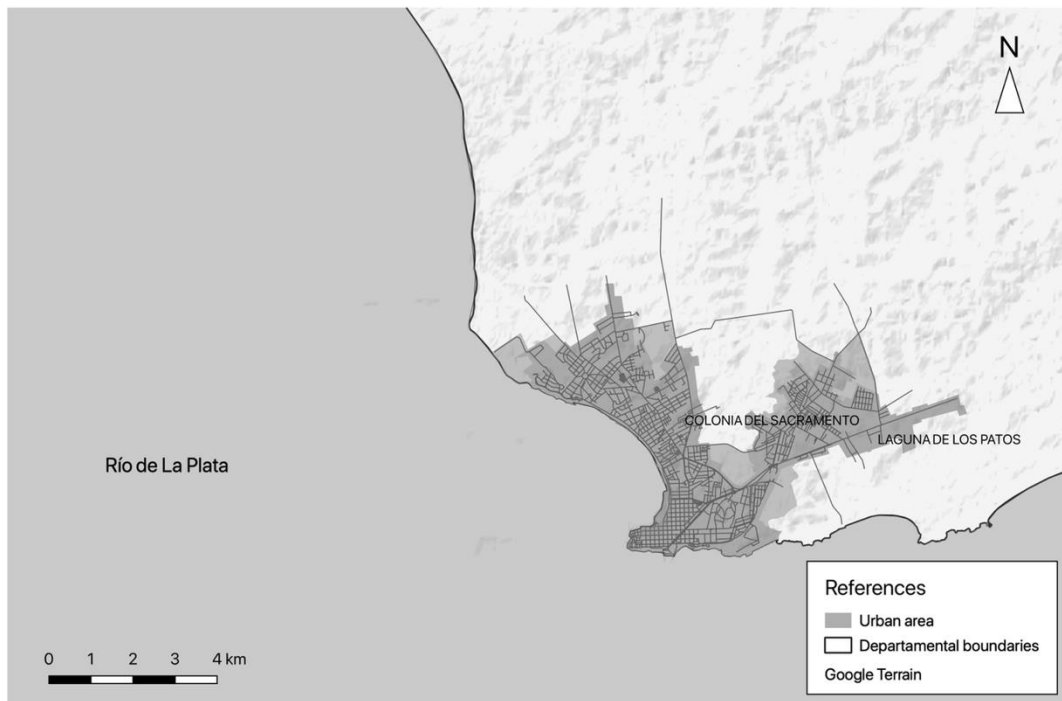
Since the 1946 Human Settlements Law (*Ley de Centros Poblados*) the state declared its regulative will (Saravia, 2017; García Ferrari, 2018) and the Uruguayan SGPS has been focusing on organising the relationship between the state and the market. In the 1990s, spatial planning gained institutional relevance; the Ministry for Housing, Land Use and the Environment (*Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente*) was settled; and the first national housing plan, urban and regional development plans and environmental protection plans were included within a broader national planning policy (Baracchini et al., 2008). From the 1990s to the early 2000s, however, there has been a prevalence of the market in steering urban development and growing ‘vacant areas due to continued deindustrialisation processes’ have been noticed (García Ferrari, 2018, p. 46).

The current spatial planning tools to be used at national, subnational and local levels have been settled by the 2008 LOTDS and a countertrend has been noticed in spatial planning activities, with the state gaining a growing relevance in steering spatial development since then. The national level is responsible for formulating the national

guidelines (*Directrices Nacionales*) for the strategic sectors (e.g., harbour infrastructures, etc.) and the special environmental protected areas; the departmental level is responsible –together with the central government– for planning the regional guidelines (*Estrategias Regionales*), and multiple departmental governments are responsible for the interdepartmental plans (*Planes Interdepartamentales*). Furthermore, each departmental level formulates the departmental guidelines (*Directrices Departamentales*), the local, partial and sectoral plans (*Planes Locales*, *Planes Parciales* and *Planes Sectoriales*, respectively). The departmental governments are responsible for assigning land-use development rights, managing urbanisation, and controlling the implementation stage.

In the following section, we discuss more in detail the local case study of Colonia del Sacramento (Figure 4), a coastal intermediary city located in the South-West of Uruguay on the La Plata River.

Figure 4. The city of Colonia del Sacramento



The city of Colonia del Sacramento

As in other parts of the country, also in Colonia spatial planning activities have been steered by the departmental guidelines. The city does not feature an approved land use plan and land subdivisions are approved through special permits issued by the departmental government through an *ad hoc* commission (*Comisión de fraccionamiento*). Despite the 2008 LOTDS, the most updated building ordinance was enacted in 1997 (ordinance num. 126/97; Junta Departamental de Colonia, 1997) and has been guiding land use and construction activity until now. Since the 1990s, there have been many attempts of land use planning and the latest plan's drafting –started in 2006– is currently under development. Its main pillars are the definition of a micro-region aimed at protecting the coastal area, the establishment of a tourist and a business hub, all of them merged under the sustainable development leitmotif. Considering the amplitude of the departmental guidelines, the local guidelines developed by the 14 existing local committees (*Municipios*) are the tools that would update the departmental framework, but they are still in the drafting process, as it currently is the land use plan.

From 2013 to 2021 the city has grown by 30% but the population have not increased, according to the information provided by the Architects' Association (personal communication, 06/08/2021). The urban development pressure is high, especially in the Eastern Colonia (e.g., *Las Malvinas* sector), where private investments mainly coming from Argentina are looking for second houses developments. The current urban debate has been led by the *Colonia Este* project, which has proposed to develop a new mega city in the rural area, as a satellite city for Buenos Aires. The 2008 LOTDS implemented a new regulative order which has partially limited the urban growth in the city and the local cadastre shows the existence of several small plots in the peripheral area of Colonia that were subdivided before the LOTDS' enactment, and

which are currently *frozen* due to the reduction of the peri-urban area to a 10% of the previous one⁸.

In Colonia, incremental urbanisation (Karaman, 2020) takes place plot-by-plot – as the sum of single projects– and this is mainly driven by the *necessity logic* (Blanc et al., 2022). The interviewees from the architects’ association reckoned that plot-by-plot urbanisation is a growing phenomenon which mainly occurs in the inner areas of spontaneous settlements. The building majority are single-family houses built by the landowners without a formal permit and later regularised (through prescription). In Colonia there is no *pirate plotting* driven by the *necessity-market* (Ibid., 2022), rather ‘the pirates would be the real estate developers that divide many properties and expand the city, but they are within the legality of the LOTDS’, as pointed out by a senior officer working for the National Housing Direction (personal communication, 09/08/2021). These informal settlements can be regularised by following the national policies (i.e., the National Resettlement Programme) and frequently this is jointly carried out by the national and the departmental governments, as happened recently in the neighbourhood *Nueva Palmira*. Regularisations mainly consist in an *ex-post* regularisation (Blanc et al., 2022) of development rights already taken on the ground and may include the property rights regularisation carried out by the departmental government.

It is worth mentioning that many housing cooperatives exist (74 in Colonia’s department) and are an alternative form of land ownership for many people. They allow to reduce the building costs and respond to a successful model of housing policy

⁸ Before the enactment of the 2008 LOTDS, in a 5-km radius around Colonia there was the possibility of subdividing rural plots (1-Ha minimum plot) and developing small constructions for agricultural or leisure purposes. This was eliminated by the LOTDS, and suburban areas were considerably reduced by the *Directrices Departamentales*.

implemented since the 1960s throughout the country, which has led to interesting results in many cities, ranging from the building restoration in patrimonial areas to new urban developments (del Castillo & Vallés, 2015). The housing cooperatives are based on a private-public partnership and acknowledged by the national law of cooperatives, which ‘is a programme that works like a clock’, as a senior officer working for the National Housing Direction highlighted (personal communication, 09/08/2021).

Historically the state has been a strong actor in the Uruguayan urban development. Even if plot-by-plot incremental urbanisation (Karaman et al., 2020) is taking place in Colonia, there is a prevalence of spatial developments led by the public-private negotiations, with a considerable level of citizen control over it, and all the interviewees agree upon this point. The societal needs for affordable housing solutions have been partially addressed through the housing cooperatives initiatives which have significantly reduced the rise of informal settlements. Furthermore, despite not having an approved land use plan, the draft plan is already influencing spatial planning practices in Colonia and the participation of many relevant stakeholders has limited the rising of conflicting positions toward the local government.

Analytical comparison and discussion

Among the analysed countries, only Uruguay features a comprehensive national spatial planning law (the LOTDS, approved in 2008) that provides some sort of uniformity to the functioning of spatial planning in the country. Also Chile has an urbanism and building law (the LGUC, lastly updated in 2020), that however only regulates the spatial development in the urban domain, by leading the rural domain to a high discretionality. Finally, Argentina did not approve yet a national spatial planning law and, although Argentinian provinces can legislate on the subject and adopt their own provincial spatial

planning laws, the results are very heterogeneous and overall rather limited (Gudiño, 2015). Within this highly fragmented spatial planning framework, the environmental legislation in Argentina is the one that seems to have more influence on planning activities.

The various spatial planning instruments adopted in the three countries under investigation are directly related to their spatial planning institutional and legal frameworks. In Argentina, the high legal fragmentation and the lack of a national spatial planning law correspond to multiple and disparate urban plans adopted by local governments throughout the country, without a common denomination. In Chile, the centralised and rigid institutional spatial planning framework is related to specific tools for managing the spatial development (inter-municipal, metropolitan, and municipal land use plans), however with a high interference of the SEREMI in authorising the rural-to-urban shifts. In Uruguay the 2008 LOTDS has introduced an articulated system of national and sub-national guidelines, followed by local spatial planning tools, in so doing setting the bases for a more comprehensive and articulated spatial planning activity.

When the above conditions translate into the actual spatial planning practices, however, a number of similarities emerges among the analysed case studies, as well as some fundamental differences. Viña del Mar is the only city among the three that adopted a local land use plan and a metropolitan one (the PREMVAL, updated in 2016), while both Paraná and Colonia do not have an approved plan, resulting in the application of a series of codes and norms that not necessarily relate to a common framework, and rather follow the dynamics of the market and its requirements. However, in these last two contexts the outcome is rather different. In Paraná, on the one hand, the spatial development activity is based on the 2005 Urban Code, which is

nowadays largely outdated and was enacted without the citizen approval. As a result, the recurrent *ad hoc* private-public negotiations stand out as the common practice, within a system where almost everything is resolved case-by-case (Clichevsky, 2002). In Colonia, on the other hand, even in the absence of an approved local land use plan, the 2008 LOTDS has been steering spatial development through the departmental guidelines, resulting, for instance, in ‘frozen’ peripheral land subdivisions –and the consequent displeasure by the *agrimensores* (surveyors) involved in this business. The ongoing spatial planning activities are based on the combination among the departmental directrices, the 1997 ordinance and the under-construction land use plan, whose drafting started in 2006. Interestingly, in Viña del Mar, despite the presence of an approved land use plan, there have been several rural-to-urban land-use shifts based on *ad hoc* private-public negotiations and acknowledged by the sub-national government (through the SEREMI) bypassing the local government. This means that having an approved land use plan does not avoid the high discretion of spatial planning activities, as happens in both Paraná and Viña del Mar. The only relevant issue seems to be having a comprehensive national spatial planning legal framework, which could steer both urban and rural spatial developments, as it happens in Uruguay with the 2008 LOTDS.

The *market* constitutes the main driver of spatial development in the three countries under scrutiny, however with different magnitudes and consequences. In Argentina, the absence of a national spatial planning law and the existing institutional weakness has led to the market's leading role as an undisputed driver for spatial development. This also happens in Chile, where the market acts as the prevailing driver, even within a more structured legal planning framework. Conversely, in Uruguay there have been historically a greater relevance of the state, resulting in a more balanced *state-market* relationship. This confirms the fact that SGPSs are context- and path-

dependent objects (Sorensen, 2015), and their functioning is interconnected with the history and geography of the places where they intertwine with the institutional arrangements (Healey & Williams, 1993).

The Uruguayan state's ability in addressing the societal needs stands out as a peculiar feature. Since the 1960s throughout the country there have been hundreds of housing cooperatives built on the purpose (74 functional cooperatives only in the Colonia's department) with the consequent limitation of the urban informality. Conversely, in Argentina and Uruguay, the informality is a common and widespread phenomenon, with Viña del Mar being 'the Chilean city with the higher rate of urban informality' and Paraná facing a double-speed urban development characterised by gated communities (*barrios cerrados*) alongside informal settlements in the same Paraná River coastal area, both fostered by the scarcely controlled urban expansion. In Viña del Mar, the limits imposed by the investments on infrastructures and basic services have created 'the true urban limit', which has partially reduced the rapid and uncontrolled urban expansion. Planning has been framed by the Chilean interviewees as 'reactive' with a 'patcher' role of the state echoing other Latin American cities 'growing by patches' (Blanc et al., 2022, p. 14).

The recurring incremental 'plotting urbanism' (Karaman et al., 2020) occurring in both Paraná and Viña del Mar is based on the action of an illegal *necessity-market* (Blanc et al., 2022). In both countries, the system itself encourages the populations to find their own housing solutions, due to the inability of the state to face the citizens' needs. Conversely, the informal scattered plot-by-plot spatial development occurring in Colonia seems to be driven by the *necessity logic* (Blanc et al., 2022), however limited by the existing housing policies. It is worth mentioning that, through the analysis of the three local case studies, we have not noticed the existence of alternative forms of land

use management within the informal domain, as happens in other Latin American countries (Blanc et al., 2022). The common pattern that could be traced among the three case studies is the fact that their SGPSs seem to not recognise the informal phenomenon, by sharing this issue with several countries of the Latin American continent (Metzger et al., 2016).

Importantly, in the latest years, the high discretion of the Argentinian and Chilean SGPSs, combined with the persisting lack of participatory planning processes, the outdated (in Viña del Mar) or missing (in Paraná) spatial planning tools, have led to a rising ‘judicialization’ of spatial planning (Sotomayor et al., 2022). In both Paraná and Viña del Mar there have been an increase in legal actions undertaken by the civil society, and in the Chilean case this mobilisation of legal expertise has in particular addressed the informal neighbourhoods’ claims. This phenomenon is rather occasional in Colonia and, despite the local land use plan has not been enacted yet, there have been several participatory instances and all the interviewees acknowledged their engagement in the plan’s drafting.

Overall, this ‘judicialization’ of spatial planning could be framed as ‘[an]other institutionality’ (Blanc et al., 2022) complementary to the official SGPSs. This is an extremely interesting phenomenon in Southern Latin American countries and the increasing in lawsuits and their media resonance are synonymous of a rising trend in spatial planning practices (Pimentel Walker et al., 2020; Angel-Cabo, 2021). Differently from other Latin American countries, where the ‘other institutionality’ arises from the alternative forms of land use management, in the countries under scrutiny it takes the shape of the ‘judicialization’ of planning. In this sense, our analysis of the Latin American SGPSs calls once more for the urgent need of a further understanding of the nuances of the ‘other institutionality’ that is intrinsic to Latin American SGPSs and

towards planning theories rooted in the South (Watson 2016; Galland and Elinbaum, 2018; Mukhopadhyay et al., 2021).

Conclusions

In this paper we have compared the SGPSs that characterise three Southern Latin American countries, drawing on comparative spatial planning studies literature and on recent contributions that have been developed within the latter focusing on the global South. By stemming from the recent debate on informal urbanisation and the ‘judicialization of planning’, we have framed these phenomena as a peculiar manifestation of the ‘other institutionality’ characterising Latin American SGPSs. These phenomena, that are increasingly relevant in determining urban development trajectories, are taking place alongside the official spatial planning regulatory frameworks, often as a consequence of the lack of participatory planning instances as well as the outdated or missing spatial planning tools. When planning ‘does not keep its promises’ and the state’s activity is limited to a ‘patcher’ role, alternative mechanisms are put in place by the civil society in order to address their needs. This happens in both the Chilean and Argentinian case studies, for addressing the informal neighbourhood’s claims in Viña del Mar and for complaining against the high land-use densities authorised in fragile coastal areas, as in the case of Paraná. On the contrary, in Colonia del Sacramento, there is no relevant mobilisation of the legal expertise because the state has been able to address the societal needs (also through an efficient housing policy based on cooperatives) and to steer at least partially the spatial development by regulating the market agency.

Overall, one could say that urban informality and the ‘judicialization of planning’ –two phenomena that are often connected– are a manifestation of the ‘other

institutionality' which is taking place in Latin American countries and should be integrated in future comparative spatial planning studies, focusing on both the global South and the global North. The knowledge and evidence collected through these studies could strengthen the action of both the policymakers and the planning practitioners, by engaging with alternative forms of land-use management and by considering the current mobilisation of the legal expertise as a manifestation of the rising unresolved societal needs. From the side of academia, a further scrutiny into the nuances of the 'other institutionality' is certainly a promising field of studies and would constitute an important contribution within a Southern planning theory.

Acknowledgements

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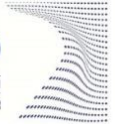
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Appendix III



Unpacking the Ecuadorian Spatial Planning Law: Policy Mobilities in Latin America between Transnational Agency and Path-dependent Logics

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ABSTRACT

The paper engages with the policy mobilities debate by examining the 2016 Ecuadorian spatial planning law. It explores the existing tensions between the constitutional framework and the spatial planning tools outlined by the law which were the result of a process of adaptation of external planning models influenced by international organizations. It shows how the long-term consequences of property rights and a rural understanding of indigeneity shaped spatial planning tools, therefore suggesting the implication of path dependence in the outcome of policy mobilities. The contribution is based on participant observation, desk-research and semi-structured interviews.

KEYWORDS

Policy mobilities; spatial planning; path dependence; Latin America; Ecuador

Introduction

The spatial planning innovations introduced in many Latin American countries since the 1990s were the result of the so-called ‘urban reform’¹ process starting in the late 20th Century (Fernandes, 2011, 2019; Maricato, 2011; Rolnik, 2011; Máximo & Royer, 2021) that situated claims for the right of housing and the right to the city at the forefront of the movement. Despite the many progressive constitutional and legal frameworks that were approved, their actual implementation through the local spatial planning practices have led to contradictory results (Caldeira, 2017; Horn, 2018, 2019; Friendly & Stiphany, 2019). In this paper I explore the 2016 Ecuadorian spatial planning law by inquiring into the existing tensions between the constitutional framework and the spatial planning tools instituted by this law (e.g. land readjustment, partial plans, etc.). In particular, I expand on the ongoing academic debate on the ‘urban reform’ paradox, which focuses on disclosing the existing tensions between the urban legal frameworks and the local planning practices, and I propose to move the focus on the contents of the spatial planning tools, i.e. before the spatial planning practices take place. To do so, I analyze the origins of the spatial planning tools outlined by the 2016 Ecuadorian spatial planning law and I disclose the agency of the actors behind its drafting process. As argued by Stead (2021), looking at planning tools ‘provides a means of observing some of the wider dynamics of public policy decision-making processes’ (Stead, 2021, p. 12). In so doing,

I draw from the literature on policy mobilities (Peck & Theodore, 2010, 2015; McCann, 2011; McCann & Ward, 2012, 2013; Temenos & McCann, 2013) and I recall the concept of ‘translation’ (Stone, 2012, 2017). At the same time, I explore the implications of path dependence for spatial planning (Sorensen, 2010, 2015, 2018, 2020; Dąbrowski & Lingua, 2018), as suggested by Stead (2012), to shed light on the origins of pathways of institutional development that led to the Ecuadorian spatial planning law.

Within the ‘urban reform’ process, the early 2000s in Ecuador had been a fertile moment for the national debate on spatial planning, encouraged by several socio-economic reforms. In 2008 the new political constitution of the country was approved, a charter that was considered to be progressive (Becker, 2011; Larrea Maldonado, 2011) due to its acknowledgement of human rights (the rights of nature, the right to the city, and the rights of indigenous peoples) and based on the *Buen Vivir* paradigm (living well) (i.e. a counterhegemonic approach to development). In the Ecuadorian constitution the right to the city is intended as a manner to achieve social justice and equity, in sight of the *Buen Vivir* of all the Ecuadorians, including indigenous peoples. The spatial planning law approved shortly after, called the *Ley Orgánica de Ordenamiento Territorial, Uso y Gestión del Suelo* (LOOTUGS) is in turn extremely progressive due to its focus on enabling the domestic implementation of the right to the city and the *Buen Vivir* of all the Ecuadorians. However, the spatial planning tools outlined in the law, far from enabling the rights of the indigenous peoples, are grounded in foreign models of spatial planning, reducing the so-called ‘progressive’ reach of the LOOTUGS by excluding the needs of indigenous peoples during the law’s implementation.

To begin the paper, I frame the LOOTUGS within the Latin American ‘urban reform’, then I present the theoretical section of the paper, emphasizing the reason behind the choice of the LOOTUGS case study, and I detail the methodology I adopted. Successively, I analyze the ‘global-local assembling process’ (Temenos & McCann, 2013), the transnational agency and the ‘global circuits of knowledge’ (McCann, 2011) behind its drafting. I discuss the results of the analysis afterwards, suggesting how the existing tensions between the progressive constitutional framework and the adopted spatial planning tools outlined by the LOOTUGS can be attributed to path-dependent logics and to the inertial nature of property rights’ institutions (Sorensen, 2010). I conclude the paper by arguing that path dependence is crucial when inquiring policy mobilities in spatial planning institutions thereby contributing to the Latin American ‘urban reform’ paradox literature and to the policy mobilities literature itself.

The LOOTUGS within the Latin American ‘Urban Reform’

In Latin America, the ‘urban reform’ movement began in the late 20th Century to foster improved social justice and equity considerations in urban development. The movement was initiated by citizens’ protests for the right for housing and the right to the city due to increasing inequities between the rich and poor (Máximo & Royer, 2021). As a result, several urban laws were enacted, among them the Colombian 388 Law in 1997 (Congreso de Colombia, 1997) and the Brazilian City Statute in 2001 (Senado Federal, 2001), by tailoring what Rossbach and Montandon (2017) have framed as a Latin American ‘new urban order’. Notwithstanding, the progressive legal frameworks and the spatial planning outputs disclose a paradox that is at the center of the current academic debate, namely

that there is a disconnect between their celebrated promise versus their actual outcomes (Fernandes, 2011, 2019; Maricato, 2011; Rolnik, 2011; Caldeira, 2017; Friendly & Stiphany, 2019). The reasons of this paradox are plentiful: excessive bureaucracy and formalism; lack of citizen participation; planning debility in intervening in the land structure and the land property markets; and a lack of an articulated urban policy framework (Maricato, 2011; Fernandes, 2019). Horn (2018, 2019) has argued about the ‘indigenous rights to the city’ and its lack of incorporation in urban policy and planning practice in Bolivia and Ecuador due to a rural understanding of indigeneity that led to the exclusion of the indigenous peoples from ‘the urban’. His analysis has shown that in Ecuador the indigenous rights are sometimes violated ‘to address other political priorities, namely the promotion of economic development initiatives’ (Horn, 2019, p. 114).

The LOOTUGS (República del Ecuador, 2016a) is part of a wider institutional change started in Ecuador since the 2000s, when spatial planning became a centralized state policy, based on principles of complementarity and subsidiarity (Lozano Castro, 2013; López Sandoval, 2015). In 2004 the central government implemented a national planning system by creating the National Secretariat of Planning and Development (SENPLADES) and the political constitution approved in 2008 (República del Ecuador, 2008) laid the foundations for a renewed spatial planning framework. The institutional reforms started since the 2000s ‘introduced a number of important changes to the regulation related to territory organization, the jurisdiction of subnational governments, the assignment of competencies and territory and financial planning instruments’ (Rossbach & Montandon, 2017, p. 112), which have been assessed by Ecuadorian scholars (Benabent Fernández de Córdoba & Vivanco Cruz, 2017, 2019; Pauta Calle, 2019; Vivanco Cruz & Cordero, 2019) who highlighted the frictions between the LOOTUGS and other regulatory frameworks.

The LOOTUGS’ preamble calls for the implementation of *Buen Vivir* and for the development of Ecuadorian territorial districts (among those the indigenous ones are counted). Its final scope is the actualization of the right to the city, the right to fair housing, and a safe and healthful environment for all by implementing the social and environmental function of the property (Art 1, LOOTUGS). Nevertheless, the Ecuadorian *Buen Vivir* has been at the center of several critical academic contributions which have framed it as a ‘discursive tool and co-opted term’ (Walsh, 2010, p. 20) sustaining postcolonial conditions of development (Radcliffe, 2012). As a result, the implementation of constitutional rights in Ecuador remains a debated and critical field of research.

Theoretical Framework

The unpacking the Ecuadorian spatial planning law is done by engaging with the policy mobilities literature and the ‘urban reform’ paradox. The transferability of spatial planning tools has been faced by a few authors (Stead, 2012; Pojani & Stead, 2015; Thomas *et al.*, 2018, among others) and the policy transfer literature has mainly focused at the national level on the processes, policy content and agency that lead to the transfer (Dolowitz & Marsh, 2000, 2012; Evans, 2009), often overlooking the politics that underpin the transfer itself. This is the reason why I decided to engage with the policy mobilities literature and to inquire into the use of spatial planning tools as a way for

observing public policy decision-making (Stead, 2021). I conceptualize the making of the LOOTUGS as a ‘global-local assembling process’ (Temenos & McCann, 2013), looking at the transnational level where the transfers happened and disclosing the role played by the ‘global circuits of knowledge’ (Peck & Theodore, 2010, 2015; McCann, 2011; McCann & Ward, 2012, 2013; Montero, 2020) where Latin American middle- and upper-class elites played a crucial role (Whitney, 2020). I recall the concept of ‘translation’ (Stone, 2012, 2017), which describes the process of adaptation that the travelling policies face before landing, and I use it for analyzing the spatial planning tools implemented in Ecuador.

The analysis of the LOOTUGS case study taps into the ongoing focus on the global South ‘from import to export’ (Porto de Oliveira *et al.*, 2019) and, more specifically, on the Latin American internal transfer dynamics (Jajamovich, 2013; Porto de Oliveira & Pal, 2018; Porto de Oliveira, 2019; Jajamovich & Delgadillo, 2020). Expanding the analysis to the South means to consider ‘a rich universe of transfer patterns, dynamics and mechanisms’ (Stone *et al.*, 2019, pp. 2–3), and not only a geographical shift in the object of study. The ‘unique ecologies’ of thickly networked stakeholders (Stone *et al.*, 2019, p. 5) are part of the ‘global circuits of knowledge’ which have fostered the ‘à la carte urbanism’² (Delgadillo, 2014) in Latin America, i.e. a ‘menu of proven recipes’ that led to conflicting results (Montero, 2020; Whitney & López-García, 2020).

The policy mobilities literature is combined with the ongoing debate on the Latin American ‘urban reform’ (Fernandes, 2011, 2019; Maricato, 2011; Rolnik, 2011; Caldeira, 2017; Friendly & Stiphany, 2019; Máximo & Royer, 2021) within which I contextualize the development of the Ecuadorian spatial planning law. The Brazilian experience has shown an intense paradox between the progressive legal framework introduced by the 2001 City Statute and the local planning outcomes that have been carried out in the last 20 years (Caldeira, 2017; Fernandes, 2019; Friendly & Stiphany, 2019). Similarly, the analysis carried out in Bolivia and Ecuador (Horn, 2018, 2019) have shown that the frictions between the progressive constitutional frameworks and the acknowledgment of the ‘indigenous rights to the city’ in both countries has been characterized by a ‘static, colonial, and rural understanding of indigeneity’ (Horn, 2019, p. 17), subject to conflicting development priorities. Driving further the debate, in this paper I move the focus from the paradox between the legal framework and the local planning practices to the existing tensions between the constitutional framework and the spatial planning tools, i.e. a step before the local implementation takes place.

Alongside the policy mobilities and the ‘urban reform’ literatures, I employ here the concept of path dependence (Mahoney, 2000; Pierson, 2000; Gerard, 2001). Path dependence, when applied to spatial planning, is understood as ‘self-reinforcing pathways of institutional development’ (Sorensen, 2018, p. 618) due to ‘long-past policy choice which continues to structure current possibilities and constraints’ (Ibid., p. 617). Among policy choices adopted by a country, the patterns of property rights have long term consequences which have been framed by Sorensen (2010) as ‘slow-moving’ institutions, because they influence spatial planning choices in the long term. The concept of path dependence has been applied to reflect on land, property rights and planning (Sorensen, 2010, 2015, 2018, 2020; Dąbrowski & Lingua, 2018; Dąbrowski & Piskorek, 2018) for disclosing the connections between spatial planning outcomes and past institutional choices. In my analysis I use the concept of path dependence to explain the outcomes of policy mobilities related to spatial planning.

I consider the LOOTUGS as the backbone of the Ecuadorian spatial governance and planning system (SGPS) (Nadin & Stead, 2008; Janin Rivolin, 2012; Berisha *et al.*, 2021), hence responsible for translating the concepts and paradigms underpinning the constitution into practice through adequate instruments and mechanisms (Janin Rivolin, 2012). In this light, the choice to inquire into the development of a piece of spatial planning legislation and its implication for planning practice from the lens of policy mobilities and path dependence contributes to SGPSs analysis in the global South.

Methodology

The paper is the result of an analysis of (i) participant observations collected between 2011 to 2013 when I worked for the Ministry of Urban Development and Housing (MIDUVI); (ii) the consultant activities I have developed since 2014 as an external consultant; (iii) a review of relevant Latin American spatial planning laws and tools; and (iv) a total of 20 semi-structured interviews with relevant stakeholders who have been involved in the LOOTUGS' formulation.

My involvement with MIDUVI started as an UN-Habitat consultant and, later, as the Director of MIDUVI's Habitat and Human Settlements Direction. Working at the MIDUVI allowed me to plunge into the source of transfers that merged into the first LOOTUGS draft where I became part of the 'ecology' (Stone *et al.*, 2019) of networked agents that shaped the process. The materials produced when I worked at MIDUVI (e.g. activity reports, publications, meeting minutes, etc.) were an important source for this paper. Furthermore, since 2014, I have been involved with the UNESCO Chair for Intermediary Cities in the development of seminars and peer-to-peer learning activities aimed at feeding back the LOOTUGS. Looking from the perspective of a researcher after having been a professional involved in the process under scrutiny gave me access to information that would otherwise be difficult to obtain and facilitated reaching the interviewees. It allowed me to look at the spatial planning tools instituted by the law not only from a technical point of view (i.e. the one of an urban planner) but also as the result of a broader political process. However, it also was challenging 'due to a lack of distance that results from the subject and the researcher being the same person' (Lapdat, 2017, p. 589). For addressing the limitations of a biased point of view, I have undergone repeated discussions and feedbacks from the professionals I interviewed and from former colleagues in Ecuador.

The semi-structured interviews were conducted in 2020 and 2021 by telephone or email reaching the relevant stakeholders from central and local governments, international organizations, universities, and practitioners who were involved in the writing of the LOOTUGS. The interviews represented the different stages, spaces, and agencies involved in the making of the LOOTUGS, therefore allowing me to reconstruct the process under examination. The interviews were recorded, all of them were transcribed and, when necessary, translated into English from Spanish. The quotes are kept anonymous when they are not from people mentioned in the paper and in order

to safeguard the identity of the participants. The interviews and the observation insights were combined with the study of spatial planning regulations and policy documents.

The Tools for Spatial Planning: A ‘Global-local Assembling Process’

The Ecuadorian spatial planning law can be considered the output of several legal frameworks coming from both the global North and the global South, that merged with local Ecuadorian practices. Among those that can be considered ‘authority-based substantive tools for planning’ (Stead, 2021), the land use categories defined by the LOOTUGS have a direct reference to the 1956 Spanish *Ley de Régimen del Suelo y Ordenación Urbana* (Land and Urban Planning Law) (Jefatura del Estado, 1956). The LOOTUGS recalls the Spanish *distribución equitativa de cargas y beneficios* (equitable distribution of burdens and benefits) and the *unidades de actuación* (units of action), all of them filtered by the Colombian 388 Law, as highlighted by a senior Spanish academic (personal communication, 31/07/2020). The Japanese *kukakuseiri* and the Spanish *reparcelación* (both land readjustment in English) influenced the Colombian 388 Law and then glided from Colombia to Ecuador shaping the *reajuste de tierras*. As a senior officer working for MIDUVI stated, the *planes parciales* (partial plans) were introduced in Ecuador based on the Spanish experience and their application in Colombia (personal communication, 19/09/2020). This was confirmed by a claim made by a senior Colombian consultant working for UN-Habitat:

‘The Colombian 388 Law received the influences of the French, Spanish, Japanese and municipal Brazilian legislations (through the examples of Curitiba and São Paulo), and we could say that the LOOTUGS is the grandchild of that mixture’ (personal communication, 07/10/2020).

The Brazilian City Statute provided the LOOTUGS with additional tools for land financing, such as the *solo criado* (created land tool), which merged into the *concesión onerosa del derecho a construir* (onerous building right). MIDUVI’s Ecuadorian officials travelled to São Paulo, Brazil, to understand how the created land tool works and, from the other side, Brazilian experts travelled to Ecuador as MIDUVI’s consultants. Conversely, the *Certificados de Potencial Adicional de Construcción*, CEPACs (Certificates of Potential Additional Construction) created and successfully implemented in São Paulo were finally discarded because ‘they could never be applied in Ecuador’ – as a senior officer working for MIDUVI reckoned (personal communication, 19/09/2020) – considering the extremely different urban scale and the disparity in financial local capacities.

Before the approval of the LOOTUGS, some municipalities were already implementing some tools that later merged into the new spatial planning law. This is the case of the *venta de derechos de edificabilidad* (sale of building rights), which was already applied in the capital Quito, inspired by the city of Curitiba, Brazil. A similar case can be found in the *Polígonos de Intervención Territorial* (Polygons of Territorial Intervention, PIT, Art. 42 LOOTUGS). A senior officer working for UN-Habitat stated that, despite being a ‘typically Ecuadorian tools introduced by the LOOTUGS’ (personal communication, 30/09/2020), the treatments assigned to each PIT have their

origins in the 1970s Bogota's spatial planning legislation. Later they were included in the Colombian 388 Law, then adopted by the city of Quito and, finally, merged into the LOOTUGS.

Local practices influenced the spatial planning tools adopted at national level via international transfers, resulting in a 'global-local assembling process'. This process has been fostered by international organizations that played as catalysts with financial and technical support towards the LOOTUGS.

For inquiring about their role, the following chapter focuses on the agency behind the new law.

Transnational Agency and the 'Global Circuits of Knowledge'

The LOOTUGS' origins can be traced back in the early 2000s when some Ecuadorian professionals participated in a training financed by the Japanese cooperation (JICA) and held in Japan. One of them was Mónica Quintana, a professional from MIDUVI who participated in 2003 and later became a consultant at the InterAmerican Development Bank and then head of the UN-Habitat Country Office in Ecuador. Between 2007 and 2008 other professionals from the City Government of Quito participated in the JICA courses. One of them was Arturo Mejía, who later became a consultant at SENPLADES and then Undersecretary for Habitat and Human Settlements at MIDUVI. The JICA's courses have been addressed to municipal professionals, by firstly including three months of training in Japan and later a study-visit to Colombia in order 'to acclimatize the participants with the Colombian experience', as highlighted by a JICA *alumnus* (personal communication, 30/09/2020).

The JICA's courses in the early 2000s are a milestone in the history of the LOOTUGS. They were the triggering event that encouraged the Ecuadorian professionals 'to dream of a law for land use and management in Ecuador', as reckoned by Arturo Mejía (personal communication, 19/09/2020), with the emulation (Shipan & Volden, 2008; Evans, 2009) of the Japanese and Colombian examples. It is anecdotal that Arturo Mejía's end-of-course action plan delivered to JICA included the development of a land use and management law for his country, which actually became a reality.

Alongside JICA, other 'individuals, organizations and networks' (Stone *et al.*, 2019) played an important role in the making of the LOOTUGS. After attending the JICA courses, Arturo Mejía participated in two events organized by the Lincoln Institute of Land Policy. The first one was held in La Plata, Argentina, in 2009 and the second one in Guatemala in 2010. The Lincoln Institute's courses are a key 'obligatory passage point' (Peck & Theodore, 2015) for Latin American planners, and this was confirmed by Arturo Mejía:

'The network of professionals related to the Lincoln Institute of Land Policy was undoubtedly key for the development of several of the most important urban laws in Latin America, and the contacts made in La Plata were maintained in the following years' (personal communication, 19/09/2020).

Among the JICA's alumni who attended the Lincoln Institute's courses there were the promoters of two Latin American urban laws: the *Ley de Acceso Justo al Hábitat* (Law of Fair Access to Habitat) approved in 2012 by the Province of Buenos Aires, Argentina

(Provincia de Buenos Aires, 2012); and the *Ley General de Asentamientos Humanos, Ordenamiento Territorial y Desarrollo Urbano* (General Law of Human Settlements, Territorial Order and Urban Development) approved in Mexico in 2016 (Estados Unidos Mexicanos, 2016).

From the early 2000s to the LOOTUGS' approval in 2016, Ecuador received the technical assistance of several international organizations and from the Spanish, Norwegian, German and Swedish National Governments. Among them, the LOOTUGS received the support of UN-Habitat, since the MIDUVI Undersecretariat of Habitat and Human Settlements was created in 2011 and run by Arturo Mejía. The technical assistance played by UN-Habitat allowed many Ecuadorian professionals to participate in field trips to Bogotá, Medellín, São Paulo and Barcelona, fostered by a similarity in culture, language and social setup (Poiani & Stead, 2015). Mónica Quintana, the head of the Country Office in Ecuador, managed to obtain resources from the UN headquarters in Nairobi. She can be counted among the 'knowledge brokers' (Stone *et al.*, 2019) who fostered the process and has been described as the LOOTUGS' 'silent facilitator' by a senior international consultant (personal communication, 30/08/2020). Among the 'knowledge brokers', Barbara Scholz and José Morales from the German Corporation for International Cooperation (GIZ) played an important role in the LOOTUGS' drafting. Barbara Scholz advised the municipality of Quito on the introduction of some Colombian land use and management tools, then she was part of the MIDUVI and later she joined again the GIZ. José Morales, a former JICA's scholar, firstly participated as a MIDUVI's director and then managed for the GIZ the technical assistance towards the Ecuadorian National Urban Agenda, of which the LOOTUGS is a pillar. All these professionals who were involved in the writing of the LOOTUGS are part of the Ecuadorian and Latin American middle- and upper-class elites.

The international organizations belonging to the 'global circuits of knowledge' often favor the diffusion of fixed models and recipes with the aim of reaching the global comparison of policies and programmes, within the global race towards the achievement of the Sustainable Development Goals. Notwithstanding, a difference can be identified between the global urban agencies (e.g. UN-Habitat) and the bilateral cooperation aids (e.g. JICA, GIZ, etc.), with the latter proving a greater flexibility in tailoring their programmes based on the local needs (Blanc & Cotella, *forthcoming*).

In 2013, the first *Foro Urbano Nacional* (National Urban Forum, FUN) was held in Quito and jointly organized by MIDUVI, UN-Habitat and the City Government (UN-Habitat, 2014). Augusto Barrera, at that time Quito's mayor, was the FUN's facilitator and he was responsible for driving the country towards the Habitat 3 conference, held in Quito in 2016. The Habitat 3 summit became the launch pad for the LOOTUGS' international resonance and acknowledged those 'global circuits of knowledge' underpinning its drafting, where the Ecuadorian middle- and upper-class elites had a crucial role.

Discussion: A Global-local and Path-dependent Process

'[T]he evolution of planning as a governance process has involved repeated moments in which new planning approaches and laws have served to put constraints on private property rights' (Sorensen, 2010, p. 281) and this happened with the introduction of the

social and environmental function of the property in the LOOTUGS. However, the ‘patterns of property’ have long-term consequences (Sorensen, 2020) that are clearly visible in the LOOTUGS’ output and explain the implication of path-dependent logics. What emerges from the law is a total absence of tools aimed at managing the indigenous territorial districts and the related communal properties. Even if some indigenous communities have implemented the planning tools called *Planes de Vida* (Life Plans), the latter have not been included in the LOOTUGS. As argued by Stead, ‘[t]he selection of policy tools is also influenced by a degree of inertia and path dependence’ (2021, p. 11). The ‘slow-moving’ institutions of (private) property rights (Sorensen, 2010) prevailed over alternative forms of indigenous land management which could have flown into the LOOTUGS. The spatial planning tools that finally merged into the new law have their origins in the French, Spanish and Japanese urban legislations, which were ‘acclimatized’ by other Latin American experiences, especially the Colombian and the Brazilian ones. However, the resulting ‘translation’ (Stone, 2012, 2017) has its origins far from the progressive constitutional framework based on the indigenous *Buen Vivir* worldview and has a clear urban bias, as argued by a representant from the social movements’ organizations:

‘The LOOTUGS shows a technical enthusiasm for detailed and sophisticated Japanese-made tools, which in Ecuador run into a cultural and institutional tradition and such a disparate reality and find applicability in the short and medium term only in larger-scale cities, with powerful institutions and business actors’ (personal communication, 22/10/2020).

Even if the indigenous populations shaped the progressive contents of the 2008 Ecuadorian constitution by enabling the inclusion of the *Buen Vivir* paradigm, they were not included in the LOOTUGS drafting and the indigenous land management has been considered a competence of the *Ley Orgánica de Tierras Rurales y Territorios Ancestrales* (Rural Lands Law) (República del Ecuador, 2016b). As suggested by Horn (2018, 2019), the indigeneity in Ecuador is commonly associated with the rurality and the indigenous populations are actually excluded from ‘the urban’, as was confirmed by an Ecuadorian academic interviewed:

‘Since the colonial period, indigenous peoples have been regarded as rural. Their revendications were considered a cultural issue, and only in recent years they reached a territorial dimension. And this, of course, collides with the administrative organization of the country’ (personal communication, 24/02/2021).

Within the Latin American policy mobilities phenomenon, the circulation of ‘certain models’ (McCann, 2011) as well as the travelling of ‘pasteurized’ policy concepts (Peck & Theodore, 2015) happened with the ‘dilution’ of the right to the city in Brazil (Caldeira, 2017) as well as the *Buen Vivir* paradigm in Ecuador. In this sense, ‘the purpose of the 2008 Constitution was to go back to the indigenous origins and to introduce an alternative to the current developmentalist pattern. Unfortunately, the *Buen Vivir* has been emptied of significance and became dead letter’, as reckoned by an Ecuadorian academic interviewed (personal communication, 24/02/2021).

The circulation of proven urban recipes for allowing the comparison of urban challenges (Delgadillo, 2014; Montero, 2020; Whitney & López-García, 2020) had a direct resonance in the process of tailoring the LOOTUGS. The international

organizations and networks involved influenced the making of the LOOTUGS based on international ‘proven’ urban models of regulatory frameworks, rather than introducing alternative forms of indigenous land management. Within this process, the Ecuadorian professionals involved were part of the middle- and upper-class elites while the more marginalized voices (among them, the indigenous peoples) were overlooked.

Since its starting version, the LOOTUGS suffered several changes before its final approval in 2016 by the Ecuadorian national assembly. The oppositions – as it has also happened in the cases of the Colombian and of the Brazilian spatial planning laws – were mainly raised by the real estate sector (Leite *et al.*, 2020). In the last approved version, the *recuperación de plusvalías* (land value capture) failed to pass, because of a strong political opposition related to the demonstrations occurred in 2016 against the *Ley de Plusvalía*³ (Capital Gains Law draft), which was under formulation in the same period. The adoption of the LOOTUGS was not a simple technocratic act but, of course, it had a strong political connotation. ‘Decision makers are not only interested in what works, but also in what is popular’ (Gilardi & Wasserfallen, 2019, p. 7), and the land value capture was anything but popular.

Importantly, one should notice that the LOOTUGS was quickly approved in July 2016, three months after the earthquake that shook Ecuador in April 2016, and three months before the Habitat 3 summit. ‘Ecuador needed a spatial planning law to recover from the April earthquake and the host country of the Habitat 3 summit couldn’t not have its own spatial planning law to show to the world’, as pointed out by José Morales, who was at that time the MIDUVI’s representant for Habitat 3 (personal communication, 03/08/2020). Without these two circumstances, probably it would never have been approved, as the opposing voices were raising.

In the recent years, there have been two attempts to withdraw the LOOTUGS, mainly due to political oppositions. The first one suggested removing the control and sanction regime’s entity. The second attempt suggested to completely abolish the law and to move some of its contents to previous regulatory frameworks. As pointed out by a junior officer from MIDUVI, ‘if the former examples of Colombia and Brazil have shown that the struggle for the enactment of urban regulation frameworks took three decades, we are aware that Ecuador is only at the beginning’ (personal communication, 20/10/2020).

Conclusions

In this contribution I have explored the existing tensions between the Ecuadorian progressive constitutional framework and the LOOTUGS’ spatial planning tools by suggesting the implication of path-dependent logics in the outcome of the law. The LOOTUGS’ output pinpoints a tension with the indigenous *Buen Vivir* paradigm set off by the 2008 constitution by highlighting a systematic exclusion of the indigenous peoples from ‘the urban’. My analysis focusing on the spatial planning tools complements the literature on the ‘urban reform’ paradox that has focused on the existing tensions between the legal frameworks and the local practices, and suggests that the use of path dependence within the framework of policy mobilities can shed more light on the outcomes of translations. I have analyzed this paradox (i) by looking at the tools that merged into the new law and (ii) by disclosing the transnational agency behind the process.

Firstly, I have shown that the spatial planning tools that merged into the LOOTUGS are the result of a ‘translation’ of spatial planning models that have their origins in the global North, even if ‘acclimatized’ by Latin American experiences.

Secondly, I have disclosed the role of some of the international organizations that operate behind policy mobilities in Latin America and foster ‘à la carte urbanism’. This does not mean that the LOOTUGS was mainly drafted by foreign consultants, but rather that the professionals who mostly contributed were part of the middle- and upper-class elites belonging to the ‘global circuits of knowledge’. And I critically locate myself in this conflicting mixture of professionals.

In my analysis I have suggested that the existing tensions between the constitutional rhetoric based on the *Buen Vivir* paradigm and the spatial planning tools outlined by the LOOTUGS can be partially explained by considering spatial planning’s path dependence related to the ‘slow-moving’ institutions of property rights and to a rural understanding of indigeneity, which has its far origins in the colonial period.

Inquiring about the origins and the agency behind the travelling of spatial planning tools can be a fruitful field of research for scholars involved in policy mobilities in Latin America and beyond. Looking at policy tools is useful for understanding the public policy decision-making processes, and my research outputs can orient the actions of policy-makers as well as a critical reflection from the side of professionals hired by international organizations. Furthermore, looking at the spatial planning legislation from the lens of policy mobilities opens to a fruitful contribution towards the analysis of spatial governance and planning systems (SGPSs) in the global South. My analysis of the LOOTUGS is therefore an attempt to inquire about the external influences and the path-dependent logics that have contributed to shape the Ecuadorian SGPS.

Notes

1. The ‘urban reform’ movement started with the enactment of new political constitutions in Latin America (e.g. the 1988 Brazilian constitution and the Colombian 1991 constitution) committed to attaining social justice and equity, and several spatial planning laws (i.e. the 1997 Colombian Law 388 and the 2001 Brazilian City Statute) were enacted afterward.
2. The term ‘à la carte urbanism’ (Delgado, 2014) refers to a ‘menu of proven recipes’ which has been offered from several international organizations to local and national governments in Latin America for comparing urban problems and challenges.
3. The *Ley de Plusvalía* was approved in December 2016 and abrogated in 2018.

Acknowledgement

The author would like to thank her ex-colleagues at MIDUVI and UN-Habitat for their contribution and support, the Policy Mobilities Working Group (PMWG) for their feedback on an earlier draft of the article, and the peer reviewers whose comments helped clarify the text.

Disclosure Statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by the Politecnico di Torino;

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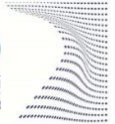
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Appendix IV

Global urban development frameworks landing in Latin America: Insights from Ecuador and Bolivia

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Summary

Motivation: The global urban development frameworks defined by the United Nations are circulating worldwide and a race towards their domestic adoption has arisen since the approval of the New Urban Agenda and the 2030 Agenda for Sustainable Development. Their institutionalization at the domestic level is favoured by the rather aseptic “urban paradigm shift” that these documents present. However, the process according to which this happens is subject to path-dependent logics and varies from one context to another.

Purpose: Stemming from the policy mobilities literature, the article explores the role that “pasteurized” urban narratives play in the domestic institutionalization of the global urban development frameworks. At the same time, it analyses how domestic institutional configurations have influenced their differential implementation in two Latin American countries.

Methods and approach: The article details the cases of the Ecuadorian National Urban Agenda and the Bolivian National Urban Policy, employing a mixed methodology that includes participant observation, consultancy activities, desk-research, and semi-structured interviews.

Findings: The analysis findings show that, on the one hand, the “comfortable landscape” offered by the “pasteurized concepts” that comprise the global urban development

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frameworks served as a “coalition magnet” favouring the building of consensus among stakeholders with rather different positions. On the other hand, however, this may result in a “fast-track institutionalization” that prevents the concrete engagement of local governments in the process, in turn undermining the relevance of the results achieved.

Policy implications: Whereas further comparative research on the institutionalization of global urban development frameworks in Latin America and beyond is certainly needed, to further understand the hidden pitfalls of their domestic adoption, the evidence presented may contribute to inform the action of policy-makers and practitioners dealing with their implementation at all levels.

KEYWORDS

institutionalization, Latin America, path dependence, policy mobilities, urban development

1 | INTRODUCTION

Cities are increasingly regarded as “the core of the planet’s future” (Parnell et al., 2018, p. 1) and “the everyday reality of the twenty-first-century urban is, out of necessity, the focus on the cities of the global south” (Ibid., p. 7). In order to address the future of cities, on the occasion of the Habitat III conference that took place in Quito in 2016, the United Nations approved the New Urban Agenda, drawing on the 2030 Agenda for Sustainable Development (UN, 2015), aiming at the promotion of a worldwide “urban paradigm shift” (UN, 2017). National Urban Policies (NUPs) “emerged from Habitat III as the instrument with which to give meaning to the recognition that national governments can enhance the success of all cities” (Cartwright et al., 2018, p. 26) and a widespread race towards their adoption has since then been triggered, involving in particular lower-middle and upper-middle-income countries (LMICs and UMICs), irrespective of their political leanings.

The implementation of global urban development frameworks at the domestic level has been mostly described as a top-down activity (Barnett & Parnell, 2016; Caprotti et al., 2017; Kaika, 2017; Novovic, 2021), favoured by the “pasteurized” narratives (Peck & Theodore, 2015) that they bring forward—e.g. the “right to the city” discourse (Kuymulu, 2013; Turok & Scheba, 2018)—albeit leading to rather questionable results (Cartwright et al., 2018). In this article, we argue that, whereas pasteurized urban narratives function as a “coalition magnet” (Silvestre & Jajamovich, 2021) that favours the consolidation of an “overlapping consensus” (Barnett & Parnell, 2016) over the domestic institutionalization of global urban development frameworks, the actual course that this process follows in a given country is shaped by path-dependent logics, in turn leading to differential outcomes.

To support our argument, we examine and compare the development and institutionalization of two national urban development documents, namely the Ecuadorian National Urban Agenda (Ministerio de Desarrollo Urbano y Vivienda, 2020) and the Bolivian National Urban Policy (Ministerio de Obras Públicas, Servicios y Vivienda, 2020) that are similar to many domestic implementations of the global urban development frameworks defined by the United Nations (i.e. the New Urban Agenda and the Agenda 2030 for Sustainable Development, in particular SDG 11). In doing so, we engage with the policy mobilities literature focusing on the worldwide circulation of urban policies and best urban practices (Jajamovich, 2013; Jajamovich & Delgadillo, 2020; McCann, 2011; Montero, 2020; Stone et al., 2020;

Wood, 2015) and on its framing as a “global-local assembling process” (Temenos & McCann, 2013) frequently subject to “pasteurization” (Peck & Theodore, 2015). In greater detail, we draw on and combine the outcomes of two recent studies focusing on the Latin American context, one considering the role of mobile policies as a tool for coalition building (Silvestre & Jajamovich, 2021) and the other warning about the perils of the “fast-track institutionalization” in policy circulation (Whitney & López-García, 2020). When doing so, we devote particular attention to the “silenced” institutional configurations (Montero & Baiocchi, 2021) that influence the domestic path-dependent landing of global urban development frameworks (Forestier & Kim, 2020; Horn & Grugel, 2018).

Ecuador and Bolivia constitute two interesting and underexplored case studies among Latin American LMICs and UMICs. They are both in the Andean region and for more than a decade have been undergoing important reforms, which started with the approval of new political constitutions around the *Buen Vivir/Vivir Bien* paradigm,¹ in 2008 and 2009 respectively (República del Ecuador, 2008; Asamblea Constituyente de Bolivia, 2009), and have since then led to the decentralization of the territorial administration system, in line with a process that had already started in the 20th century. As the article will argue, the Ecuadorian National Urban Agenda (*Agenda Hábitat Sostenible Ecuador 2036*) and the Bolivian National Urban Policy (*Política Nacional de Desarrollo Integral de Ciudades*) tap into these ongoing processes of governance and institutionalization, hence offering relevant case studies in relation to our main focus.

Following this introduction, in Section 2 we detail the theoretical framework upon which our work is based, and in Section 3 the methodology we employed. Then we reveal in Sections 4 and 5 the processes behind the development of the Ecuadorian National Urban Agenda and of the Bolivian National Urban Policy. In Section 6 we discuss the findings of our research, by addressing two critical aspects emerging from the case studies: (1) the frequent “pasteurization” (Peck & Theodore, 2015) of the concepts and the resulting “comfortable landscape of the SDGs” —as framed by a senior development researcher— stemming from the global urban development frameworks act as a “coalition magnet” (Silvestre & Jajamovich, 2021) towards the construction of consensus among stakeholders with very different positions (Barnett & Parnell, 2016); (2) at the same time, when the process follows a “fast-track institutionalization” (Whitney & López-García, 2020), it prevents the concrete engagement of local governments, in so doing potentially undermining the relevance of the result achieved. Finally, a concluding Section 7 rounds off the article, arguing for the need for further comparative research on the domestic implementation of global urban development frameworks to reveal the potential pitfalls that may be hidden in the process.

2 | CIRCULATING GLOBAL URBAN DEVELOPMENT FRAMEWORKS

The New Urban Agenda (UN, 2017) and the 2030 Agenda for Sustainable Development (UN, 2015) opened the path to various critical academic contributions, which have focused on their seemingly neutral contents as well as on their questionable implementation at the domestic level (Caprotti et al., 2017; Cartwright et al., 2018; Novovic, 2021). On the one hand, Kaika (2017) drew critical attention to the fact that the concepts of “resilience, safety, inclusiveness and sustainability” are undeniably allocated “from those in power to those in need,” in so doing following a rather top-down approach (Kaika, 2017, p. 98). On the other hand, other authors have highlighted how the implementation of the SDGs is often subjected to a “cherry-picking” process, finalized to the selective legitimization of existing domestic interests and priorities (Forestier & Kim, 2020) and to the actual fit with “domestic governance structures” and ongoing decentralization patterns (Berisha et al., 2022; Horn & Grugel, 2018). According to Barnett and Parnell, the Urban SDG (SDG 11) is itself “a product of a fluid alliance of interests and organizations that generated a coherent pro-urban discourse through which to assert the importance of cities in future development policy agendas” (Barnett & Parnell, 2016, p. 89). The “impulse towards inclusivity” for complying with many different positionalities

¹The Ecuadorian *Buen Vivir* and the Bolivian *Vivir Bien* concepts (both translated as “Good Living” in English) take direct inspiration from the worldview of the indigenous communities in various Latin American countries. Whereas the potential of this paradigm to produce a change of the ongoing development dynamics is subject to debate (Radcliffe, 2012; Walsh, 2010), Ecuador and Bolivia are to date the only two countries that have included this paradigm into their constitutions, hence constituting interesting cases to explore the implications and limits of its operationalization.

has resulted in what Barnett and Parnell (2016) call “overlapping consensus,” hiding what are conflicting positions. Similarly, Dagnino (2010) has warned about the “perverse confluence” between neoliberal and democratic participatory projects in Latin America, merged under the meaning of “citizenship,” which has been nuanced and applied by governments with very different political leanings.

The NUPs “emerged from Habitat III as the instrument with which to give meaning to the recognition that national governments can enhance the success of all cities” (Cartwright et al., 2018, p. 26), and quickly led to a race around the world towards the formulation of such documents, in particular in relation to LMICs and UMICs. More in detail, according to the National Urban Policy Database developed by the United Nations (2021), as many as 160 countries of the 194 included in the world database are engaged in the process at the time of writing. In Latin America and the Caribbean, of a total of 33 countries, eight are already implementing their NUPs (Argentina, Chile, Costa Rica, Cuba, Dominican Republic, Nicaragua, Uruguay, and Venezuela); seven countries are formulating them (Bolivia, Brazil, Colombia, Ecuador, Mexico, Paraguay, and Peru); three are developing feasibility studies (El Salvador, Guatemala, Haiti) and one is going through the diagnosis stage (Panama). When it comes to other LMICs and UMICs, the numbers are even higher: across sub-Saharan Africa, for instance, 85% of these countries embraced NUPs, with more than a 60% that are already implementing or monitoring and evaluating them.

Whereas, at first glance, the development of NUPs may resemble “donor-funded tick-box compliance” (Cartwright et al., 2018, p. 12), the domestic institutionalization of global urban development frameworks that occurs through the latter follows peculiar path-dependent logics that are worth investigating. To shed light on the matter, we substantiate critical instances of the implementation of global urban development frameworks with concepts stemming from the literature on policy mobilities, and in particular from a number of recent works focusing on the Latin American context (Jajamovich, 2013; Jajamovich & Delgadillo, 2020; Montero, 2020; Montero & Baiocchi, 2021; Stone et al., 2020; Whitney & López-García, 2020; Wood, 2015). In line with Montero’s work (2020), we argue that the international organizations and the multilateral donors involved in the “global circuits of knowledge” (McCann, 2011; McCann & Ward, 2012, 2013) are crucial in selecting what narrative, concepts, and practices will travel, favouring at the same time their “pasteurization” (Peck & Theodore, 2015). Then we adopt the concept of policies as “coalition magnet,” highlighted by Silvestre and Jajamovich (2021) to describe the application of the “Barcelona model”² to a number of Argentinian and Brazilian cities, and explore how the pasteurized urban narratives that compose global urban development frameworks manage to quickly and easily merge different positions towards an “overlapping consensus” (Barnett & Parnell, 2016).

Finally, we dig into the “silenced” institutional conditions (Montero & Baiocchi, 2021) that have influenced their differential institutionalization, to explore the implication of path dependence (Pierson, 2000; Sorensen, 2020), understood as “self-reinforcing pathways of institutional development” (Sorensen, 2018, p. 618) due to policy choices made long ago that influence present possibilities and limitations (Sorensen, 2018), as already undertaken by other scholars in the analysis of the SDGs’ domestic implementation (Horn & Grugel, 2018; Tosun & Leininger, 2017). In doing so, we borrow the concept of a “fast-track” (as opposed to incremental) institutionalization, as framed by Whitney and López-García (2020) in relation to the adoption (and possible failures) of best urban practices by local Mexican urban agencies, to highlight the risks that such a process encompasses.

3 | METHODOLOGY

This article is the result of the combination of: (1) the participant observation developed in 2018 when one of the authors worked as a consultant for the UN-Habitat office in La Paz, Bolivia; (2) the consultancy activities developed

²The “Barcelona model” refers to the urban transformation introduced by the City Government since the 1992 Olympic Games, and particularly related to the urban waterfront renovation. It has become a global model for urban transformation. Buenos Aires (Argentina) and Rio de Janeiro (Brazil) are two cities that have looked to the “Barcelona model” for their own urban renovation strategies.

in Ecuador since 2011 as part of the UNESCO Chair on Intermediary Cities; (3) a thorough document review of the global urban development frameworks promoted by the United Nations and the Bolivian and Ecuadorian relevant policy documents; and (4) a total of 30 semi-structured interviews with relevant stakeholders who have been involved in the formulation of the Bolivian National Urban Policy and the Ecuadorian National Urban Agenda.

The authors have been involved in the Ecuadorian and the Bolivian urban debates, particularly in the formulation of some of their urban development policy documents. Since 2011, the first author has been involved with the UNESCO Chair on Intermediary Cities on the development of seminars and peer-to-peer learning activities, promoting the circulation of “best urban practices” among Ecuadorian intermediary cities and the implementation of the national spatial planning law approved in 2016. Furthermore, in 2018 the same author was involved in consultancy activities related to the preliminary diagnostic phase of the Bolivian National Urban Policy.

On the one hand, this insider perspective facilitated access to information and the engagement of the interviewees. On the other hand, the overlap between the role and activity of the researchers and the object of research has raised a number of ethical and methodological challenges (Lapdat, 2017; Whitney, 2022), in particular in relation to the use of working materials and the possible bias deriving from the role played in the process. To overcome these challenges, the article draws only on documents and materials that were made publicly available. The possible bias deriving from the insider role played by the first author have been addressed through repeated feedback from former colleagues and interviews, as well as through the interaction with the second author. Furthermore, the information deriving from the interviews and the participant observation were triangulated with the results of the analysis of relevant legislative and policy documents from the selected countries.

The semi-structured interviews were conducted from the end of 2019 to mid-2021 by telephone or through digital communication platforms, and concerned relevant stakeholders from national and local governments, international organizations, universities, and representatives of citizens' organizations who were involved in the formulation of the Ecuadorian National Urban Agenda and the Bolivian National Urban Policy. The interviews concerned the role played by the different stakeholders, the rationale and contents of the documents and their compliance with the global urban development frameworks, the process behind their approval and the following implementation phase. All interviewees were informed from the beginning as to the reasons for undertaking the interviews, and all quotes deriving from the latter have been explicitly authorized.

4 | THE ECUADORIAN NATIONAL URBAN AGENDA

From the right to the city to the “leaving no one behind” discourse

“One of the main problems in the country at the moment is the urban chaos and disorder. This is the reason why we propose an urban revolution.” (SENPLADES, 2013)³

The “urban revolution” in Ecuador started in the second half of the 2000s, with the election of Correa's government in 2007 and the undertaking of the so-called “citizens' revolution,” a national development strategy aiming at reforming existing institutions and ameliorating infrastructures and the implementation of public welfare (Ayllón Pino, 2014). In 2008 the country approved a new political Constitution based on the *Buen Vivir* paradigm and acknowledging the right to the city, among other human rights. In 2016, the “urban revolution” led to the enactment of the country's first spatial planning law—the so-called LOOTUGS (*Ley orgánica de ordenamiento territorial, uso y gestión de suelo*) (Blanc, 2022; República del Ecuador, 2016) and, in the same year, the country hosted the Habitat III Conference on Sustainable Urban Development that paved the way for the approval of the United Nations' New

³Original Spanish version: ‘Uno de los problemas principales del país en este momento es el caos y el desorden urbanístico. Esa es la razón por la cual proponemos una revolución urbana.’ (SENPLADES, 2013)

Urban Agenda (UN, 2017). These subsequent steps contributed to the progressive intertwining of the fulfilment of the right to the city promoted by both the Constitution (Art. 31) and the LOOTUGS (Art. 1) to the United Nations' "leaving no one behind" discourse, as had already happened in other countries (Turok & Scheba, 2018).⁴

The resulting discourse inspired the development of the Ecuadorian National Urban Agenda (*Agenda Hábitat Sostenible del Ecuador 2036*),⁵ which was launched in 2020 by the Ministry of Urban Development and Housing (*Ministerio de Desarrollo Urbano y Vivienda*, MIDUVI) and the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH. German co-operation aid funded the National Urban Agenda formulation within a broader programme called *Ciudades Intermedias Sostenibles* (Sustainable Intermediate Cities) (Llop et al., 2019; GIZ, n.d.). Its main goal has been to strengthen the enabling conditions for more sustainable urban development in Ecuador, in line with the narratives brought forward by the New Urban Agenda, the SDGs, and the Paris Agreement.

Within the precarious political scenario that characterized the post-Correa period, the action of the German co-operation aid agency and its legitimacy made it possible to bring very different positions to some convergence on the contents of the document. In this sense, in the hands of GIZ, the National Urban Agenda has functioned as a "coalition magnet" (Silvestre & Jajamovich, 2021) towards "a wider acceptance of the SDGs," as a senior Ecuadorian academic put it in conversation in October 2020.

4.1 | A process of incremental institutionalization

As argued by Horn and Grugel (2018, p. 74), in Ecuador there "is particularly strong engagement with SDG 10.2 (breaking inequalities) and SDG 11 (inclusive cities), both of which were already identified as priority areas in earlier national planning rounds," referring to the national development plans, where urban development played a key role. Furthermore, as argued by the same authors, the "domestic governance structure" and its recent decentralization have contributed to influencing the domestic institutionalization of global urban development frameworks, and this is evident in relation to the Ecuadorian National Urban Agenda (Horn & Grugel, 2018, p. 74). In this sense, the *Agenda Hábitat Sostenible del Ecuador 2036* contributed to legitimizing a path that had been already embarked upon. In so doing, it constitutes the most recent step towards the recognition of the role that local governments should play in urban development issues, as acknowledged by the legal and institutional changes introduced since the 2000s (Blanc, 2022; Vivanco Cruz & Cordero, 2019).

Local governments have been involved in the formulation of the National Urban Agenda since the beginning of the process, through the urban labs organized by GIZ in several intermediate cities of the country. As explained by a senior GIZ officer, "the urban labs are virtual spaces for working together, not spaces to come and visit." Their aim has been to reflect upon and support local urban development policies, in so doing feeding back to the National Urban Agenda with practical examples. Among many others, Loja's urban lab focused on improving the management of existing urban public spaces, resulting in a legitimization of the cross-cutting green spaces management system already introduced by the LOOTUGS' local spatial planning tools. A senior officer working for GIZ affirmed in April 2021 that "even if there was no second phase of the programme, it [the urban lab experience] would still continue." A senior officer working for the local government argued that this result was possible because the urban lab progressively carved itself a position among the city's institutions and now "it works independently," a process that GIZ and, more generally, the overall National Urban Agenda process contributed to consolidating. Alongside local governments, several actors from the academic world and more than 70 citizens' organizations were involved in the formulation of the National Urban Agenda, through a process that since its inception set out to be open and inclu-

⁴A similar fate has befallen the *Buen Vivir* paradigm, which has been framed as a "discursive tool and co-opted term" (Walsh, 2010, p. 20) based on postcolonial conditions of development (Radcliffe, 2012) and progressively emptied of significance (Blanc, 2022).

⁵See, for instance, the preface to the *Agenda Hábitat Sostenible del Ecuador 2036*: "Having hosted this event [Habitat III] supposes for Ecuador an immense commitment to advance towards the fulfilment of the objectives agreed in the New Urban Agenda in order to achieve cities and human settlements where all people can enjoy equal rights and opportunities, and where 'no one is left behind' (Ministerio de Desarrollo Urbano y Vivienda, 2020, p. 9).

sive. This inclusiveness helped to enhance the visibility and the social recognition and acceptance of the process, in so doing facilitating the incremental institutionalization of the National Urban Agenda in the country and at the same time limiting the emergence of conflicting positions.

The next stage of the National Urban Agenda process is once again linked to the GIZ Sustainable Intermediate Cities programme (2021–2024), and focuses on the matchmaking among financiers, banks, and municipalities regarding the existing global climate funds. The State Bank (*Banco del Estado*) has so far been the main funder of local governments. However, the process proved rather too complex for intermediate cities to manage, given their limited economic and technical capacities. The business of international climate change funds is so huge that small and medium-sized cities need to organize their participation jointly, which is why GIZ has been recently working on the organization of an “urban investment platform for climate change,” as the GIZ programme leader put it. As part of this stage, three Ecuadorian cities (Cuenca, Loja, and Portoviejo)—each having hosted an urban lab during the previous stage—are developing their local Urban Agenda. This pilot activity will pave the way for other intermediate cities to follow suit and to develop their own local Urban Agenda to facilitate applications to receive national and international climate funds.

5 | BOLIVIA'S NATIONAL URBAN POLICY

The “comfortable landscape of the SDGs”

Bolivia has been waking up into a new world. The country realizes that it has become urban. The 2012 census had already shown that 67% of the population was officially urban (an increase of 30% compared to the 2001 census, while the total population had only increased by 20%); however, mentalities remained fixated on the 60% indigenous population of the previous census, and by assimilation, on a rural world. (Mazurek, 2020, p. 133)

Urban development issues have been historically neglected in Bolivia (Prado Salmón, 2008, 2017) and, when the Habitat III conference took place in 2016, the country had just acknowledged its urban nature. When Evo Morales' government was invited to participate in the Habitat III conference, the national government rushed through an ad hoc document called “Building Urban Communities for Good Living in the 21st Century” (*Construyendo Comunidades Urbanas para Vivir Bien en el Siglo XXI*) (Ministerio de Obras Públicas, Servicios y Vivienda, 2016). As a senior academic explained, however, the narrative put forward by the document was put together quickly, and as such resembled more a list of issues to be tackled than a coherent vision for the future:

The national government built the discourse on the urban communities, which was a demonstrative declaration, where the words “*Vivir Bien*”, “commons,” and “well-being” were merged with the cultural narrative and that of mother earth and the environment. It was approved in a hurry and resulted in a declaration of pending tasks.

Driven by its own momentum, in 2018 the same government launched the Bolivian National Urban Policy (*Política Nacional de Desarrollo Integral de Ciudades*) and, after the troubled 2019 general elections, the interim Añez's government brought the process forward until its completion. The process was funded by Swedish co-operation aid and UN-Habitat provided the technical assistance for its development, as was quite common practice with LMICs and UMICs. One of the former Swedish co-operation officers explained further that, “the original idea was to use it [the process] as an example of co-operation 2.0, by employing the urban issue to achieve different development goals.”

The Bolivian National Urban Policy is a clear example of domestic translation of global urban development frameworks. It draws on the UN-Habitat's guiding framework published in 2015 (UN-Habitat, 2015), which defines

the different stages for setting up NUPs worldwide. At the same time, it also counts on the technical support of UN-Habitat to smooth the process. As highlighted by a senior lead officer working for UN-Habitat, their role was “to deliver [the National Urban Policy framework] on a silver platter and make it digestible” for national governments. However, a senior consultant working for the same agency warned that their “headquarters have a huge problem: they make golden eggs that are supposed to be perfect, but they are not applicable everywhere.” Seemingly, from the perspective of UN-Habitat, having a National Urban Policy approved is more relevant than the process leading to its construction and institutionalization, as the final goal is having as many different NUPs as possible for comparison at the global level. However, as a senior scholar pointed out, to achieve a high level of global comparability “obviously, it’s great, but it cannot be the main purpose,” as the latter should derive from the actual results that the adopted policies produce on the ground.

When looking at the document, the tension between the pro-rural and pro-indigenous discourse developed by the government (Mazurek, 2020) and compliance with the UN-Habitat NUP framework centred on cities and the urban environment is clearly visible (UN-Habitat, 2015). A previous National Development Plan (*Agenda Patriótica 2025*) (Estado Plurinacional de Bolivia, 2012) had focused on the economic and industrial development of the country, framed under the *Vivir Bien* paradigm and disregarding to a large extent urban development issues. This narrative also permeates the National Urban Policy, with the latter, as was also acknowledged by an interviewee from the Swedish co-operation aid, mainly being seen as a means to legitimizing predetermined national development priorities within a specific governance framework (Horn & Grugel, 2018).

Despite the many critics of the decision to formulate a National Urban Policy for the country, during the early stages of its development the “comfortable landscape of the SDGs” (to use the words of a senior development researcher) that so appealed to the global urban development frameworks also served as a powerful “coalition magnet” (Silvestre & Jajamovich, 2021) that managed to anaesthetize the opposing positions and to catalyse the required “overlapping consensus” (Barnett & Parnell, 2016). The interviewees spoke with one voice when describing the role played by UN-Habitat in allowing stakeholders belonging to very different political groups “to stick together.” In a controversial political context, the involvement of an international organization, despite its supposedly neutral discourse, has legitimized the process and shielded it from possible crossfire.

5.1 | A “fast-track institutionalization” process

The process of institutionalization of the Bolivian National Urban Policy has been very different from the one of the Ecuadorian National Urban Agenda. First, no real discursive shift has occurred in the country. The ad hoc introduction of the “urban communities for good living” in the occasion of the Habitat III conference has not been accompanied by the emergence of a debate on urban development issues nor by the introduction of any local action specifically devoted to urban development (Cabrera, 2011). At the same time, and perhaps among the elements that prevented the emergence of any local urban development discourse, the country still lacks a national spatial planning law, and is still characterized by a high degree of interference of the national government in the management of urban development issues—as is witnessed, for instance, by the need to require the central government’s authorization to shift local land uses from rural to urban (Blanc et al., 2022).

In consequence, the Bolivian National Urban Policy did not engage to any relevant extent with local governments and civil society, as many interviewees underlined. Despite the efforts of the UN-Habitat local team,⁶ “the role of facilitator [played by UN-Habitat] has been frequently mixed with the one of consultant,” in the judgment of a senior development researcher, and the spaces for dialogue that were launched at the very beginning of the process did

⁶UN-Habitat representatives have been travelling to many Bolivian local governments to share the National Urban Policy draft and several workshops have been set up to this end; 300 working sessions have been developed, almost 7,000 people have been involved throughout country for structuring the diagnostic, according to a senior consultant working for UN-Habitat and at least 50% of the citizens’ organizations involved in urban issues in Bolivia have been included in these “consultations.”

not result in any real engagement of the parties involved.⁷ In the words of a member of a citizens' organization, the Bolivian National Urban Policy "could be acknowledged as UN-Habitat business, rather than a national government outcome." The absence of engagement on the part of local government and civil society has increased the already existing perception of this being a "package" to be sold, as pointed out by a representative of a citizens' organization, based on "concepts for export" (REHABITAR, 2021).

Among these concepts, the implementation of the City Prosperity Index (CPI) as an integral part of the Bolivian National Urban Policy is particularly interesting.⁸ The CPI is premised on the rigid collection of data for building a "composite index made of six dimensions." However, most of these data were not available in the country, and the initial reluctance of the Bolivian government to adopt a rigid framework led to what a senior consultant working for UN-Habitat referred to as the "Bolivianization of the CPI," i.e. the development of an alternative index based on the available statistical data. The results are controversial. On the one hand, this domestic implementation of the CPI represents an interesting example of proactive contextualization of the global urban development frameworks. On the other hand, however, the latter has not been acknowledged by the UN-Habitat headquarters because it does not follow the established rules and does not allow for any worldwide comparison.

Currently the National Urban Policy is being implemented in several local governments through the definition of their local urban agendas. Even if the New Urban Agenda and the 2030 Agenda are non-binding tools, "aligning to the SDGs is crucial for reaching international funds," as highlighted by a senior development researcher interviewed. At the same time, several national and international sponsors are interested in funding the local implementation of the National Urban Policy.

6 | ANALYTICAL COMPARISON AND DISCUSSION

The New Urban Agenda, the 2030 Agenda for Sustainable Development, and the SDGs defined by the latter, form an undeniably useful reference for many countries in the world, influencing how they address urbanization processes through national policies and agendas. When looking at National Urban Policies and Agendas from the perspective of the international development agencies, their main value lies in the fact that they allow the monitoring and global comparison of urbanization processes worldwide. On the other hand, when looked at from the "demand side," their institutionalization and implementation within specific contexts reveal a complex, inherently path-dependent process that can lead to very different outcomes.

The detailed analysis of the two case studies in this article highlighted both similarities and differences, making it possible to formulate a number of considerations in relation to the dynamics behind this peculiar type of policy mobilities. In Ecuador the progressive "pasteurization" of the right to the city discourse and its leaning towards the "leaving no one behind" paradigm brought forward by the global urban development frameworks has contributed, under the co-ordination of German co-operation aid, to favour the convergence of very different political positions on the country's National Urban Agenda. Similarly, in Bolivia the "comfortable landscape of the SDGs" has allowed for growing consensus among very different stakeholders. In this case, however, there was a rapid development from the outset of a narrative about the country's "urban communities," one that was in partial conflict with the dominant rural narrative promoted until then by the national government.

Whereas in both cases the global urban development frameworks, given their rather neutral nature, acted as a "coalition magnet" (Silvestre & Jajamovich, 2021), their introduction in the two countries is producing rather differ-

⁷As one interviewee from academia put it, "we were thrilled about our involvement in the formulation of the first National Urban Policy and we managed the setting-up of many public events by academia to debate around the urban issue in Bolivia. Unfortunately, our contributions were not merged in the final document."

⁸The CPI is a monitoring framework firmly grounded on established principles and sound statistical practices that enables the tracking of progress and ensures accountability for the implementation of the 2030 development agenda. It is proposed as a global framework for indicators and targets to monitor progress in relation to SDG11. According to the UN-Habitat webpage, 46 countries worldwide have been engaged in the CPI definition, altogether covering over 400 cities (UN-Habitat, n.d.).

ential outcomes, following path-dependent processes that were enabled and shaped by those peculiar institutional patterns that are frequently “silenced” in processes of policy mobilities (Montero & Baiocchi, 2021). In Ecuador the process of institutionalization has proceeded incrementally, and the National Urban Agenda has contributed to legitimizing and consolidating a set of institutional reforms and urban development processes that were already taking place in the country, with progressive decentralization and the national spatial governance and planning reform (through the LOOTUGS) (Blanc, 2022). The setting up of several urban labs and the involvement of the local governments—alongside academia and civil society—since the very beginning of the process have contributed to legitimizing the Ecuadorian National Urban Agenda and to smoothing its implementation vis-à-vis all the actors involved. Conversely, the development of the Bolivian National Urban Policy has followed a “fast-track institutionalization” (Whitney & López-García, 2020), which should ideally have contributed to the development of an urban development discourse in the national context. However, the lack of consensus as to what kind of urban development was suitable for the country, and the lack of engagement with local stakeholders, led to a general perception of the contents of the National Urban Policy as “golden eggs” that were produced elsewhere and then sold as a ready-made package at the domestic level.

In light of these findings, we can argue that the international organizations involved in both case studies have given recognition to the process within unstable political contexts and played the role of mediators by enabling the urban debate and fostering the dialogue among conflicting stakeholders, eventually leading to the formulation of an “overlapping consensus” (Barnett & Parnell, 2016). Also, in the Bolivian context, where rural and the indigenous interests are prevailing in the current political discourse and the government demonstrated a certain reticence about adopting global urban development frameworks focusing on urban areas, eventually the supposed neutrality of the discourses that underpin them have favoured their introduction (Peck & Theodore, 2015). However, the path-dependent logic that contributed to shaping their domestic institutionalization has led to very different results, highlighting the risks of a “fast-track institutionalization” rather than a more incremental, inclusive approach. In turn, these differences in the processes of institutionalization, which depend on contextual conditions that are often silenced in the policy mobilities debate (Montero & Baiocchi, 2021), can make the difference between success or failure, and consequently threaten the domestic implementation of the global urban development frameworks themselves, among which the implementation of the SDGs stands out.

7 | CONCLUDING REMARKS AND FUTURE RESEARCH PERSPECTIVES

The article has analysed and compared the development of the Ecuadorian National Urban Agenda and of the Bolivian National Urban Policy, within the framework of policy mobilities literature and, more particularly, combining several concepts that have been recently developed in the Latin American context.

Looking at the underexplored Bolivian and Ecuadorian case studies has allowed us to shed light on the nuances that characterize the process of worldwide circulation and domestic institutionalization of global urban development frameworks. These are considered as a particular type of policy mobilities, pivoted around the action of their “pasteurized” urban narratives as a “coalition magnet” and simultaneously shaped by the path-dependent influence of “silenced” institutional configurations. In both cases, the “comfortable landscape of the SDGs” has smoothed the process and favoured the domestic penetration of narratives that substantiate these global frameworks, even if the two institutional configurations are dissimilar, hence leading to different outcomes. It could be argued that, whereas the global circulation and domestic implementation of the global urban development frameworks is certainly useful to allow global comparison (as well as the monitoring of the processes of urbanization worldwide and the implementation of the global urban development frameworks and the SDGs), the “silencing” of specific institutional configurations may undermine the results of these processes.

The development and implementation of the National Urban Agendas and Policies is still a work-in-progress in many countries. Their institutionalization is an issue that needs to be addressed and this article shows that the policy

mobilities literature provides several interesting entry points for engagement. Further comparative research on the domestic implementation of the global urban development frameworks in Latin America and beyond is required to identify and unfold the pitfalls that may be hidden in the process—such as “fast-track institutionalization.” The evidence collected through such analysis could inform the action of both domestic policy and decision-makers and of practitioners and consultants working with international organizations involved in the development and implementation of global urban development frameworks.

ACKNOWLEDGEMENTS

We would like to thank the peer reviewers for their useful comments, the Policy Mobilities Writing Group (PMWG) for their feedback on an earlier draft version of the article, and discussion panel T01P03, led by Osmany Porto de Oliveira and Cecilia Osorio Gonnet, at the Fifth International Conference on Public Policy held in Barcelona in July 2021. Open Access Funding provided by Politecnico di Torino within the CRUI-CARE Agreement.

FUNDING

The research upon which this article is based was funded by Politecnico di Torino, in the framework of the Joint Projects with Top Universities “Comparative analysis of territorial governance and spatial planning systems in Europe and beyond. Exploring changes in the actual practice.”

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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How to cite this article: Blanc, F., & Cotella, G. (2022). Global urban development frameworks landing in Latin America: Insights from Ecuador and Bolivia. *Development Policy Review*, 00, e12632. <https://doi.org/10.1111/dpr.12632>



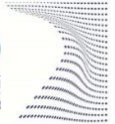
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Appendix V

Journal of Comparative
Policy Analysis



The role of time in the localisation of global urban policy. A comparative analysis of Ecuador and Bolivia.

Journal:	<i>Journal of Comparative Policy Analysis</i>
Manuscript ID	FCPA-2022-0049.R1
Manuscript Type:	Special Issue Paper
Keywords:	Comparative policy analysis, global urban policy, localisation, Latin America, path dependence
Abstract:	Since the 2016 Habitat III conference, the global urban policy framework based on the New Urban Agenda and the related SDG11 has been adopted in an increasing number of countries worldwide. Through a comparative methodological approach, the paper analyses the Ecuadorian National Urban Agenda and the Bolivian National Urban Policy to reflect upon the role of the time dimension in the localisation of global urban policy and its relationship with the policy transfer space. The analysis unfolds the implications of sequence and timing in the localisation process enabled by international agents and leveraged on repeated factors.

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Manuscripts

The role of time in the localisation of global urban policy. A comparative analysis of Ecuador and Bolivia.

Abstract

Since the 2016 Habitat III conference, the global urban policy framework based on the New Urban Agenda and the related SDG11 has been adopted in an increasing number of countries worldwide. Through a comparative methodological approach, the paper analyses the Ecuadorian National Urban Agenda and the Bolivian National Urban Policy to reflect upon the role of the *time dimension* in the localisation of global urban policy and its relationship with the *policy transfer space*. The analysis unfolds the implications of *sequence* and *timing* in the localisation process enabled by international agents and leveraged on repeated factors.

Keywords: Comparative policy analysis, global urban policy, localisation, Latin America, path dependence.

1. Introduction

Global public policy refers to “the processes of transnational cooperation and conflict, involving both state and non-state (domestic and international) agents, by which policies are produced to address problems related to the global scale” (Porto de Oliveira 2022: 63). The New Urban Agenda (NUA) (United Nations 2017) and the 2030 Agenda for Sustainable Development (United Nations 2015) are two examples of global public policy which address cities’ challenges and future development worldwide, as “[f]or the very first time SDG11 establishes a single overall global urban policy position in a unified statement concerning the overall social, economic, and environmental functionality of cities and the urban system” (Parnell 2016: 530). Whereas the development of global urban policy frameworks has been extensively analysed and described by several scholars (Barnett and Parnell 2016; Caprotti et al. 2017; Novovic 2021, among others), their actual localisation has been so far mostly overlooked (Porto de Oliveira

2022: 66), if one excludes a small number of contributions developed in recent years (United Cities and Local Governments 2019; Carrión et al. 2022; Omitted 2022, among others).

Aiming at filling this gap at least partially, we draw from the policy transfer and policy mobilities debates to explore the localisation of global urban policy. By analysing the SDGs localisation at domestic level, some authors have stressed the role played by path-dependence in the process (Horn and Grugel 2018), whereas travelling policies can be localised following a process of “fast-track institutionalisation” (Whitney and López-García 2020) or more incremental logics (Omitted 2022). Following their example, we inquire the role of the *time dimension* in policy transfer more in depth, through the analysis of the processes that led to the development and approval of the Bolivian National Urban Policy (*Política Nacional de Desarrollo Integral de Ciudades*, Ministerio de Obras Públicas, Servicios y Vivienda 2020) and of the Ecuadorian National Urban Agenda (*Agenda Hábitat Sostenible Ecuador 2036*, Ministerio de Desarrollo Urbano y Vivienda 2020). Ecuador and Bolivia are two under-explored Latin American case studies, that experienced important institutional changes in the recent years due to the approval of their political constitutions, respectively enacted in 2008 and 2009 (República del Ecuador 2008; Asamblea Constituyente de Bolivia 2009), and both pivoted around the *Buen Vivir/Vivir Bien* paradigm (Good Living in English).¹

The two case studies under scrutiny allow us to investigate thoroughly the relationship occurring between the *time dimension* and the *policy transfer space*, that is “the surrounding environment affecting the process in which policy transfer is embedded” (Porto de Oliveira and Osorio Gonnet 2022). Whereas the latter concerns elements, such as actors, institutions,

¹ Ecuador and Bolivia are until now the only two Latin American countries that have included this paradigm into their charts, which take direct inspiration from the worldview of the indigenous communities. For more critical information about this issue see Walsh (2010) and Radcliffe (2012).

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3 territories, norms, ideas and culture (Porto de Oliveira and Osorio Gonnet 2022), we
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5 acknowledge that policy transfer phenomena are also influenced by their specific *time*
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7 *dimension*, in turn characterised by a specific *sequence* and *timing* (see Morais de Sá e Silva and
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9 Porto de Oliveira 2022 in this special issue; Porto de Oliveira and Osorio Gonnet 2022). More in
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11 detail, the *sequence* of events in time refers to the different steps that have characterised the
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13 consolidation of a more or less coherent policy framework in the analysed countries, while it is
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15 the combined *timing* of the domestic and global institutionalisation patterns that may contribute
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17 to generate a “critical juncture” and, in turn, to open a window for policy change (Mahoney
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19 2000; Collier and Collier 2015; Sorensen 2018).
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24 In our analysis we adopt a comparative methodological approach to explore how global
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26 policy processes and frameworks, when intersecting different domestic development paths, may
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28 lead to very differential policy outcomes (Robinson 2018). In doing so, we employ the concept
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30 of path dependence as “the causal relevance of preceding stages in a temporal sequence”
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32 (Pierson 2000: 252).² In particular we argue that, if former specific institutional configurations
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34 continue “to structure current possibilities and constraints” (Sorensen 2018: 617), as addressed
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36 by other authors in this special issue,³ to explore more in detail the implications of the *time*
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38 *dimension* of policy transfer can shed further light on the global public policy localisation. In
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40 other words, we argue that the global public policy localisation –which is a path-dependent
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42 process based on former institutional configurations (Omitted 2022)– is influenced by a specific
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44 combination of *sequence* and *timing*, with similar critical junctures that can lead to different
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46 outcomes. At the same time, we explain these differential outcomes paying particular attention to
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55 ² See also Mahoney (2000) and Gerard (2001).

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57 ³ See for instance the analysis carried out by Ilyassova-Schoenfeld (2022) of the educational policies in the Kazakh
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59 context in this Special Issue.
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3 the role played by the international agencies in the process (Samoff 2007; Happaerts and Van
4 Den Brande 2011; Stone 2012), as well as to the leveraging factors that determined the behaviour
5 of the domestic actors (Tosun and Leininger 2017; Horn and Grugel 2018; Forestier and Kim
6 2020).

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12 After this introduction, we present the methodology underpinning our work and detail its
13 theoretical framework further. Then we analyse the *policy transfer space* that framed the
14 localisation of global urban policy in Ecuador and Bolivia, with particular reference to four main
15 elements: (i) the *time dimension* and its relation with the *policy transfer space* is particularly
16 relevant to determine the outcome of policy transfer; (ii) the combination between *sequence* and
17 *timing* critically shapes the process through which global public policies are localised; (ii)
18 whereas the role of international agents is crucial in fostering the localisation of global public
19 policy, the differential approach brought forward by different types of agencies (for example,
20 bilateral cooperation agencies and global urban agencies) also contributes to shape domestic
21 localisation; (iv) the same is true when it comes to different leveraging factors (for example, the
22 application to national and international funds and the validation of existing urban development
23 priorities), which foster the localisation of global urban policy frameworks contributing at the
24 same time to shape the process and its outcomes. The main outcomes of the contribution are then
25 discussed, and the latter is rounded off by a number of concluding remarks, after which we argue
26 for the need of further comparative policy analysis focusing on the role of the *time dimension* in
27 policy localisation processes.

2. Methodology

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53 This paper is part of a wider research project funded by the xxxx and centred on the
54 comparative analysis of spatial governance and planning systems in Europe and beyond. Within
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3 the configuration of the spatial governance and planning systems (Janin Rivolin 2012; Berisha et
4 al. 2021), the global urban policy frameworks and their circulation play a crucial role in tailoring
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6 the strategic and regulatory spatial planning tools adopted at the domestic level, when they are
7
8 downloaded and localised through dedicated national urban policies and agendas.
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12 The analysis of how this occurs has been grounded on a qualitative research method
13 including a detailed literature review of the global urban policy frameworks promoted by the
14 United Nations and of the Ecuadorian and Bolivian relevant policy documents, combined with
15 the participant observations collected by one of the authors who previously worked as a
16 consultant for different international organisations, and a total of 30 semi-structured interviews
17 with relevant stakeholders who have been involved in the formulation of the Bolivian National
18 Urban Policy and of the Ecuadorian National Urban Agenda.
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28 More in detail, the first author of this paper has been involved in consultancy activities
29 both in Ecuador and Bolivia. She participated to the diagnostic phase and preliminary drafting of
30 the Bolivian National Urban Policy and, in Ecuador, she participated through the UNESCO
31 Chair on Intermediary Cities to the local implementation of the land-use management tools
32 introduced by the 2016 spatial planning law. This insider perspective, combined with the results
33 of the conducted research activities, has facilitated the access to information and to the
34 interviewees; however, being simultaneously the researcher and the object of research has raised
35 a number of challenges related to the lack of distance between them (Lapdat 2017; Whitney
36 2022). The risk to develop a biased point of view has been addressed through the interaction with
37 the second author of the paper, that did not take part to the mentioned policy processes, and
38 through the multiple feedbacks received from former colleagues and from the interviewees.
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54 Moreover, the information deriving from the interviews and the participant observation were also
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3 triangulated with the results of the analysis of relevant legislative and policy documents from the
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5 selected countries.
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8 The semi-structured interviews were conducted from 2019 to 2021 and involved relevant
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10 stakeholders from international organisations, national and local governments, academics and
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12 members of the civil society who were involved in the formulation of the Ecuadorian National
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14 Urban Agenda and the Bolivian National Urban Policy. The interviews focused on the role
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16 played by the different agents, the rationale and contents of both documents and their
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18 convergence with the global urban policy frameworks.
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22 Overall, the comparative methodological approach followed in the analysis is based on
23
24 the work of Robinson (2018), as it establishes a dialogue between two case studies in the attempt
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26 to trace peculiar, repeated patterns in the process of localisation of the global public policy. In
27
28 this sense, the comparative analysis is not only addressed at describing different situations and to
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30 trace similarities or differences between them, rather to understand a global phenomenon, that is
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32 the localisation of the global public policy and the implications of the *time dimension* in this
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34 process.
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39 3. Theoretical framework 40

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42 The proposed comparative analysis lays at the crossroad between spatial governance and
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44 planning systems (SGPSs) studies (Berisha et al. 2021) and studies focusing on policy transfer
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46 and policy mobilities (Pal 2014; Cotella et al. 2015; Montero and Baiocchi 2021; Porto de
47
48 Oliveira 2021). In particular, we understand SGPSs as path-dependent institutional technologies
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50 (Janin Rivolin 2012) that, in turn, constitute the framework within which global urban policy is
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52 localised. The peculiar characteristics of a SGPS –in terms of legislation, instruments, discourses
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54 and practices– exert an influence on how this process of localisation takes shape and on its
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3 outcomes, *de facto* constituting the *space* within which policy transfer –or more precisely in this
4 case global urban policy localisation– occurs.⁴
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8 In the policy transfer and policy mobilities literature, scholars have addressed the
9 circulation of urban policies from a comparative perspective, framing it as a “global-local
10 assembling process” (Temenos and McCann 2013) and displaying the role played by the
11 international organisations involved (Stone 2012). We devote particular attention to the global-
12 local tensions, being the result of the interplay between international organisations fostering the
13 global public policy (Samoff 2007; Happaerts and Van Den Brande 2011) and the local interests.
14 Within the domestic implementation of the SDGs, the already existing national priorities have
15 been displayed as a leveraging factor (Horn and Grugel 2018; Forestier and Kim 2020), as well
16 as the possibility to achieve international funds has been pointed out for being a stimulus towards
17 the global climate agenda localisation (Carrión et al. 2022).
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31 In the last decades, Latin American internal transfer dynamics have been in the limelight
32 (Jajamovich 2013; Porto de Oliveira and Pal 2018; Porto de Oliveira 2019; Jajamovich and
33 Delgadillo 2020), with a growing number of contributions shifting on Latin American countries
34 from been policy importers to becoming policy exporters (Porto de Oliveira et al. 2019). The
35 policy mobilities literature (McCann 2011; McCann and Ward, 2012, 2013; Peck and Theodore
36 2010), however, has mostly focused the attention on the travelling best urban practices (Silvestre
37 and Jajamovich 2021) and on the “narratives of urban success” (Montero 2020), while the
38 institutional configurations underpinning the transfer have been often disregarded (Montero and
39 Baiocchi 2021). When discussing the localisation of global public policy, and particularly of
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54 ⁴ Interestingly, this process follows similar logics of the process of Europeanisation in relation to policy fields in
55 which the European Union does not detain relevant competences, this being the case of spatial governance and
56 planning (Stead and Cotella 2011; Cotella 2020; Cotella and Dabrowski 2021).
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3 global climate change agendas, some academics have argued that the top-down “fast-paced
4 transfer” of these frameworks has led to “a bricolage of policy responses, practices, and solutions
5 that arise mainly from bureaucratic coercion or emulation of good practices” (Carrión et al.
6 2022: 15). Similarly, the landing of global urban development frameworks at domestic level has
7 been described as a path-dependent process fostered by the “pasteurised” (Peck and Theodore
8 2015) narratives brought forward by the “comfortable landscape of the SDGs” (Omitted 2022).
9 However, despite the increasing number of studies on the matter, an in-depth scrutiny on the
10 localisation of the global public policy has so far been limited (Porto de Oliveira 2022), and with
11 this analysis we aim to contribute to further enlarge and articulate this debate.
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24 In order to explore the institutional configurations underpinning the localisation of the
25 global public policy, we refer to the existing literature on path dependence and to its implications
26 in defining long-lasting policy choices and constraints (Pierson 2000; Sorensen 2018). This
27 stream of literature is extremely useful for our research because it opens interesting ways for
28 understanding the localisation the global urban policy. Within the study of path-dependent
29 dynamics, we refer to the concept of “critical juncture” (Mahoney 2000; Collier and Collier
30 2015; Sorensen 2018) as a specific confluence of phenomena that concur to the opening of a
31 policy window, that is a window that provide the opportunity for policy change. In relation to the
32 two case studies at stake, the confluent phenomena are the new institutional assets introduced by
33 the Ecuadorian and the Bolivian constitutions (respectively approved in 2008 and 2009) and the
34 global urban policy framework launched in 2016 with the approval of the NUA and the formerly
35 introduced SDG11.
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51 At the same time, we devote particular attention to the *time dimension* of policy transfer,
52 framed in terms of *sequence* and *timing* (Porto de Oliveira and Osorio Gonnet 2022), in other
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3 words the set of events that led to the consolidation of a specific institutional configuration in the
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5 selected countries and the combination of these specific domestic institutional configurations
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7 with external dynamics, which may lead to a “critical juncture” (Mahoney 2000; Collier and
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9 Collier 2015; Sorensen 2018), that is the opening (or not) of a window of opportunity.
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12 Drawing on the above, the next section addresses the analytical comparison of the
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14 Ecuadorian and the Bolivian National Urban Policy and Agenda by focusing on (i) the *time*
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16 *dimension* and its relationship with the *policy transfer space*; (ii) *sequence* and *timing*; (iii)
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18 international agents involved; and (iv) leveraging factors fostering the global urban policy
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20 localisation.
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23 24 25 4. Analytical comparison: the Ecuadorian National Urban Agenda and the 26 27 Bolivian National Urban policy 28

29 30 (i) *The role of time and its relationship with the policy transfer space* 31

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33 The Ecuadorian National Urban Agenda (*Agenda Hábitat Sostenible del Ecuador 2036*,
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35 Ministerio de Desarrollo Urbano y Vivienda 2020) and the Bolivian National Urban Policy
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37 (*Política Nacional de Desarrollo Integral de Ciudades*, Ministerio de Obras Públicas, Servicios
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39 y Vivienda 2020) were launched in October 2020 during the so-called Urban October.⁵ Both
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41 documents domestically implement the global urban policy introduced by the NUA and the 2030
42
43 Agenda for Sustainable Development –particularly its SDG11– and were developed through the
44
45 technical assistance and funding support provided by international organisations. The Ecuadorian
46
47 National Urban Agenda was funded by the *Deutsche Gesellschaft für Internationale*
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52 ⁵ “Urban October is an opportunity for everyone to be part of the conversation about the challenges and
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54 opportunities created by the fast rate of change in our cities and towns. Each October, everyone interested in
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56 sustainable urbanization from national and local governments to universities, NGOs and communities is encouraged
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58 to hold or participate in virtual or physical activities, events, and discussions”. <https://urbanoctober.unhabitat.org>
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60 [Accessed: 11/05/2021].

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3 *Zusammenarbeit* (GIZ)⁶ GmbH, which also provided the Ministry of Urban Development and
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5 Housing (MIDUVI) with the technical assistance for its development; while the Bolivian
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7 National Urban Policy development was funded by the Swedish cooperation aid and the
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9 technical assistance for its development was provided by UN-Habitat to the Bolivian Ministry of
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11 Public Works and Housing.
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15 Both documents included the participation of several stakeholders ranging from local
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17 governments to civil society organisations and NGOs, all of them driven by different aims in
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19 relation to their own activity. In both countries, the global urban policy localisation has been
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21 characterised by a specific *policy transfer space*. This has influenced the specific *time dimension*
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23 that had characterised the process in the two countries: a slower bottom-up process in Ecuador
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25 *versus* a quick-paced one in Bolivia. More in detail, the action of the different stakeholders has
26
27 been ruled by a specific *time*, which differed on the basis of their nature, priorities and
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29 capabilities. The citizens and the academia involved in both contexts aimed at a rather slow,
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31 bottom-up process to set-up a more participated document (which also meant accepting longer
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33 times for achieving one's goals), but only in the Ecuadorian case this approach has been
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35 effectively pursued. On the contrary, most of the Bolivian interviewees from the local
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37 governments and the civil society complained about the prevailing "consultative" nature of the
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39 process, to the detriment of more meaningful participatory instances in the formulation of the
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41 National Urban Policy, overall generating a general perception of the document as a pre-
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43 packaged product that has been sold to the citizens (personal communication, 14/06/2021). UN-
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45 Habitat seems to be highly interested in having a quick-paced global comparability of national
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55 ⁶ For broadening on the GIZ involvement in policy transfer processes see Osorio Gonnet's paper in this special issue
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57 focused on the travelling of Conditional Cash Transfer Programmes (CCTs) in Latin America (Osorio Gonnet
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59 2022).
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3 urban policies for monitoring the worldwide implementation of the SGDs (personal
4 communication, 14/06/2021), and consequently favours a quick-paced domestic implementation
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6 of pre-packaged frameworks, as for instance the National Urban Policy framework developed by
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8 the same agency in 2015 (UN-Habitat 2015) and followed by many countries in the World.
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14 (ii) *Sequence and timing in global urban policy localisation*
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17 The Ecuadorian and the Bolivian constitutions were respectively approved in 2008 and
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19 2009, introducing important changes in the national territorial organisation of the two countries
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21 (Ecuador: Vivanco Cruz and Cordero 2019; Bolivia: Cabrera 2011). Both constitutions are
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23 regarded at as progressive documents (Becker 2011; Larrea Maldonado 2011) due to their
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25 acknowledgment of human rights (see for instance the right to the city in Ecuador), as well as for
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27 the recognition of the “rights of nature” in Ecuador and the rights of the “mother earth” in
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29 Bolivia (Lalander 2014).
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33 The institutional changes brought forward by the two new charters occurred alongside the
34
35 NUA’s approval and the introduction of the “Urban SDG” (Barnett and Parnell 2016). The
36
37 *timing* with which the domestic institutional changes and the global urban policy took place
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39 generated a “critical juncture” (Mahoney 2000; Collier and Collier 2015; Sorensen 2018) that
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41 opened a window for policy change in both countries. However, this window of opportunity was
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43 combined to different *sequences* of events in the two countries under scrutiny, in turn leading to
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45 different process and policy outcomes. More in detail, whereas the Ecuadorean government has
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47 undertaken an incremental set of institutional reforms⁷ addressing the urban development policy
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49 framework and leading to the enactment of the first national spatial planning law in 2016 (the so-
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55 ⁷ See for instance the *Código Orgánico de Organización Territorial, Autonomía y Descentralización* (República del
56 Ecuador 2010a) and the *Código Orgánico de Planificación y Finanzas Públicas* (República del Ecuador 2010b).
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3 called LOOTUGS. Blanc 2022)⁸, in Bolivia this process has not yet occurred to any relevant
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5 extent (Blanc et al. 2022). When it comes to the domestic implementation of the global urban
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7 framework, it is worth highlighting that several urban labs were settled in Ecuador since the very
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9 beginning and *before* the National Urban Agenda was developed, in so doing contributing to
10
11 nourish it (personal communication, 27/04/2021). Conversely, in Bolivia, the involvement of
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13 local governments in the National Urban Policy process has started only recently, that is *after* the
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15 National Urban Policy has been adopted, with the work-in-progress setting-up of the local urban
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17 agendas in several cities of the country.
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21 It is the combination between *timing* and *sequence* that determined how the global urban
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23 policy has been localised. Whereas in Ecuador this has led to a process of incremental
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25 institutionalisation, the Bolivian context has been characterised by a “fast-track
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27 institutionalisation” (Whitney and López-García 2020) of the global urban policy, raising a
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29 higher degree of criticism from the civil society (Omitted 2022).
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35 *(iii) International agents: bilateral cooperation and global urban*
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37 *agencies*
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40 A third consideration concerns the nature and role of the international agents involved in
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42 the process. The interviewees from both countries agree upon the role that international agents
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44 have played in contributing to merge together many different positions, ranging from the real
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46 estate sector to opposite political parties. Both GIZ in Ecuador and UN-Habitat in Bolivia had a
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55 ⁸ To reinforce this argument, it is also worth mentioning that, in the same year, the Habitat III conference –where the
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57 NUA was approved– was held in Quito, displaying the high national commitment of the country towards the global
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59 urban policy.
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3 crucial role and, without the financial resources they have fielded, it would have been impossible
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5 to undertake such a process.
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8 However, the international agents have had different approaches to the process, in turn
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10 contributing to influence the outcome. UN-Habitat is a global urban agency, and its frameworks
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12 and methodologies are established by the headquarters and later implemented worldwide. This is
13
14 certainly useful because it allows the global comparability and the monitoring of urban policies
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16 and agendas, however it also limits the local leeway and the innovation that can result from the
17
18 latter (personal communication, 27/04/2021). On the contrary, GIZ is a cooperation agency
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20 which acts under a bilateral agreement with a supposed greater flexibility, tailoring its
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22 programmes on the basis of the local needs. Even if both the Bolivian National Urban Policy and
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24 the Ecuadorian National Urban Agenda came from a bilateral agreement, the difference was in
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26 the organisation responsible for managing the drafting process. In the Bolivian case, UN-Habitat
27
28 the organisation responsible for managing the drafting process. In the Bolivian case, UN-Habitat
29
30 managed the process and the Swedish cooperation played only a financing role. On the other
31
32 hand, in Ecuador, GIZ has both funded and directly managed the process. An interviewee who
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34 worked for both organisations commented that “at UN-Habitat they think to be God, they sell
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36 their fancy products but, in the end, they limit the local richness. The thinkers are based at the
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38 headquarters and the domestic officials are the implementers” (personal communication,
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40 27/04/2021).
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45 Finally, within the international agents involved, the role played by the individuals who
46
47 have been leading the Bolivian National Urban Policy and the Ecuadorian National Urban
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49 Agenda formulation, is certainly not a trivial issue. José Morales, former Undersecretary of
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51 Habitat and Human Settlements, managed for MIDUVI the Ecuadorian Country’s Document
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53 presented at the Habitat III conference, and later became the person in charge at GIZ for
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3 managing the National Urban Agenda. It is worth saying that an interviewee working for the
4 academia joked by saying that the National Urban Agenda “is the 5-year-old José Morales’ kid”
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6 (personal communication, 20/10/2020), by reckoning his crucial role. On the contrary, in the
7
8 Bolivian case the formulation process has been led by UN-Habitat foreign officials rather
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10 than national ones, and this could have been a further factor fostering the Bolivian “fast-track
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12 institutionalisation”.
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18 (iv) *Leveraging factors: applying for funds and legitimising existing*
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20 *domestic priorities*
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24 Even if at a first sight the localisation of the global public policy could be acknowledged
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26 as a top-down activity (Carrión et al. 2022) which recalls the same patterns of the NUA’s setting
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28 up (Kaika 2017), at the same time a number of leveraging factors exists, which foster the “race”
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30 of national and local governments towards its domestic localisation (Cartwright et al. 2018).
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32 Among the arguments in favour of the preparation of the Bolivian National Urban Policy and of
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34 the Ecuadorian National Urban Agenda, various interviewees underlined that the localisation of
35
36 the global urban policy would have facilitated local governments in their application to national
37
38 and international funds. As a matter of fact, a growing number of funds are interested in
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40 diversifying their products portfolio (personal communication, 11/06/2021) to encompass actions
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42 falling within the scope of the “comfortable landscape of the SDGs” (Omitted 2022), as the latter
43
44 is commonly understood as characterised by a good level of stability and a high level of
45
46 acceptance worldwide. It is significant to highlight that, in the Bolivian case, even some pension
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48 funds have declared their interest in investing in the National Urban Policy implementation, in
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50 other words to fund local urban interventions organised within the framework of the latter
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52 (personal communication, 11/06/2021).
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3 A second factor that has favoured the involvement of national and local governments in
4 the localisation of the global urban policy has been the will to legitimise existing domestic
5 development discourses and priorities. For instance, the former Bolivian National Development
6 Plan (Estado Plurinacional de Bolivia 2016) has been focused on the economic and industrial
7 development of the country framed under the *Vivir Bien* paradigm, with a marginal role of urban
8 development issues (Estado Plurinacional de Bolivia 2021a). Therefore, developing a National
9 Urban Policy was mainly seen as the possibility to achieve different development goals (as also
10 acknowledged by an interviewee from the Swedish cooperation aid, personal communication,
11 13/08/2021) and to legitimise national development priorities, within a broader governance set
12 up (Horn and Grugel 2018). This has been further supported by the recent inclusion of the
13 National Urban Policy among the expected results of the urban governance's strengthening
14 within the latest National Development Plan recently approved (goal 7.1) (Estado Plurinacional
15 de Bolivia 2021b). Similarly, in Ecuador the National Urban Agenda has allowed to
16 acknowledge existing national priority areas (Horn and Grugel 2018) and to legitimise already
17 enacted local land-use plans, based on principles brought forward by the global urban policy. It
18 is worth mentioning the cross-cutting green spaces management introduced in the city of Loja's
19 land-use plan and the integrated mobility approach implemented in the city of Cuenca's land-use
20 plan, which found their legitimisation through the NUA's local implementation, by illustrating
21 that the acknowledgement of already existing development priorities is one of the leveraging
22 factors that motivate domestic actors to commit to the localising of the global urban policy.
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50 5. Discussion

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53 The results of the study have shown how the analysis of the localisation of the global
54 urban policy can benefit from a number of theoretical insights developed in the context of the
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3 policy transfer and the policy mobilities debates, as well as within the literature focusing on path-
4 dependence. In particular, the analysed processes have showed how the involvement of different
5 agents entails a continuously changing *policy transfer space*, where the main activity and
6 purpose of the agents themselves is strongly interrelated to and influenced by the *time dimension*.
7
8 The launch of the Ecuadorian National Urban Agenda and of the Bolivian National Urban Policy
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10 in October 2020 during the so-called Urban October further illustrates the importance of the *time*
11
12 *dimension* for the localisation of the global public policy. This is particularly true in the Bolivian
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14 case, where the National Urban Policy, framed by the former Añez's government, had not yet
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16 reached the approval of the Arce's government but was eventually launched anyway in October
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18 2020. In this case, differently from the case of Ecuador, the fast-paced time expected for the
19
20 global urban policy localisation (and the one of the global urban agencies) had collided with the
21
22 slower time of citizens organisations, academia, and local governments, in turn influencing the
23
24 results of the process on the ground. More in general, the two cases show how the *time*
25
26 *dimension* contributed to shape the *policy transfer space*, and how the definition of the latter is
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28 intrinsically related to the former one, in a regime of continuous interaction and mutual
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30 influence.
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40 Bringing our considerations on the role of the *time dimension* further, the results of the
41 analysis allow us to argue that the localisation of global urban policy is shaped path-dependently
42 by the combination between the *timing* and the *sequence* that characterises the process (Pierson
43 2000; Mahoney 2000; Gerard 2001; Sorensen 2018). In particular, the concepts of 'critical
44 juncture' and "window of opportunity" (Mahoney 2000; Collier and Collier 2015; Sorensen
45 2018), have been useful to investigate more thoroughly the role of the *time dimension* in the
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47 global urban policy localisation. Both in Ecuador and Bolivia it is possible to reckon a "critical
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3 juncture” stemming from the confluence between the institutional reforms introduced by the new
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5 political charters and the global urban policy framework introduced by the NUA and the SDG11.
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7 However, despite having been interested by a similar *timing*, the differential *sequence* of events
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9 that have characterised the two processes have led the resulting windows of opportunity to
10
11 produce very different policy outcomes. In Ecuador, since 2008 there have been an incremental
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13 consolidation of a national urban development policy framework, with both the discourse and the
14
15 institutional outcomes (for example, the 2016 LOOTUGS) that have been composed into a
16
17 perfectly-fitting puzzle through a process of incremental institutionalisation. Conversely, in
18
19 Bolivia a fast-paced *sequence* of events emphasised by the setting up of local urban agendas in
20
21 local governments *after* the drafting of the National Urban Policy led to a “fast-track
22
23 institutionalisation” (Whitney and López-García 2020). The pace of the process was framed by
24
25 the specific type of international agents involved, with UN-Habitat that demonstrated to be more
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27 interested in the global comparability of NUPs rather than on the results of the latter in terms of
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29 local innovation.
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35 Finally, the collected evidence shows that the process of localisation of the global urban
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37 policy is also influenced by the commitment of the domestic actors, that in turn may depend on a
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39 number of leveraging factors. In the case studies under investigation, there have been the
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41 necessity of grounding already existing urban development paths on the global public policy, as
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43 a way towards legitimisation and for broadening the political consensus (Forestier and Kim
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45 2020) and, secondly, the availability of national and especially international funds drawing the
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47 attention of both local and national governments, whose ability to act frequently depends on
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49 external funds. This process resounds the growing tendency toward the so-called “urban
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51 solutionism” approach (Montero 2020), where the travel of “quick-fix” solutions from one
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3 context to another is favoured by the joint action of both international agents and domestic
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5 actors.
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9 6. Concluding remarks and future research perspectives

11 In this paper we have analysed the localisation of global urban policy in two Latin
12 American countries, in so doing contributing to partially fill an existing gap on the subject.
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14 Looking at the Ecuadorian National Urban Agenda and at the Bolivian National Urban Policy
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16 has allowed us to investigate thoroughly the role of the *time dimension* within the localisation
17
18 process. In our analysis we have shown that (i) the way the *time dimension* of policy transfer
19
20 relates to the *policy transfer space* is contributing to influence the outcomes of policy transfer;
21
22 (ii) the combination between *sequence* and *timing* determine the pace of the process through
23
24 which global public policy is localised; (iii) the role of international agents is fundamental in
25
26 fostering the global public policy localisation, however, the differential approach brought
27
28 forward by the bilateral cooperation agencies and the global urban agencies influence the
29
30 domestic institutionalisation; and (iv) the application to national and international funds and the
31
32 legitimisation of existing domestic development priorities constitute as many leveraging factors
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34 that foster the commitment of domestic actors to the localisation of the global public policy.
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41 Engaging with further comparative research on the localisation of the global urban policy
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43 in Latin America and beyond is certainly a promising research avenue and investigating more in
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45 detail the role of the *time dimension* in the process could lead to the definition of useful
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47 recommendations on how to achieve more effective results on the ground. This could inform the
48
49 action of both the policy and decision makers involved in the domestic localisation of these
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51 frameworks and of the staff of the international organisations involved. In turn, it could favour
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53 the activation of broader participatory processes that would limit the business brought forward
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3 by the global urban policy localisation and the risks of falling into an “urban solutionism”
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5 approach. Furthermore, analysing more in detail the influence of the global urban policy
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7 localisation within the domestic SGPSs and, *viceversa*, how the main element composing the
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9 latter exert an influence on the former would constitute an important advancement in the
10
11 comparative spatial planning literature focusing on how SGPSs evolves, according to what
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13 logics, and towards what directions.
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16 17 18 Disclosure statement

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20 No potential conflict of interest was reported by the authors.
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23 24 Acknowledgements

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