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Proyecto ENLACE del Caño Martín Peña (Martín Peña Channel ENLACE Project)

Region	Latin America and the Caribbean
Award Scheme	Dubai International Award
Start Year	2017
Sustainable Development Goals	Goal 11 - Make cities and human settlements inclusive, safe, resilient and sustainable

Summary

The Proyecto ENLACE del Caño Martín Peña (Martín Peña Channel ENLACE Project, hereinafter ENLACE Project) pursues the environmental rehabilitation of the Caño Martín Peña (CMP), a highly polluted tidal channel, and the comprehensive and equitable development of the eight communities along its margins, mainly informal settlements. These eight communities have been collectively designated as the CMP Special Planning District (District).

Background and Objective

CMP's eight communities are mostly informal settlements. 25,000 people live next to an environmentally-degraded, clogged tidal channel. Most lacked sanitary-sewer systems; over 3,000 structures discharged raw-sewage into the CMP; and 39% of the residents reported flooding. Approximately 2,000 families lacked land-titles and property rights to lands they'd inhabited for generations.

Actions and Implementation

In 2009 the sitting government passed Act 32-2009, which amended Act 489-2004 and stripped the CLT of the lands that had been transferred to its name. It returned the land to government agencies that were its previous owners and promoted the transfer of individual land titles. This allowed the promoters of Act 32-2009 to continue the patronage system that had been taking place for decades as a way of keeping power. On the other hand, it still made the CLT accountable for all the other responsibilities prescribed by Act 489-2004. The community mobilized to demand from the government the revocation of the act that snatched their lands away, once again opened the doors to real estate speculation and displacement, and along with it limited the possibilities of self-management, empowerment and participatory democracy. During the process, they received the support of practically all other sectors of society within the country. Once it became law, the community fought for the return of the lands to the CLT to continue the development planned for the communities of the CMP. The struggle was held within the political arena as well as in the judicial system, in order to attain the return of the land. Once again the communities obtained pro bono professional support that translated their claims for the return of the lands into legal terms. In 2013, the communities presented a bill they drafted to repeal Act 32-2009 and strengthen the CLT. For eight months the community carried out an intense education and lobbying campaign in Puerto Rico's Legislature and the sitting government to convince them the project, as the community designed it, was the most convenient for the communities, the capital city, and all of Puerto Rico. Finally, on August 14, 2013, Act 104-2013 was approved, repealing Act 32-2009 and returning the land to the communities through the CLT so that it could continue with its mission of urban rehabilitation and preparations for the dredging and canalization of the CMP alongside the ENLACE Corporation. The communities as well as the CLT were strengthened by this challenge. The communities obtained the support of all sectors in the country after presenting their challenge. They also strengthened Act 489-2004 by way of its amendment, minimizing the risk of facing the same type of policies again.

Outcomes and Impacts

Institutional and financial sustainability come from ENLACE Project's structure, composed of three partnering entities. The ENLACE Project Corporation, which is the public corporation in charge of implementing the District Plan, has a 20-year limited lifespan, which ends in 2029. The institutional design of the ENLACE Project allows that, in case public financing the Corporation receives from the central government is jeopardized or the Corporation disappears before its due time, the CLT and the G-8 can assume many of its tasks. Currently, 70% of the Corporation's operating funds come from governmental sources, and the rest come from grants and donations. The CLT, which is private and non-profit, gets income from commercial property leasing and grants. Leasing is a sustainable source because it does not depend on the government, and the CLT owns its lands in perpetuity. An



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effort is currently underway to design strategies to find alternate sources of financing the ENLACE Project, anticipating the precarious state of Puerto Rico's government current fiscal situation. The CLT and the ENLACE Corporation each have financial systems and maintain budget controls that require approval of every procurement transaction. The administrative functions are segregated, which guarantees healthy and clean administration of funds. The CLT and ENLACE Corporation each emit yearly reports, and financial statements independently audited. Cultural, and socioeconomic sustainability is preserved by keeping the community involved in governance structures. The ENLACE Corporation Board, and the CLT's Board of Trustees must have a majority of community residents, as required by Act 489-2004, and the CLT's General Regulations. The creation of official documents and legislation ensures preserving sustainability of the communities' vision; however, the main strategies for socioeconomic sustainability are organization and citizen participation processes, and the programs that ensure a strengthened community that can continue the work and complete if any processes remain unfinished.

Gender and Social Inclusivity

Academics have evaluated ENLACE Project aspects, writing Master's theses, systematizing some experiences to a limited extent. The UN-Habitat New Urban Agenda Inspiring Practices has begun a systematization process. The John F. Kennedy School of Government at Harvard University did a case study on the CLT, which is available for academic use. The CLT's adapted the North American community land trust model to an informal settlement to prevent gentrification and regularize tenure. This innovative, replicable model, and the instruments devised by Caño communities have the potential to help informal communities around the globe on their way out of poverty, and towards tenure security. ENLACE Project hosted a peer exchange for a diverse international group of housing issues professionals. The comprehensive approach and institutional framework of ENLACE, the CLT, and G-8 was noted by peer exchange participants, and it has inspired other Puerto Rican communities, which have implemented certain aspects. We've been invited to present the ENLACE Project and the CLT in Mexico, South Africa, Brazil, Spain, Peru, and the US. The Lincoln Institute of Land Policy will issue a report highlighting the CLT as a notable instrument. An international team is working on strategies to further the CLT's impact worldwide.

Innovative Initiative

Lessons learned include the importance of community organizing and leadership development processes that ensure effective community organization succession by integrating children and youth in decision making processes. For community participation to be effective, spaces for it must be created. It must be provoked, valuing community knowledge while stimulating dialogue with other sectors, managing but not avoiding conflicts. This implies respecting community decisions, even when they challenge professionals' or experts' positions. In the CLT's case, experience has allowed us to address its weaker points. Among the lessons learned during the process that allowed temporarily taking the lands from the community, we found the need for including very precise language in its enabling act that designates the CLT as a private entity with independent juridical personality, so it can be better protected from the government's ever-changing administrations. Within Puerto Rico's and the United States' constitutional framework, if the government decided to legislate again to take away the communities' lands, it would have to pay just compensation, which is an important deterrent. Managing a CLT born so large, but with operational and other initial constraints, including external threats that delayed its implementation, has been challenging. As the process of granting Surface Rights Deeds continues, the CLT has been adapting to challenges regarding the lack of documentation, or decision-making as to how to deal with certain cases. A way of avoiding some delays is keeping updated information collected from fieldwork that allows speeding up the authorization of Surface Rights. This allows focusing all efforts on the collection of documents from families that qualify for Surface Rights because they are owners of and reside in the structure, not absentee owners. Having a mechanized system for the collection of field data early in the process would have helped to advance all efforts.

Resources devoted to delivery

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Conclusion

Legislation has been instrumental in the development and protection of the ENLACE Project. Act 489-2004 was created through an unprecedented community lead process. The possibility of the dredging of the channel was at the beginning a top-down initiative. Through effective community participation, the communities transformed the dredging into the ENLACE Project, which includes the environmental rehabilitation of this tidal channel, and the social, economic, and urban transformation of its surrounding communities through participatory democracy processes and intersectoral alliances, while at the same time preventing gentrification, and created a law that will ensure the enforceability of their plan. The Comprehensive Development and Land Use Plan for the Caño Martín Peña Special Planning District, formally adopted by the PR Planning Board, also established enforceable public policy that will safeguard the communities' vision. Act 104-2013, which returned the CLT's lands, was another victory for the communities. When the communities' vision was put in jeopardy by top down legislation which threatened the CLT, the community once again relied on the strategy of grassroots created legislation that would protect their CLT. Act 489-2004 and Act 104-2013 established public policy that presents CMP community development, environmental restoration, and gentrification prevention as a national priority.