

# DEVELOPING CITIES



Guided tour by the residents of Caño Martín Peña, Puerto Rico, for an international group of urban experts invited by World Habitat after the CLT won the World Habitat Prize in 2016.

PIERRE ARNOLD © FEBRUARY 2017

## THE URBAN COMMONS

### Editorial

Once again, the *Villes en développement* newsletter is devoting an issue to the commons, a subject that has been studied a great deal in recent years. Indeed, we have already dealt with it in November 2016, with the theme of collaborative cities and commons (No. 104), and then in October 2019, in No. 112, devoted to the city from below. This subject holds out many hopes for innovation in response to the many urban challenges to which national governments are struggling to respond. At the same time, its understanding is not always effective. From common space or service to public space or service, or even from participatory to common, the subject covers different realities.

A new feature is that, in addition to the theme chosen, the bulletin opens its columns to the free speech of its partners. Thus, AFD, along with ADEME and the EIB, is dealing with the circular economy and its contribution to the ecological transition. It resonates with the common good, which is eminently linked to the preservation of natural resources.

The diversity of the articles in this issue testifies to the very broad field of commons, which we wanted to visit in all geographies. On housing, Claire Simonneau and Éric Denis list the key points raised by the implementation and vitality of commons. After his intervention at an ADP ApéroRex in 2021, Pierre Arnold, from *UrbaMonde*, presented the case of the *community land trust* in

Puerto Rico. The aim is to neutralise the value of land in order to prohibit speculation, which is responsible for poor housing.

Émilie Maehara of the FMDV spoke about another experience, that of the solidarity land organisations whose ambition is to respond to the housing crisis in Europe. Sylvain Saudo examines the possible evolution of a participatory project into a "common good" in Ouagadougou, through a partnership between public and private actors and the population. The sustainability of a public facility depends on shared governance. In the same vein, Marie-Jeanne Hautbois notes the difficulties governmental actors have in (re)getting to know the community schools in southern Haiti. The latter implement international development projects (World Bank) that compete with the initiatives of the inhabitants.

As a surveyor and geographer, Pierre Clergeot underlines the importance of the legal framework for the development of the commons, through the cadastre and its initiation in the early 19th century in France.

Beyond the alternative approach, the commons can only find a response in the long term if the national legal framework allows them and if they are linked to the cultures of the territories concerned. Shared management being a condition for their success, their acceptance by both parties, users and rulers, is necessary for them to emerge and endure.

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## RESIDENTIAL COMMONS, DOING AND LIVING TOGETHER

How can the commons approach applied to land be a lever for solving poor housing in the South? This is what Claire Simonneau, a teacher-researcher, and Éric Denis, a research director, have studied as part of a programme<sup>1</sup> led by the Géographie-cités joint research unit. The two urban geographers collaborated with specialists in the study areas.

**S**egular housing in the city is a fundamental right that remains inaccessible for a significant part of the population.

of city dwellers in the South. Poor housing is still too often a major problem, whether it is the risk of eviction, the precariousness of the housing or the building site, or the marginality of the inhabitants in terms of access to services and employment.

The price of land makes it impossible to produce decent and affordable housing for low-income families, whether for rent or for self-help. In addition, the rapid rise in the exchange and financial value of urban land is increasing the share of speculative acquisitions, especially in contexts of low financial inclusion and high inflation.

In the context of the rehabilitation of precarious neighbourhoods or the promotion of new housing developments, the pooling of land to produce housing on a local scale is a relevant lever. It helps to maintain a social mix in the city. By neutralising land value, it is possible to prevent exclusion by the market and land speculation, which is increasingly open to transnational capital.

Various solutions for the production of popular housing through the pooling of land support exist in Africa, Asia and Latin America.

and Latin America. From the mutual aid co-operatives in Uruguay to the Kenyan *community land trust* (CLT), their comparative study shows that these residential communities are extremely diverse and their results very uneven.



*Member of Covicofu, a cooperative of inhabitants by mutual aid in Montevideo*

### The challenge of scaling up and sustainability

Very few projects go beyond the experimental scale. The Voi CLT in Kenya, although recognised by UN-Habitat as a *best practice*, has never been replicated elsewhere in the country. What is more, in Voi itself, what was a success for the first resettled generation is now suffering from dereliction. Community governance structures are weakening and land ownership is disappearing because of the lack of a framework to ensure access to land.

In Uruguay, on the other hand, mutual aid co-operatives of residents are multiplying and enduring, generation after generation of residents. In Uruguay, on the other hand, co-operatives of residents by mutual aid are multiplying and enduring, from generation of residents to generation. There are now more than 600 of them, while the first ones are over 50 years old.

Between these two extremes, we could describe in many nuances the diffusion of the initial experiences beyond the first-time buyers, the maintenance as a tool for urban access and the modalities of dissolution of the common good. It is therefore possible to identify at least three principles which favour the initial success, the scaling up and the inclusive sustainability of land commons for popular housing.

### 1 - The appropriation of the model by resident collectives

Support from international cooperation or even national support for the implementation of a model that has proven itself elsewhere, such as the CLT, is not a sufficient condition to guarantee its success locally. This is even less the case for its dissemination beyond an initial experiment. Soil pooling must be 'appropriate' locally. For this to happen, it must respond to pre-existing ways of doing things together, whether they are popular, militant or traditional. For it is still necessary that the desire to do and

The idea of living together meets with the support of a collective that is sufficiently united to bear its values over time. In this sense, it is essential to rely on pre-existing shared values, whether these are powerful and long-standing cooperative and trade union movements, as in Uruguay, collective forms of organising agricultural work and sharing land use, as in Burkina Faso, or collective movements for land appropriation, as in Brazil.

## 2 - Strong support from public authorities

It is also essential (but not sufficient) that a favourable legislative framework emerges at the national level. It must be possible for residents' collectives and associations to assimilate it and to support them in setting up a legal structure that protects them. The authorities

also have a crucial role to play for the provision of land in the city centre or for the collective regularisation of the land in the case of the *in situ* rehabilitation of precarious neighbourhoods.

## 3 - A proper regulatory framework to be perpetuated

Many promising projects initiated with enthusiasm by the residents and their associative and institutional support are gradually dismantled. The common good is dissolved by the poorly supervised sale of individual properties over time. One can speak of transitional *commoning*, if dissolution was initially envisaged. But in most cases, nothing has been foreseen and this leads to speculative drift and/or deterioration of the common parts which are no longer managed. Anti-speculation provisions can be used to regulate resales and successions

*Cooperative housing: Mutual aid cooperatives house 2% of the population in Uruguay.*



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*The secondary town of Voi in Kenya is home to the only CLT on the African continent.*

in order to maintain the inclusive dimension of the residential commons. In this case, the collective will control the sale price of the housing and will retain ownership of the land in order to encourage the accession of new low-income residents.

### Limits and perspectives of residential commons

While residential commons represent an inclusive developmental ideal, in practice they can also be an instrument that denies residents access to the capital of their homes. In this case, they can be a brake on their economic integration in environments where only mortgages and the capture of land and property rents through resale can mobilise substantial financing.

The housing land commons as a solution for the integration of working-class families into the city must therefore

be part of a wider movement. It

This is the collective assumption, or takeover, of the costs of common goods, education and health. Without this, property cannot be freed from its exchange value and remains a key element in the economic security of families.

Moreover, doing things together is not self-evident in relation to the individual aspirations of city dwellers. This raises the question of imposing a model of communal living on the urban poor when the middle classes retain the right to value their housing capital. In this respect, transitional common areas in *in situ* rehabilitation processes can constitute an interesting median approach, allowing for the implementation of common residential management systems before resales are authorised.

Finally, the residential commons, while in theory allowing for the development of a share of rental housing, still remains a challenge.

It is less a proprietary model that is not very well adapted to taking into account the mobility of its members. In other words, it is a model that favours the installation and anchoring of modest populations in the city as close as possible to their needs, but it cannot do everything.

1 - This research was supported by AFD in the framework of its "A World in Common" strategy.

# THE MOUCHAA LANDS IN LEBANON: A SPECIAL STATUS

Based on custom, the *Mouchaa* lands in Lebanon are an example of a common property that has resisted over the centuries. The jurist Sébastien Lamy, author of a series of books on Lebanese law, describes the land framework in a historical perspective.

**A** In Lebanon, land owned by the State or municipalities and located in rural areas is above the average.

In France, the status of land is defined in the texts, in this case in the Code of Land Ownership, which is the only one that can be used by a group of people. Unlike the common areas in France, their status is defined in the texts, in this case in the Code of land ownership. The term *mouchaa* is the one used in everyday language. Legally, it is referred to as terres *métrouké murféké*. This can lead to some confusion (Kilzi, 2002). The term *mouchaa*, which means 'undivided', corresponds to a land status when understood in the sense of *metrouké murféké* land. On the other hand, the term *chouyouaa*, which means

The term "undivided ownership" is a real right in ordinary private property. *Mushaa* land, when understood in the sense of *metrouké murféké* land, refers to a special land tenure covering large areas in the middle of the country.

The organisation of these areas may vary from one *Mushaa* land to another. The organisation of these areas can vary from one *Mushaa* land to another. The rules are not codified in a uniform manner throughout the territory.

## A more or less extensive right of use

Article 7 of the Land Ownership Code states that *metrouké murféké* land is 'land which, belonging to the State, is subject to a right of use in favour of a community, the characteristics and extent of which are specified by local customs or administrative regulations'. The same article adds that these lands are "considered as private property of the municipalities if they are located within their perimeter".

Where *Mushaa* lands belong to the State, they are administered by a special committee whose members are appointed by decree. Where such land belongs to a municipality, it is administered by the municipal council.

A new paragraph was added in 2000 to Article 7 of the Land Ownership Code, according to which 'municipalities may only sell or dispose of the land referred to in the second paragraph by decree of the Council of Ministers on the basis of a proposal from the Ministry of Finance, the Ministry of Municipalities and the Ministry of Rural Affairs'.

## In search of the origins

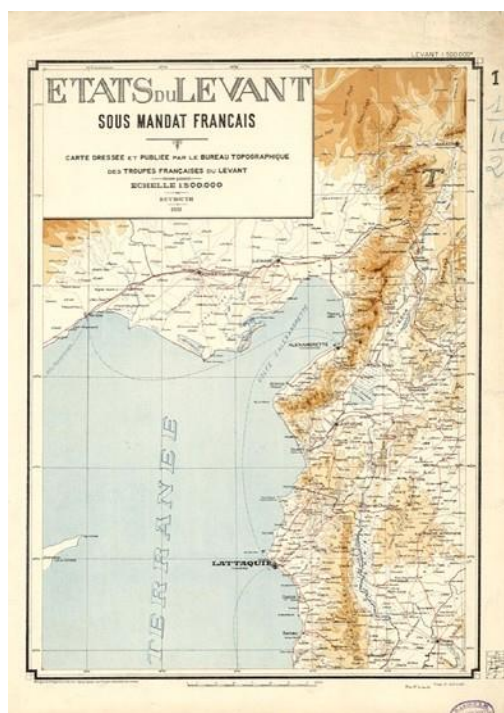
The question of the origins of the status of these lands has been the subject of several research works. It was first dealt with by Camille Duraffourd, head of the land registry service of the Levant States under the French mandate from 1926 to 1941, in a document entitled "Instruction sur le démembrement des terres 'Mouchaa' (en indivision collective)". The latter notes that "According to studies and surveys carried out to date and observations made in certain villages, the 'Mouchaa' lands must have once constituted a sort of domain

which was distributed each year among the inhabitants, in proportion to the number of households (...).

In this regard, he indicates that when a 'male indi-vidu' dies or leaves the village, his rights disappear and fall back into the community. Conversely, when a 'male individual' is born, he is included in the following year's distribution of land and his share is added to those of the other males in the same household. As regards the distribution of uses among the inhabitants, it appears from this document that for reasons of equity, sectors were delimited according to the nature of the land. Each household then received a fraction of the land. The distribution was periodic and each household could be regularly reallocated, every three or ten years, to other plots by drawing lots.

## Customs not recognised by the authorities

C. Duraffourd also points out that this type of tenure is the result of very old customs but was never recognised by the Ottomans and had therefore never been the subject of special legislation until then. This statement is contradicted by another author who notes that the term *metruke murfeke* appears officially in the texts of the 1858 land reform to designate one of the two categories of *metruke* land, 'left for public use' (Young, 1906). Article 5 of the 1858 Land Code stated that such lands were those 'which, like pastures, are left for the service of the general population of a commune'. In any case, Camille Duraffourd indicates that the Ottoman government tried to put an end to this towards the end of the 19th century during the general land census. This information is corroborated by other authors (Dubar and Nasr, 1976) according to whom 'towards the 1880s, on the occasion of the general census of properties, the *Mushaa* possessions were in principle stabilised and the





Agricultural land and view of the Bekaa Valley

SÉBASTIEN LAMY

Land titles were issued in which properties were delimited into *feddan* or *feddan shares*'.

In spite of this measure, the periodic distribution of Mouchaa land continued. But the creation of the cadastre in 1926, and the resulting land delimitations, had the effect of eliminating a certain number of them, although there are still some in the non-cadastrated sectors.

**Mouchaa, an archaic system?** Camille Duraffourd was clearly not in favour of maintaining the *mou- chaa* lands. He considered that this system was archaic and did not allow for economic and social progress, particularly in terms of agricultural yield. Despite the recognition of their status by the Land Ownership Code in 1930, he worked hard to have *mou- chaa* lands dismembered. This was the purpose of the above-mentioned 'Instruction'.

Thus, the large areas of land that were once agricultural in the coastal plain of southern Beirut, which were under the *mou- chaa* status at the time, gradually became mulk land subject to individual property rights (Clerc, 2008). However, some Mushaa lands have survived to the present day, mainly in rather remote areas, and are mostly in disuse. In the absence of official statistics, it is difficult to determine the exact number.

Ironically, at the same time that the status of Mushaa land was beginning to decline in Lebanon, kibbutz were being developed in Palestine, which was under British administration at the time, with a similar land tenure system based on the principle of undivided ownership with the allocation of private rights of use over agricultural land.

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# SOLIDARITY LAND, A RESPONSE TO THE HOUSING CRISIS IN EUROPE

The European Interreg programme - *Sustainable Housing for Inclusive and Cohesive Cities*<sup>1</sup> - came to an end at the end of 2021. Winner of the prestigious *Regiostars Awards 2020*, it aimed to accompany the rise of CLTs through capitalisation, support for pilot projects, reflection on financing and the establishment of a European network.

Emilie Maehara, Deputy Executive Director of the Global Fund for Cities Development (GFCD), which co-lead this programme with other organisations in Europe<sup>3</sup>, presents the support and funding mechanism for the programme.

development of *community land trusts* (CLTs) - or *solidarity land organisations* (SLOs) - in EU countries.

Since the 2000s, there has been a strong and continuous increase in housing prices in Europe, in particular in dense urban centres. In OECD countries, one third of tenants spend more than 40% of their income on housing<sup>4</sup>. The European institutions recognise that the objectives of combating the financialisation of the housing market and ensuring access to affordable housing for the low and middle classes are major challenges. Added to this are the growing priorities to reduce greenhouse gas emissions in the construction sector, which alone accounts for almost 40% of emissions in Europe.

CLTs are thus gaining increasing international recognition<sup>5</sup> as they are deployed

in several countries as a model for addressing these issues<sup>6</sup>. It is estimated that there are currently 170 CLT/OFS organisations in Europe. Current projects are planning to build between 1,500 and 1,700 dwellings per year<sup>7</sup>. France and Belgium are the countries with the most advanced legal and financing frameworks for CLTs.

In France, the Alur (2014) and "Growth and Equality of Economic Opportunities" (2015) laws introduced the SFO and the real solidarity lease, which aim to create a sustainable stock of social homeownership housing that is financially affordable over the long term for eligible low-income households.

The Banque des territoires offers the *Gaïa* long-term loan to finance the acquisition of land by SFOs. The French SFOs are developing housing for home ownership, rather targeted at the middle classes. The national objective of creating new housing based on the solidarity lease model is set at 20,000 by 2024<sup>8</sup>. As for the Brussels Capital Region, it has recently granted a preferential VAT rate of 6% against 21% to CLT projects.



Calico, intergenerational grouped housing, in Forest. 37 dwellings, premises, communal spaces and garden.

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## Various forms of common goods for a more inclusive and resilient model

CLTs, which originated in the United States in the 1960s, are local, democratic, non-profit organisations whose mission is to produce and manage affordable housing. Developed by local authorities or organisations, the purpose of CLTs is to separate the price of the building from the price of the land - a discount of 20-50% from open market prices - in order to maintain the affordability of housing.

They take various forms. However, the model necessarily relies on public funding, particularly at the time of land acquisition. The housing built is then made available either through rental or social home ownership. In France, for example, the tenant household occupies the property as its main residence and owns the real estate rights which it can resell, give away or pass on by inheritance. When the land is used for a social rental operation, the lessor undertakes to rent the property under the terms of a lease.

resource and rent ceilings. It should be noted that the CLT model is not originally focused on home-ownership, it promotes various tenures (rental, co-operative, part-ownership...) but the models that are most supported by the public authorities are a priori those oriented towards home-ownership (e.g. SFO).

CLTs aim to develop community living, social, intergenerational and functional diversity. The majority of them target households from ethnic minorities and vulnerable populations - for example, disabled or elderly people.

[CLT Brussels](#) has set up Calico<sup>8</sup>, which includes a birth and death centre and flats for large families, with an intergenerational, neighbourhood and gender-sensitive approach. Other projects managed by CLT Brussels integrate local social and solidarity economy activities, such as bakeries, cooperative markets or community spaces.

# THE CADASTRE AND THE COMMON

## Interview with Pierre Clergeot

As a specialist in land registration, its constitution and its evolution throughout history, Pierre Clergeot gives us the benefit of his dual competence as a geographer and as a surveyor. Here he weaves the link between the regulatory framework and the collective dynamic, where public, private and common interests intersect.

### How did you become interested in the commons?

I am giving you a personal account; my background and my family heritage have naturally brought me to the subject of the commons. I come from a former open field land with communal constraints, on the border between Champagne and Burgundy. And in my country, we used to talk about common property territories, often confusing common property with communal property. I am a geographer by training and I have not worked systematically on international issues. But my teaching role has led me to deal with the question of the commons with my foreign students.

### The commons, that is?

The commons are very different in different regions. They can only be considered in the analysis of an economic system. They are part of a space (a parish that has become a commune or a section of a commune) and a time, sometimes several centuries.

In France, the recognition and inventory of common landholdings was carried out for the whole of the metropolitan territory when the old (Napoleonic) cadastre was established. Originally conceived as a tool of fiscal justice to better distribute taxes among landowners in the same commune, this cadastre was also intended to simplify the administrative and geographical organisation of the communal area by prohibiting

In some cases, land common to the inhabitants of a parish became communal land, the use of which was usually retained by them until it was divided. In other cases, land that was common only to a portion of the inhabitants of a commune who wished to retain exclusive use of it was combined with private property by the tax authorities. These inhabitants were responsible for paying the taxes and managing the property. This common property then becomes commune sectional property. In the first case, the common property is a form of private property of the public entity, the commune, and in the second case, a form of collective private property of a part of its inhabitants.

### Will the commons disappear?

The commons have been challenged throughout history. The French Revolution sought to divide up communal land, based on the principle that all property should be subject to taxation. The extension of private property was to serve the improvement of agricultural productivity. In the end, the local bourgeoisie appropriated the land, often at the expense of the poorer inhabitants, despite sometimes strong resistance. When money takes over, common things are harder to keep...

The terms "common use", "constraints

inter-municipal enclaves.

Community", ...

Continued on page 8 >



The revival of collective spaces: here, shared gardens at the foot of a railway embankment. MD



Portrait of CLT residents © CLT Brussels

### Challenges and opportunities for CLTs

While the model is attracting a lot of interest and other collaborative housing initiatives have adopted similar modes of operation, notably in Switzerland, Spain, Italy, Central and South-Eastern Europe, CLTs face significant challenges: unsuitable legal and financial environments; difficulties in financing the land; difficulties in publicising the model; lack of technical capacity, etc.

The European CLT network is continuing its discussions with a view to enlargement, structural and financial strengthening and increased recognition of the model. One of the aims will be to provide CLTs with their own financial instruments, in particular through the implementation of advocacy campaigns at national and European level.

1. <https://www.nweurope.eu/projects/project-search/shicc-sustainable-housing-for-inclusive-and-cohesive-cities/>
2. [https://fmdv.net/Actualites/Actualite\\_1575](https://fmdv.net/Actualites/Actualite_1575)
3. And The People (Netherlands), CLT Brussels (Belgium), CLT Gent (Belgium), CLT London (UK), Dynamo Coop (Belgium), Fair Ground Brussels (Belgium), Independent consultant at IMHAB Barcelona (Spain), SHOSCH (Scotland), SOA Research (Ireland), Solida'go (Belgium), Stiftung Trias (Germany), Ville de Lille (France).
4. OECD, Affordable Housing Database: <https://www.oecd.org/housing/data/affordable-housing-database/>
5. New Urban Agenda, Habitat III Conference 2016 - art. 107 and 137: <https://www.habitat3.org/wp-content/uploads/NUA-English.pdf>; European Urban Agenda 2018 > Affordable Housing Good Practices Database: <https://tinyurl.com/4h2n68y8> and Brochure of policy guidelines: <https://tinyurl.com/yckzmy8u>
6. CLTs have been recognised by law in the United Kingdom (Housing and Regeneration Act, 2008), Belgium (Brussels Capital Region, Housing Code, 2013) and France (Alur Act, 2014). More informal initiatives can be found in the Netherlands, Ireland, Germany, Scotland, but also in Italy, Spain and Eastern Europe.
7. According to data collected by the GFCD in the framework of a feasibility study developed to explore the establishment of a CLT-specific financing instrument in Europe.
8. <https://www.cltb.be/calico/>

# THE CIRCULAR ECONOMY AS A MODEL FOR ECOLOGICAL TRANSITION

In the framework of partnerships, ADP Villes en Développement opens its newsletter to the French Development Agency. AFD publishes below a text co-authored by Hassan Mouatadid, the deputy head of its Urban Development, Housing and Planning Division, with Jonas Byström, Senior Engineer in the Circular Economy Division of the European Investment Bank (EIB) and Philippe Masset, Director of Europe and International of ADEME, the French Agency for Ecological Transition.

**F**In view of the scarcity of natural resources and the need for ecological transition, the concept of eco-Circular economy is progressively gaining ground. This is becoming a new development model that breaks with the traditional linear model of "extract, manufacture, consume, throw away", in favour of a loop logic. The objective is to aim for a sober and efficient management of resources to limit environmental impacts.



## The circular economy, a necessity

In 2020, a report by the *International Resource Panel (IRP)*<sup>1</sup> predicted that demand for natural resources (excluding water) would gradually decrease by 2060 to 19 t/inhab/yr. Most of the increase would be in materials

and industrial materials. In view of this, a change of model seems indispensable.

The United Nations Environment Programme (UNEP) stated in 2011 that a sustainable linear system requires a framework for individual consumption at

3 - 6 t/capita/year by 2060, which seems economically unimaginable. The UN therefore called for more work to be done on 'resource efficiency'. The extraction and processing of materials and fuels account for 53% of the greenhouse gases (GHG) emitted in the world.

## > Continued from page 7

In this way, "common easements" have gradually disappeared. Gradually reduced to the sole notion of property, the meaning of the word "common" has been impoverished. But we must look at things in the long term.

While on the one hand we are witnessing a financialisation of land and a division-disappearance of common goods, collective spaces are being reborn. Look, for example, at shared gardens or the creation of participatory housing. Who owns them? Who manages them? Biodiversity issues (trees, green spaces, water) and participatory processes influence the reclaiming of space in terms of use. They question the notion of common interest. It is necessary to conceptualise the different systems of organisation of the space in order to recreate the commons.

## Any examples to illustrate your point?

In rural areas, land has gradually been enclosed to prevent the passage of cattle and grazing. Can you imagine banning rights of way in a Sahelian oasis? In urban areas it is worse, it is the right of way that structures the cities!

In Lorraine, for example, villages are characterised by continuous built-up fronts on fairly wide central streets. Each farm used part of the pavement space adjoining the houses for various agricultural activities, in particular the storage of firewood, manure piles and the parking of equipment. The cadastral administrative authorities of the early 19th century classified some of these spaces as private, unenclosed yards attached to agricultural holdings. The changes in use linked to the transformation of production systems then led the inhabitants to question the future of these wide pavements. Do they belong to a private space, a communal public space or to the common areas linked to the inhabitants of a street, for example? One does not exclude the other.

The status of ownership of these spaces evokes and shows that nothing is ever set in stone. Take again the example of parking in the streets, of cafés taking over spaces, of the reduction in the number of cars in the city, let us expect surprises. Let us remember that the boundaries between public/private/common spaces

are often unclear and change over the course of history.

## Any advice for us space practitioners?

The raison d'être of the commons can only be justified in an overall context, following an anthropological reading of space-time. In the course of my professional life, I have developed the concept of PUG (property, use, management). It is the key to understanding a space in evolution or reorganisation. The PUG could become a type of cadastre that would take into account, at the parcel level, the history of properties, uses and management methods through the prism of a political, sociological and ecological approach to the land corresponding to the evolving reality of land tenure within each community. It can facilitate the emergence and creation of new common goods by reorganising territories and including new uses. The greening of urban spaces provides a good example, admittedly modest but significant and hopeful for the inhabitants.

Interview by Pierre Renault







world. Experts say that the growing demand for raw materials by 2060 will contribute to a 43% increase in GHG emissions<sup>3</sup>. Resource extraction and processing is also responsible for 90% of the world's biodiversity and water losses.

If the European Union defines the **circular economy** as "a production and consumption model that consists of sharing, reusing, repairing, renovating and recycling existing products and materials for as long as possible so that they retain their value"<sup>4</sup>, ADEME specifies that its application contributes to "reducing the impact on the environment, while developing the well-being of individuals"<sup>5</sup>. The agency distinguishes seven pillars of action grouped into three areas, where the whole forms a cycle, and each step leads to the next<sup>6</sup>.

**Sustainable sourcing** emphasises the producers' duty to look at the materials they use. For example, the digital application Phenix combats food waste by reselling unsold goods.

**Ecodesign** means proposing products, services or processes, taking into account their impact, from their creation to their elimination. For example, CINE manufactures a household cleaner that contains fewer ecotoxic substances and is more biodegradable.

**Industrial and territorial ecology** creates chains of interdependence between economic production entities to optimise resource flows. For example, the "eco-network" of Biotop companies and 162 other public and private partners pool their needs and their waste, in particular by recovering PVC scraps or coffee bags or by reusing big bags.

**The functionality economy** promotes the sale of a service or the rental of a maintained product rather than the sale of a product as such. In this way, the customer can benefit from an asset without owning it. For example, Forézienne MFLS manufactures cutting tools for mechanical woodworking and rents and maintains its equipment. In order to be economically viable, the service life of the equipment has been increased by 20%.

**Responsible consumption** commits each individual to make consumption choices by integrating the life cycle of goods and services. For example, assessing and comparing labels and



The main principles are to use products with a longer lifespan, even if they are more expensive.

**Extending the useful life of items** encourages them to be repaired, donated or sold instead of being thrown away. For example, Envie recovers paramedical equipment to repair it and give it away or sell it at a low price to people in difficulty.

**Recycling** should only take place on the non-reusable part of the material. Although this is the pillar most often considered, it should be the last link in the chain to optimise the impacts of the circular model

**The circular economy and the sustainable city** The circular economy appears in several respects to be a relevant and coherent approach to the challenges of the "sustainable city". It is at the heart of the urban development intervention strategy of international financial institutions, including the AFD and the EIB. The circular economy is an essential response to the significant growth in global resource consumption, 70% of which is consumed in and by cities. Moreover, cities can be the cradle for the development of circular models. By 2030, 60% of the world's population will live in cities. And increasing urbanisation should facilitate the development of these models.

Thus, the circular economy plays a new role in waste management and recycling, by seeking resource efficiency: extending the life of products, giving them a second life, optimising the use of raw materials, etc. This approach makes it possible to limit the production

The aim is to optimise waste management, which is a major burden on the budgets of local authorities, particularly in developing countries.

### Drivers of change

The challenges and factors involved in implementing a circular economy are technical, political, economic, sociological and human. The sociological and human factors are the most complex to activate. They require the imagination of different habits without the consumer or producer seeing this as a regression. It is much more a question of accepting individual limitations in favour of a collective, of redefining one's needs, of adapting one's consumption accordingly and of no longer linking consumption and ownership.

This complex paradigm requires a rethinking of the ways of doing, producing and acting at several levels in favour of the environmental, economic and social commons. The common values are thus destined to evolve and this implies major changes in the world of work. Accompanying change and raising the awareness of decision-makers, producers, sellers and consumers is therefore becoming a key element in the approach to this new framework.

1- IPCC equivalent for raw materials

<https://www.resourcepanel.org/>

2- 80 billion tonnes in 2015 to 180/190 billion tonnes in 2060, and from 12 t/inhab/yr to 19 t/inhab/yr

3- World Resources Outlook, UN Environment, 2019

4- Circular economy: definition, importance and benefits | News | European Parliament (europa.eu)

5- Circular economy - Sustainable consumption - ADEME

6- <https://www.ademe.fr/expertises/economie-circulaire>



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Bigarade School, Grand'Anse, Haiti

## COMMUNITY SCHOOLS IN THE FACE OF STATE DYSFUNCTION

Marie-Jeanne Hautbois is responsible for the Swiss HEKS foundation in Haiti. She presents the mobilisation of actors that has made it possible to create community schools in a relegated region of the country. But she also points out the difficult cohabitation of these local communities with international development aid programmes.

**A** In Haiti, legally, everyone must have access to "quality education" (1987 constitution).

In the extreme south-west of the country, the Grand'Anse department is characterised by its rural environment, with a rugged terrain, which makes access and communication more difficult. The development of this territory and its infrastructure remains sparse and reduced, particularly in terms of education services.

On the initiative of the local population, community school projects have been set up to provide education for children in these remote areas. HEKS provided technical and financial support for the construction of the buildings as well as in-depth support for the socio-organisational structuring of the community approach.

This enabled parents to form an association. An executive committee per school was elected and operated with members trained in their role and duties.

responsibilities.

Income-generating activities from local production have been developed within these associations. This income has made it possible to manage their respective community schools independently. The state does not intervene; each parents' association owns and is responsible for the management of its school, including the premises and the teachers.

Before the start of the school year, the annual budget of the community school is carefully prepared, forecasting potential income and expected expenditure. It is validated at the general assembly. Although limited in terms of resources, the initiative works on a certain number of sites, where the will is sufficient and encouraged by the support of the whole group.

The peasant communities in charge of these community schools are committed to the optimal functioning of their self-management, which gives them a dignity that is difficult to cultivate in the fragile context of Haiti.

### The ministerial programme

At the same time, with a view to developing access to education, the Haitian authorities in charge of this field are partners of the World Bank. Various programmes have been developed in this context, including the Programme for Quality Education in Haiti (PEQH). With several million dollars in funds managed by a dedicated department of the Ministry of National Education and Vocational Training, specifically for international partnerships, the PEQH has several components:

- improving institutional capacity and governance (both at local and national levels);
- supporting access to quality public education;
- support for access to quality non-public primary education;
- monitoring, management and evaluation.

The implementation of the HQP on the ground has severely undermined the sustainability of

structures that were at the heart of community school projects.

Indeed, the local referent of the PEQH is approaching community school directors to join the programme, arguing that they will no longer have to pay the teachers themselves. The basic principle of the HQEP is that parents do not have to pay for their children's education, as the HQEP takes care of everything, with an annual fee of US\$140 per student. An ad hoc committee is set up for each target school and a contract is signed, including with the school principal.

However, in the cases reported, the community school is the responsibility of the parents' association of which none of the eight schools enrolled was ever considered or informed by the PEQH officers.

#### **A lack of consideration**

As there was a possibility of a misunderstanding, contacts were made with the relevant authorities, both at the Ministry of Education and at

the World Bank's to describe in detail the existence and functionality of community entities. Without result... These parents' associations could not be taken into consideration. And the contract signed with each director of these schools was not shared with them, despite several requests to do so. With the lucrative financial spiral set in motion (with the \$140 per student enrolled), actions were taken by the PEQH partners. These were aimed at increasing the enrolment of the schools included in the programme to a significant extent.

The HQEP has had the effect of emptying other surrounding community schools, which have become unviable due to insufficient parental contributions. Particular attention was paid to the location of schools and the establishment of dedicated parent associations to ensure that every pupil had access to a local facility. Today, the children who will be joining the schools included in the PEQH have to walk a long way to get to class.

Even though the HQEP is naturally intended to be exemplary in principle, opacity prevails and parents have no visibility of the resources made available to their school, nor of their concrete use. End-of-year examinations are not standardised, which does not allow for a qualitative measurement. Finally, no one knows whether educational quality is really improving.

What we wanted to point out here, and which we consider serious and damaging, is the easy construction of a common ground. These community schools are an alternative response to the state's deficit and were set up with a view to sustainability, in contrast to those that did not join the PEQH.

But the alternative feature, not "The 'recognised' approach includes its weaknesses. A large national (internationally funded) time-bound programme (and locally translated into mere subsidies) has undermined community-based initiatives to provide outreach and manage sustainable access to education.

Guillotte School, Grand'Anse, Haiti

MJ HAUTOIS



# PORTO RICO CLT: REGULARISE WITHOUT MOVING

Based on the testimonies of inhabitants and field visits, Pierre Arnold, urban planner and project manager at *UrbaMonde France*, presents the genesis of the *community land trust* of Caño Martín Peña, in Puerto Rico. He describes the advantages of the approach in an informal urban context.

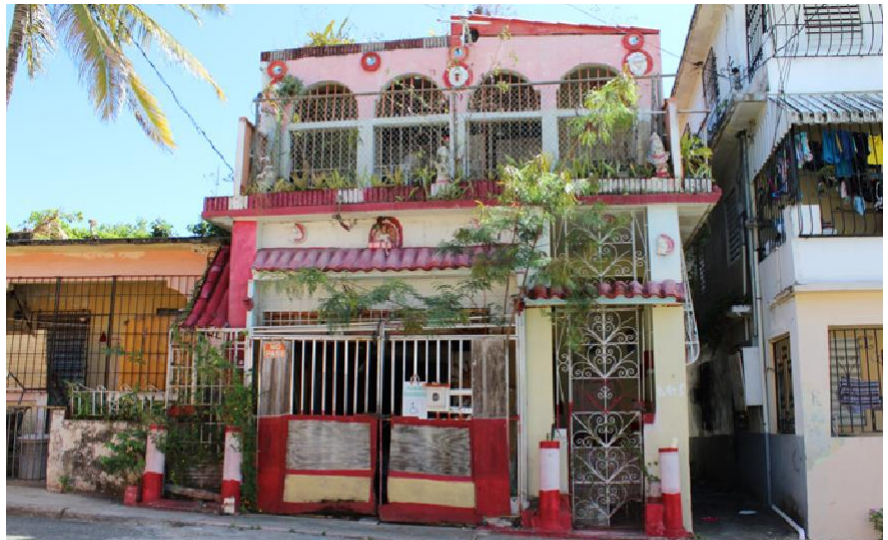
The people who have settled since the 1930s around the *Caño Martín Peña* (CMP) river in what is now a central area of San Juan, the Puerto Rican capital, know all too well the risks associated with individual land titling. Over the decades, mayors and governors have carried out land regularisation programmes for electoral purposes. And the inhabitants were quickly displaced to the peripheries by the logic of the market. Thinking they were getting a good deal, they gave in to pressure from property developers to sell. But with the small gains they made, they were only able to buy houses in peri-urban areas or other localities on the island, far from their previous ties and living areas. Located next to the "Milla de Oro" business centre, the neighbourhoods around the CMP have a

The value of the land is very high once it is transformed from an irrevocably occupied public land to a private building plot.

Today, the regularisation process is underway. Eventually, around 1,500 households will receive a title to their plots, the ownership of which has been transferred from the public domain to the *Caño Martín Peña community land trust*. The CLT-CMP was created to maintain permanent ownership of the land and to ensure that the transactions of the surface rights are carried out with a limited increase in value and for land uses that do not harm the communities that have been settled there for generations. The residents of the seven neighbourhoods around *Caño Martín Peña* chose this method of land management rather than individual titles or residents' cooperatives in a long participatory planning-action process.

## Drainage of the *Caño* River at the origin of the project

The origin of this unique CLT dates back to 2001, when the Puerto Rico Government's Roads and Trans- ports Authority had the ambition to drain and make navigable the *Caño* River in order to connect the airport and the tourist areas by water. This channel is impassable because it has been reclaimed over the decades to expand the living space of the surrounding areas.



Consolidated houses near the river in the *Caño Martín Peña* Special Planning District. PIERRE ARNOLD, FEBRUARY 2017

it is also highly contaminated due to the lack of sewage systems in these neighbourhoods, which are flooded by the overflowing *Caño* every time it rains. This engineering project was going to lead to the relocation of hundreds of families living on the banks of the channel. The recent law on participation and empowerment of poor inhabitants (law 1, of 1 March 2001) encouraged all public entities to co-construct urban projects affecting these populations. A chief urban planner was hired by the competent authority to take charge of the project to improve the area in the CMP special planning district (DPS-CMP), which includes seven neighbourhoods (around 27,000 inhabitants).

## Vigilant residents

From the very first meetings in the neighbourhoods concerned, the residents expressed their vigilance with regard to the risks of displacement caused by the rehousing and land regularisation. Over the next two years, nearly 700 'planning-action-reflection' activities were carried out in the area by the project team, accompanied by academics, community organisations and, of course, neighbourhood actors and residents.

This process of "empathy" enabled them to understand the benefits and risks of the scenarios and to build

their common vision for the area. They spoke out for the drainage of the *Caño* and the improvement of the neighbourhood's infrastructure, for rehousing within the neighbourhood, for securing the land but against gentrification. In addition, they participated in the drafting of the DPS-CMP internal development and land use plan, approved by the Governor of Puerto Rico in 2007. This multi-stakeholder collaboration around a common cause and the rise of the residents' com- petence led to the adoption of Puerto Rico Act 489-2004, which establishes a public corporation (named ENLACE) to implement the development plan. The law also creates the CLT. Its purpose is: to ensure security of tenure for the occupants; to guarantee that families, especially the most vulnerable, will not be displaced; to ensure permanently affordable housing in the area; and to facilitate the rehousing of families living on the land to be returned to the channel.

## Shared governance

The governance of the CLT involves the state, municipality, community and residents. During the participatory process, the G-8 was consolidated, a group of representatives of community organisations that today includes 120 community leaders (40% of whom are young lea- ders aged 14 to 25). The G-8 is represented by

both in the governance of ENLACE and the CLT.

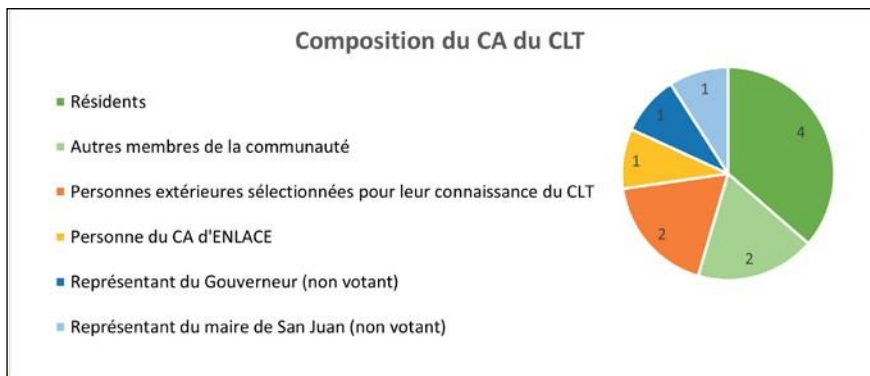
The CLT's general regulations, designed by ENLACE with community representatives and approved in 2008, provide for 11 seats on the CLT board. See the composition in the diagram opposite).

### Multiple learning

The fact that the community has been given the means to co-construct the way land is managed on their territory, through the creation of the G-8, ENLACE and the CLT-CMP, means that residents are fully involved in the management of this complex project (neighbourhood improvement, demolition-relocation, land regularisation). They have become partners of the authorities, instead of resisting an imposed project. In addition to these bodies, the community is very active in many initiatives: community councils, literacy for adult and migrant residents, a neighbourhood university, youth leadership, actions against violence and discrimination, shared gardens, sports clubs, micro-enterprises, etc. The community has shown great capacity for self-management and resilience after Hurricane Maria and since the beginning of COVID-19 (urbaWorld, 2020).

\* Based on the accounts of people involved in the emergence of the CLT-CMP available in Spanish (Hernández-Torrales, et al., 2020a) and English (Hernández-Torrales, et al., 2020b) as well as field visits and interviews conducted by urbaMonde.

G-8 community leader with a resident whose home overlooks the Caño Martín Peña canal. - PIERRE ARNOLD, FEBRUARY 2017



### To go further

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# THE URBAN NURSERY OF OUAGADOUGOU, A FACTORY OF COMMONS

How can we develop sustainably for the benefit of the inhabitants in a metropolis with exponential development and scarce resources? Speaking in Ouagadougou, Sylvain Saudo, an urban planning engineer, demonstrates, during an international urban planning workshop, the strength of the collective mobilisation of the inhabitants and their ingenuity in order to succeed in a development project.



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A reading workshop of the micro-project "Yaang Ma" led by the association L'ensemble artistique et culturel Wakat at the Tampouy media library. December 2020.

**C** like many other sub-Saharan African cities of similar status, Ouagadougou is experiencing a This rapid demographic and spatial growth has made it difficult for the public administration to provide basic public facilities and services in many areas. Faced with this rapid demographic and spatial growth, the public administration is struggling to provide basic public facilities and services in many areas. Moreover, these areas are often home to the most precarious populations. Admittedly, the sustained pace of this growth makes it difficult for public action to catch up rather than to anticipate. But two more structural reasons seem to us to be at fault in this inability to deploy a local service offer. The first difficulty relates to the fact that there is still little fluidity between the many decision-makers and actors in local public action. At the macro level, the decentralisation process remains relatively slow and uneven. The State is struggling to share its responsibilities and is unevenly diligent in organising the

deconcentration of the services of its ministries. Adopted in 2004, the General Code of Territorial Authorities only recently specified the powers devolved to urban municipalities.

### Crossed logic, limited budgets

At the local level, the communal and sub-communal governance of neighbourhoods, particularly in the 'non-housed' sectors, involves the coexistence of institutional logics (central elected officials and district elected officials) and local traditional logics (chiefs, customary law). In this context, the project logic of integrated local development remains difficult. The second difficulty is budgetary. The financial resources of the capital, based on a meagre state grant and an obsolete tax base, are clearly insufficient for it to assume all the competences devolved to it. For example, the annual municipal budget of Ouagadougou is less than the household waste management budget of Lyon alone. While this

The low budget is almost entirely devoted to the operation of the collectivity, which sees its investment capacity based essentially on development aid.

During the International Urban Planning Workshop organised by the association "Les Ateliers de maîtrise d'œuvre urbaine de Cergy", which took place in March 2019, several avenues of work were proposed by the teams in relation to the problematic posed here.

### The ingenuity of the people of Ouagadougou, an asset

One of the prospects is probably to rely on the formidable ingenuity of the people of Ouagadougou as the backbone of local public action. The skills of these city dwellers, who have learned to live by handling the art of recycling, transforming materials, and making do with what they have, is an unquestionable asset. Self-organisation to transform a public square into a football pitch or a café terrace; transforming a street into a workshop or a hall



In some neighbourhoods, the informal economy already provides most of the services that the public authorities are unable to organise (banking, education, water supply, rubbish collection, etc.). In some neighbourhoods, the informal economy already provides most of the services that the public authorities are unable to organise (banking, education, water supply, rubbish collection, etc.). The development of the Burkinabe capital seems impossible without this energy. However, it is important to prevent the abuses of these practices: privatisation, merchandising and monopolisation. This is where the notion of the common good takes on its full meaning.

If urban development must remain guided by a master plan, a new type of public/private/population partnership (PPPP) (see below) should undoubtedly be used as a possible operational lever. To illustrate this, we propose to mention the example of the 'urban nursery'. This project, supported by the French Development Agency (AFD), is piloted by the Ouagadougou Municipal Agency for Major Works (AMGT) and implemented by GRET. It can be said that it is fairly emblematic of this PPPP process as a factory of commons.

### Designing and managing with residents

The project in question is part of a transitional urban planning process initiated in 2018. It aims to accompany the construction of several sports and cultural facilities. One of them is located along the Dassasgho canal, a district of the



Grand Est-PUO site, children's playground. GRET.

grand-est ouagalais. During two years of participative experimentation, local residents and civil society were involved in defining the expectations for the facility as part of a shared programme. But they also participated in the prefiguration of the shared management methods. At the end of 2021, the final project was in the APS (preliminary design) phase.

In addition to the design stage, which was carried out in a collaborative manner, the inhabitants and future users should be involved in the proper management of the developments over time. Indeed, in view of the contextual elements

In the light of the above-mentioned economic considerations, it would seem desirable not to be locked into a situation where the public player invests in a facility whose management and sustainability it will be unable to guarantee.

### The importance of a management structure

Based on the model of self-organisation that the Ouagalais know how to show, it would be interesting for the sports and cultural facilities created to be backed by a local management structure. The creation of such a "private" law structure will be the guarantor of the common good and the organiser of a reciprocity of rights and duties of the users of the facility created. It must, of course, be non-profit (e.g. an association under the 1901 law) or limited profit-making (e.g. a cooperative society). It is also important that the public player does not withdraw completely (e.g. the collective interest cooperative in which the public player remains a member) so that the logic of a PPPP is maintained. The objective is for the population to manage the common good, i.e. in this case the equipment, under the aegis of a private law body and under the regulatory benevolence and guarantee of the general interest which remains the prerogative of the public player.

In other words, it seems appropriate to work on the installation of communities based on the triptych that defines them: a good (equipment), a body of rules for good management (rights and duties) and a community of users/actors with a communal representation that guarantees

Exploratory walk with local residents on the theme of accessibility, on the Dassasgho site. August 2020. GRET.



the general interest.

## Benchmarks

### THE WORLD OF THE COMMONS, THE COMMONS OF THE WORLD

All over the world, the return of the commons, observed since the end of the 20th century, is imposing a new relationship to property. Whether the approach is economic, political, legal or social, it requires the participation of citizens, on a local or global scale.

By looking at history, we can see how, from time immemorial, the commons have been the subject of power struggles between private powers and the simple workers of the land and sea. Geography shows that, in order to ensure the survival and survival of a common good, its users face infuriating administrative difficulties in all parts of the world. And from this point of view, the involvement of the public community is essential for the success of common property projects.

In this regard, let us note, following Benjamin Coriat, that common goods and public goods are not superimposable (Biens publics ou biens communs mondiaux? AOC, 9 February 2022). The latter are there, in a way, simply to compensate for market failures while the former invent new ways of doing things. However, in the field, it is clear that the boundaries are blurred and that the balance is always in flux. As Christian Laval points out, the common good is a project rather than an object.

In urban matters, according to Éric Denis and Claire Simonneau, it is defined by the triptych of participation of the inhabitants / long-term land security / land and housing prices. But will they succeed in curbing the financialisation of cities? In a recent joint publication financed by the AFD, (*Communs fonciers pour des villes inclusives*), the two authors show how the dynamics of communities sometimes have difficulty in surviving.

Because it calls into question our economic system based on the illicit exploitation of the planet's resources, which we know to be limited, the commons movement constitutes a lever for the ecological transition. Thus, through the sobriety of use and the solidarity that characterise them, the commons can do a lot. However, they still need to be given an institutional place that is commensurate with the challenges they face.

Mr Durand

Three complementary sources of knowledge stand out in the study of the possibilities of the commons in relation to the challenges of sustainable development. Their respective interest lies as much in their differences as in the substance of their points of view. According to each of these sources, nothing can be taken for granted or predicted in the systematisation and supply of common land to the population. A number of permanent or problematic cases are identified and analysed.

The book "Governance of the Commons" (Ostrom, 1990, 2010) explores for the first time in depth the functioning and structure of various processes, both perennial and non-permanent, in global examples starting from the medieval period. Because of the diversity of the cases, no theory of implementation or management of a common seems possible. Nevertheless, Ostrom does not ignore the elements of success and the reasons for failure.

In the paper "The common good is a social construction. Apports et limites d'Elinor Ostrom", Alternatives économiques 2011, Jean-Marie Harribey draws a new universe around Ostrom's, contextualising it in a critical perspective by clarifying the conceptual blurring between collective goods and public goods.

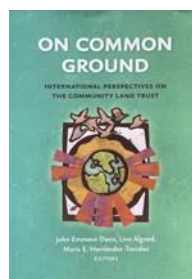
"Land commons for inclusive cities. Producing and securing popular housing around shared ownership of land: a diversity of models, their interests and limitations" by Claire Simonneau and Éric Denis was published in October 2021 by AFD. The publication presents the results of the research programme

"This programme is part of AFD's reflections on the link between the commons and development. This programme is part of AFD's reflections on the link between the commons and development.

The team conducted eight case studies representing three types of arrangements: collective housing production; socio-legal processes of collective land claims (commoning); and housing development projects on collectively owned land.

The collective work led by John Emmeus David in 2020, JE.Davis, L.Algoed, ME. Hernandez-Torales, *On common ground, international perspectives on the community land trust*, is a critique of the American and European experience from a quasi-promotional perspective. The 26 articles focus on implementation strategies and their related difficulties, community land trust associations and the potential of CLTs in the South.

Mr Caron



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