



**Ponte do Maduro-
Land Regularization with Gender Equality
Shadow Advisory Committee's International Mission to
Ponte do Maduro, Recife - January 10-12, 2011**
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A partnership of:



1. Introduction

From January 10th to 12th, a Shadow Advisory Committee (SAC) established through a Global Land Tool Network (GLTN) supported initiative visited the community of Ponte do Maduro in Recife, Brazil to conduct a "land watch". The purpose was to support the local groups in the ongoing land regularization process, monitor the steps involved in particular from a gender perspective, and provide advice as appropriate. The Shadow Advisory Committee has been established by the Huairou Commission and UN-HABITAT, through their GLTN partnership under the project "**Ponte do Maduro – Fundiary Regularization with Gender Equality**" to provide support to the process. Patricia Chavez, project coordinator and Director of *Espaço Feminista do Nordeste para Democracia e Direitos Humanos* (EF), hosted and organized the activities of the visit.

The Committee members represented on the mission were:

Katia Araujo, Global Coordinator, Land and Housing Campaign, Huairou Commission
Åsa Jonsson, Human Settlements Officer, Land and Property Administration Section, UN-HABITAT and Secretariat for GLTN;
Diana Medina, Human Settlements Officer, UN-HABITAT Regional office for Latin America and the Caribbean (ROLAC) and
Ayse Yonder, Professor of City Planning, Pratt Institute, School of Architecture and the Huairou Commission

The main objectives of the mission were to:

- 1) Interact with the Local Committee team responsible for providing technical and legal assistance to the residents of the four communities in Ponto do Maduro, to learn about the progress of the land regularizations as well as the bottlenecks they face.
- 2) Meet with several community leaders including the conflict mediation team, supported by Espaço Feminista, to deepen the understanding of their context and learn about their communities and the complexities.
- 3) Meet with the Secretary of Housing of Pernambuco and the new President of CEHAB (state agency responsible to implement the regularization process) to ensure their continued commitment to the regularization process.
- 4) Based on the above, clarify the Terms of Reference for the Shadow Advisory Committee and identify how the Committee can most effectively engage and support the process.

The following meetings were held over the three days:

On January 10th, the Shadow Advisory Committee first met to review the TOR and discussed a series of points to help refine it. The discussion helped to clarify the content and purpose of the three reports that correspond to the three outcomes listed in the project document for the above project, which will need to be completed by November 2011.¹

¹ The 1st report will focus on how the regularization process will translate the City Statute and the regularization tools into practice so that women have the same right as men. It will document the specific steps and procedures developed through a participatory process to implement the law at the local level.

The 2nd report will focus on the benefits of women's involvement in the regularization of their community – i.e., how the process empowers women as they see it, and why the empowerment of women is critical for the implementation of the regularization process. For instance, formation of conflict mediation groups has been the women's idea. The learning and capacity building during the process can lead to changing power relations in the

The second meeting in the morning was with Patricia Chaves, Director of *Espaço Feminista* and Alexandre Zarias from FUNDAJ, who explained some key concepts of the regularization process and challenges they are facing to date. They explained that the most urgent issue right now is the to push the government and the pace of the process to continue without further delay. The regularization process was scheduled to start in October 2010 and be completed by April 2011. It was delayed, first, since it coincided with the elections time. The CEHAB could not sign the contract with the company that was going to do the regularization in November since the electoral laws prohibit signing any contract six months before the elections. And now, the inauguration of the new president of CEHAB is delayed due to paper processing problems, which means that he can not make any decisions until after that. Moreover, EF has to meet with the new CEHAB President to make sure he is committed to continue the regularization without delay.

The Committee also watched the last version of the documentary about Ponte do Maduro prepared this past October by the filmmaker, Malcom Boorer, contracted by GLTN. The film documents the history of the community, its organizing, and the empowerment and determination of the women to monitor and ensure the success of the process.

In the afternoon, The Shadow Advisory Committee representatives were joined by Diana Medina (ROLAC) and Susana Maranhao (EF) to collectively meet with the local women's group at the *Espaço Feminista* office in Santa Terezinha, that serves as a meeting point for women from the four neighborhoods of Ponte do Maduro (Santa Terezinha, Chie, Santo Amaro and Ilha do Joaneiro). The team was met with over 30 powerful and passionate women leaders of all ages from the four communities. The women talked about the process and issues that have come up thus far, and gave concrete examples of the challenges they are facing.



After the meeting, the delegation walked through part of the community with the women and Johnson, a member of the Neighborhood Association of Santa Terezinha, and saw and heard the story of the wall that the shopping center built to block off the community from the street that separates the two. The houses that were facing the street now face a high wall with a narrow (~ 1 meter-wide) alley in front. The community had to put up a lot of

community (and at home). Therefore, the women's involvement not only makes the process more efficient, but also leads to deeper changes in the community that make the outcomes more sustainable.

The 3rd report will be an evaluation of the process by applying the GLTN Gender Evaluation Criteria. It will measure the process of change and women's empowerment by comparing the baseline data collected during the survey with the situation after the titles are issued to understand how and what changes came about. This evaluation process will use the five GLTN Gender Evaluation Criteria as a guideline.

struggle to open up access to the street and get some ventilation to the houses that face the narrow alley behind the wall (the bottom half of the wall is made of bricks with holes).



On Tuesday, January 11, 2011, in the morning, the Committee met with the Local Committee. The Local Committee, made up of representatives from the *Espaço Feminista*, SPU, CEHAB, FUNDAJ and EF, is a partnership body that started meeting in June 2010. This was the group’s sixth meeting since then. The members of the Local Committee present were: *Katia Pires* (Administrator of Land Regularization at SPU and manager of special projects division), *Octavio Calumby* (a member of the state company for building construction, CEHAB, who is in charge of coordinating with the work with the company selected to implement regularization), *Alexandre Zarias* (a sociologist and researcher from FUNDAJ, who has worked with EF for a long time), *Tereza Borba* (a lawyer with 20 years of government experience in land regularization, who now works with EF as a consultant) and *Patricia Chaves*. They explained to the Shadow Advisory Committee the details of the regularization process and the regularization tool recommended by the Local Committee (LC), its role in the process, with a focus on the benefits, obstacles of the tool, and how the LC is planning to deal with the obstacles during the next steps in the process. They also Advisory Committee in supporting the process.



In the afternoon, the Committee met with Danilo Cabral, the Secretary of Housing (elected deputy governor) and Milton Mota, the newly elected President of CEHAB, who attended the meeting together with Octavio Calumby. During the meeting that lasted for over an hour and a half, both officials expressed their commitment to immediate progress and completion of the project, and interest in participating in the 23rd UNHABITAT Governing Council meeting in April in Nairobi.

On Wednesday, Jan 12th, Katia Araujo and Ayse Yonder met with Tereza Borba to clarify a few remaining questions, and held a meeting in the community of Santa Terezinha with a group of women community leaders to get additional stories and visions for the future. It is important to note that some of these women have played a vital role in the development of their communities and leading the organizing income generation activities, such as a catering cooperative. Among the women involved in the land regularization process, there are former president of the Neighborhood Association de Santa Terezinha, the coordinator of the Youth and Culture Commission, President of the Mother's Club and many others that have taken leadership and organized their communities to contribute to the local development of the women themselves, specially the young women.

The next sections summarize the information gathered as well as the outcomes of these meetings.

2. Background: The regularization process in Brazil and women

Slums or informal settlements in Brazil, as elsewhere, are built on marginal lands and vulnerable areas. Through an amendment to the 1988 Constitution in 2000, the State is obliged to provide housing as a right to the city. Moreover, the City Statute (Law No 10.257 of 2001), also known as the Right to the City legislation, recommends that public land be used for social purposes. Consolidation of existing informal settlements on public land is one way for the government to meet the housing need.

There are two different approaches to consolidation of settlements:

- Slum upgrading (or *urbanization*) is a process that provides basic infrastructure (street paving and some infrastructure) to existing settlements and enumeration of existing housing units but without providing them legal titles.
- Land regularization is a process that often follows the Urbanization process but the outcome is the issuance of legal titles to residents. It is carried out in three steps: 1) a social survey, 2) mapping of houses and cadastration, and 3) issuance of title deeds.

There are two different land tools available to be used in the case of public land regularization -- CUEM and CDRU. CDRU the Concession of the Right to Use the Land, gives the possession and use of housing with determined time period, usually for 10-20 years. CUEM, the Concession for the Use of Land for Housing Purpose, provides title deeds.

As cases of regularization of informal settlement in Recife show, the application of CDRU has not guaranteed equal rights to men and women during the regularization process and it has also left families prone to market speculation, resulting in families being forced out of the community due to rising prices. Since CDRU is based on a concession, it can be reviewed by governments from time to time.

The CUEM, on the other hand, was developed as a legal land tool specifically for the regularization of public land occupied by poor families and of low income. CUEM requires the resident of the property in the informal settlement to have occupied a plot of land for at least five years, the plot must be regularized can be a maximum of 250 square meters, they must use it for residential use only and cannot claim ownership of any other land elsewhere.

SPU is under the Ministry of Planning, and has the experience of implementing this legislation and allocating land to families who have been living on it for more than five years, provided that the lot size is not over 250 square meters and the family does not own another

house. This gives power to anyone living on public land to apply to the responsible Federal government agency (name which has to respond in a year to the application. But poor families who do not have technical assistance cannot apply and prove their ownership. To overcome such issues, the first step is to pass on the decisions about public land to the state government level since it is the responsibility of the state government to give out title deeds.

The first requirement in the regularization process, therefore, is for the land to be transferred from Federal to state level. CEHAB is the state level agency that is in charge of coordinating the regularization process, while it is the local government (municipal council) that decides the boundaries of the area to be regularized.

Legal procedures for the regularization process starts with an open bidding process that is open for 60 days. The responsibilities of the company to conduct the regularization process are to: Prepare an existing conditions map of the community, deliberate with the community to make sure all issues are understood at the local level, and conduct a social and economic conditions survey. However, without the participation of women in this process, the company in charge of coordinating the regularization process is likely to abide by old norms and give priority to men when distributing the land and housing titles. Historically, women did not obtain the title to their house or land if they weren't married. Even though that law has changed and the 1988 Constitution of Brazil ensures equal rights to women and men, many case studies in Brazil show private contractors discriminate against women in the titling process, assuming that the men in the community as household heads should be the ones to obtain the title in their names.

3. The regularization process in the community of Ponte do Maduro, Espaço Feminista, and women's participation in the process

Approximately 10,000 low-income families live in the four communities of Ponte do Moduro (Santa Tereza, Chie, Santo Amaro and Ilha do Joaneiro) covering an area of approximately 50 hectares. These four communities have a 46-year history of struggle for regularization. Their role as protagonists is very important because the State government has played a dual role. On one hand it acted as a friend to the area by providing basic services, but at the same time, it left the communities vulnerable in the speculative market by not delivering titles and security of tenure. Therefore, the power and struggles of the community were very important to force the government to make a commitment to regularizing the area.

Espaço Feminista (EF) started working in the community in 2007 through an initiative that focused on supporting the women in obtaining their personal documentation (National ID card, social security card, birth certificate). At the same time, EF conducted leadership workshops. It was then that they learned that lack of security of tenure was even a bigger concern for the women, who said as they walked to work every day, "it hung over them like a sword". EF partnered with the women to ensure their active participation in the regularization process and equal rights between men and women in access to land titles. After the public announcement that the regularization would take place at the World Urban Forum in Rio de Janeiro in 2010, they started looking at the role of different levels of bureaucracy to make this process possible, especially during an election year.

The Process:

The regularization process in Ponte do Maduro will be conducted by the State Government of Pernambuco through CEHAB and will benefit around 80% of the 4 communities. Since it is

based on a previous process, part of the community (the most recent houses) will be left out of the intervention. Moreover, since Ponte do Maduro was developed on land that belongs to the national patrimony, a concession from the federal government to the state government is necessary in order for the latter to issue the title deeds. The concession was passed in 1976, and fortunately, it was recently confirmed to be still valid, allowing CEHAB to perform the process.

There are two parallel processes going on in Ponte do Maduro now, conducted by CEHAB – i.e., upgrading/urbanization and land regularization. The upgrading process that was initiated in 2010 independent of the regularization process, for some reason that no one knows, will benefit just two areas – Santa Terezinha and Santo Amaro. There are 4,686 households in the two communities and approximately 4,800 buildings. The data collection for upgrading has been completed recently in these two communities, house numbers posted on the buildings, and the physical plan for Santo Amaro is also ready. The firm that was hired to do the survey for the upgrading process (GEO Systems) sent a team to the settlement every week to work in a specified area, conducting interviews and taking pictures of each house and also of the surroundings. Since there was no community participation in this top down process, the interviews caused a lot of anxiety and resistance in the community.

GEO Systems, the same company producing the data for the slum upgrading has been selected through a bidding process to carry out the regularization procedure for the four communities of Ponte do Maduro. Its responsibilities are to:

- Prepare an existing conditions map
- Deliberate with the community to make sure all issues are understood at the local level, and
- Conduct a social and economic conditions survey taking into account the gender criteria.

As mentioned above, the original intention was for this first phase of regularization in Ponte do Maduro to be complete by April 2011. The new CEHAB president has to sign the contract for the process to start, but this has been delayed because of the last November elections.²

In terms of time, a positive aspect is that FUNDAJ has all the data from the surveys and the mapping conducted in relation to the upgrading/urbanization process in two of the communities mentioned above, and is preparing a questionnaire proposal based on the GLTN's Gender Evaluation Criteria that will be discussed with the LC. EF and FUNDAJ are hoping to combine the surveys for the upgrading and regularization processes in order to speed up the process. They will use all the data collected from the Urbanization process in the two communities, making the necessary changes and adjustments. For the remaining two areas, FUNDAJ is preparing a questionnaire with additional questions based on the Gender Evaluation Criteria, that will be discussed with the LC.

Patricia Chaves estimates that it will take about 6-8 months after the contract is signed between CEHAB and the company that will implement the regularization to complete the process. It will take about three months to complete and validate the socio-economic survey and the mapping and the recording of all the houses to be completed, and the remaining six months to resolve titling issues. The first three months of the contract is very important since it is the period for gathering all the information to form the basis of the community

² Therefore, one of the objectives of the international mission was to support the Local Committee meet with the new President of CEHAB to ensure that the Ponte do Maduro will continue to be a priority on CEHAB's agenda, and to articulate a timeline with defined actions that will follow the next two months.

overall plan.³ As the Local Committee members agree, the condition for community participation is that community members have to be involved and able to comment on what is happening at each phase. Moreover, without women in the process, the company is likely to abide by old norms and give priority to men when distributing the land and housing titles. Therefore, the importance of women's participation in the regularization process along with the company contracted for the technical processes cannot be overlooked. It is necessary to educate women about their rights as well as monitor the behavior of the contractors, and overcome the common institutional bias. Therefore, EF and community leaders have focused on sensitizing the community and state agencies to the importance of a participatory process.

Espaço Feminista developed three strategies to support grassroots women to be at the center of the upgrading process and deal with the problems in cases of conflict:

- **Organizing:** The women are organized through a process of leadership training and capacity building. Also, they can use the Espaço Feminista's office in Santa Tereza as their own community center. The space allows them to get together, hold workshops and exchanges. However, the center is not centrally located for women from other parts of the community to easily come to meetings there. So, they hold the workshops to increase consciousness about the process and gender issues, rotating the meetings in all four communities of Ponte do Maduro. They also work with, and attend meetings of, the neighborhood associations and other groups that have their own ways of explaining the process. So all four communities are well represented at joint meetings. A difficulty is some local male leaders do not want women to organize or hold assemblies in their community. Some do not believe that regularization would benefit the community, for others, it is simply a "turf" issue, and in general, young women's leadership shakes the existing power structure in the community.
- **A multi-stakeholder body:** The Local Committee, with representatives from different levels of government, was established to enable the women to have direct access to government agencies and information. In organizing the community, it is important for the women to have good information about where the process is and what the next steps are. This forum also helps to sensitize government agencies to gender issues. Before the work of EF, just few community leaders had access to CEHAB and other agencies. As the community women started organizing and participating in the capacity building program, they understood the importance of their participation and started claiming space in the dialogue with government agencies. Some of the leaders indicated that when they contact CEHAB, the staff now recognizes them by name. Currently, the community is represented on the Local Committee through Espaço Feminista. The goal is to have a few community members directly involved in the Local Committee, too, but the community has to come to an agreement on how to select these representatives. There are always power struggles between different groups in the community.
- **Conflict Resolution Teams:** The women have formed conflict resolution teams that help with tensions inside community and that will help facilitate the regularization process and solve related conflicts. A year ago, a group of 30 women from the four communities were trained as conflict mediators by the state agency, but they were neither recognized nor received any support to really act. EF is providing capacity building support and working with these women leaders who have previously applied the Gender Evaluation Criteria to

³ Each ZEIS defines its own building code based on the master plan that is prepared taking into account the area population to be accommodated. Each ZEIS is different; in Ponte do Maduro, lot sizes range from 18.5 to 250 square meters. The master plan for each ZEIS has to be approved by the municipal council to become law.

analyze the Master Plan. The purpose is to strengthen their ability to mobilize the women, explain the importance of the socio-economic survey, and demystify some of the reasons for resistance, such as the belief that by answering the questions people could lose some of the benefits they have (such as wealth transfer program and other government support). EF has brought the women space and recognition, and provided - and will continue to provide -- legal training and support on tenure issues.⁴ The women want their conflict resolution role to be further formalized.

An Innovative Process:

As Patricia Chaves explained that this is a complex process. Espaço Feminista and the women must create new procedures to be able to implement the law on the ground. Based on conversations and debates among community members, there are a series of issues that concern members of the community, such as co-habitation, ownership and inheritance. The conflict mediation team was set up to deal with these cases and to prevent the process to stop due to resistance and conflict. Having a lawyer (Tereza Borba) with 20 years of experience in the government dealing with these issues and dedicated to the cause, is a great advantage. She is exploring and developing legal alternatives to deal with a whole range of issues that will come up in the regularization process. She is working with Adriana (social worker) and Natalia in collecting such information and identifying issues, such as cohabitation (multiple families living on a single lot), how to deal with inheritors who live in other parts of the country, multiple unit ownership – i.e., landowners who will “lose investment” as a result of the process and their renters, etc. The goal is to develop, together with the community, different options to deal with these complicated issues (worst case scenarios) so that the implementations does not face bottlenecks and discourage the government from going ahead with the regularization. It is critical to have alternative solutions ready in order to engage the government, with support from the Local Committee, and make sure the process is moves ahead.

- The women are aware that the change in government has paralyzed the process. They discussed the impact this has on their organizing in the community, and how they are able to deal with it.
- There are issues during the survey, such as people coming in to pose as if they have been there for a while. Such issues were addressed during the training workshops – how to deal with ethical and ownership issues. And the trainers are bringing collecting information from the workshop participants. This information and the key issues identified by the women are then discussed with the company doing the survey to feed into the questionnaire.
- The costs of regularization (taxes, fees) and the “perimeter areas” – parts of the community that lie just outside the boundaries of the “core area” designated for regularization.
- It is very important to convince people about the benefits of using the recommended tool (CUEM) of land as a social good. According to the City Statute, people with more than 5 years of residency can claim ownership but as part of the community only, not as an individual. One debate is whether people should be allowed to have full title that would allow them to sell their property or merely be granted the right to use the land. While there is the fear of gentrification should people be allowed to sell their properties outright (and many examples of this exist throughout the city) it is also true that having a full title would allow women to have access to other assets, such as credit. Therefore, EF’s proposal, already accepted by Local committee, favors full titles with special concessions

⁴ Starting in October 4th, two workshops were held over a four week period. In addition to legal training on tenure issues, the women discussed what they envisioned after they secured their tenure, cooperative alternatives to upgrade their houses. Some women are already running cooperative enterprises, such as catering business, etc.

on the type of development that would take place in the community. Only residential use would be allowed, sales will be restricted to individual lots (of maximum 200- 250 square size) to prevent large scale development, and maximum 2-3 storey development would be allowed in some areas on 250 square meter lots. In addition, there is the debate on whether to do the titling in the name of the couple, to women only, or another configuration of names on the title. The women are thus helping to deconstruct the entire notion of "head of household" in Brazil.

4. The next steps - the roles and expectations

The Shadow Advisory Committee (SAC) agreed to produce a report on the mission to Ponte do Maduro. At the same time, the SAC will continue to receive the progress report from the field and provide feedback and advise as questions might arise. The SAC will hold a meeting in March and every two months to continue assess the reports and process as it develops.

The draft outlines of the three reports have been developed and will be produced as final products from the project. The SAC will provide active advising to the Local Committee during the drafting the finalizations of the reports.

Furthermore, the Shadow Committee has provided support through letters of support sent to key stakeholders, such as the Secretary of Housing. This has been vital to the progress of the process and it is an advocacy action that will continue. The Local Committee will communicate to members of SAC and solicit for support letters when necessary.