

**The Question of the Legal Regularization  
of Urban Barrios in Venezuela**

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## Abstract

This article records the work pursued in the wake of an enlightening conference in October 1998 in Barquisimeto, Venezuela. Bidding farewell to a Brazilian researcher after the congress, it occurred to us to seek answers to a key question regarding the legal regularization of the urban *barrios* in Venezuela: Why has it not taken place?

Among the answers found by interviewing social actors who participate in the production of *barrios* were the existence, acceptance, and reproduction of *legally precarious but stable possession*. Certain evident causes serve to obscure other causes that may be key to understanding this question (Parts Two and Three).

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## Introduction

This article constitutes a preliminary contribution to the research project *The Question of the Legal Regularization of Urban Barrios*.<sup>a</sup>

At this stage of the project our goal is to respond to questions regarding *why the regularization of urban barrios has not been generally accomplished in Venezuela as it has in many other Latin American countries*.

At this time, very few *barrio* inhabitants own the land that they live on. Most therefore can not legally register their buildings, and can only obtain a presumptive, unmarketable title (*título supletorio*), which carries limited legal weight. According to Pérez Perdomo and Nikken (1979:38), there have been repeated legal rulings, upheld by the Supreme Court in the early 1970s, to the effect that transactions involving buildings on land belonging to a third party can not be registered without the express consent of the land owner. This general principle applies not only to informal urban housing, but to all buildings. We can say that the holders of buildings in informal urban settings have only precarious possession (*posesión precaria*)<sup>1</sup> of those buildings, some enjoying greater and others lesser degrees of stability. In the most unstable of circumstances, the occupants are evicted and the buildings destroyed.

We believe that the proportion of *barrios* that have been legally authorized for urban use may be greater than was previously cited. However, not all *barrios* have been legally incorporated into the urban areas where they are located. No precise data are available in regard to these two questions, only estimates, which is why we will not provide statistics on the proportions of *barrios* that are and are not legally regularized.

### Research goals

#### *General Objective.*

To help untangle some of the factors that have maintained large areas of Venezuelan cities in conditions of informality, primarily in relation to land that has been invaded or occupied due to the growth of informal *barrios*.

#### *Specific goals:*

1. To present the processes and mechanisms used in the legal regularization of urban *barrios* as illustrated in case studies.
2. To study the obstacles encountered in initiating, developing, and completing these processes
3. To determine the principal factors that contribute to what we will call for now “legal

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<sup>a</sup> Note of translator: The Spanish word *barrio* has been retained in the English text. While the word generally means *neighborhood*, in Venezuela it refers specifically and powerfully to the informal urban slums originally called *rancheríos* or *barrios de ranchos* in reference to the *ranchos*, or shacks, that made them up.

irregularity,” especially in reference to construction on land not owned by the builder and in reference to legal incompatibility with designated uses (areas of the city zoned as national parks and/or areas considered adjacent to them, etc.).

Given the limited time and resources available to us and the lack of cadastral data that would tell us which Venezuelan urban *barrios* or parts of such *barrios* are or are not built on land belonging to their inhabitants, or the distribution of different categories of property owners, we decided to conduct a pilot research project in order to deepen our qualitative understanding of the problem. At this qualitative stage of the research we will privilege the opinions of the different social actors involved in the processes of the production of urban *barrios* (Bolívar, 1987, 1989).

This research has been financed by the Faculty of Architecture and Urban Studies at UCV (the time of one of the authors, who was also the research coordinator), and by the Lincoln Institute for Land Policy, which provided funding for the writing of this article. Urban anthropologist Julio de Freitas participated as research assistant for the first six months.

The interviewees were attorney María Elena Calles, architect Gisela Boscán, engineer Coromoto Briceño, sociologist Nelgivia Duno, and myself.

I asked Teresa Ontiveros for help in writing this article. Teresa Ontiveros studied anthropology and got her doctorate in sociology. She has done previous work on the topic and coauthored a previous work with me (Ontiveros and Bolívar, 1998). We also had the collaboration of Julio de Freitas Taylor, who wrote a journalistic piece on recent land invasions.

We are grateful to all those we interviewed for having taken a few minutes to provide their reflections on the legal regularization of urban *barrios*. Their contributions are extremely important to help clear up the many questions on the topic. We also thank our editor Fanny Díaz, who reviewed and improved the original manuscript with patience and dedication.

We believe that the results of this pilot research, while only fragmentary, will help answer some questions and correct some misconceptions, increasing knowledge about a problematic that is characteristic of our society.

Land occupations and invasions<sup>ii</sup> are not a new phenomenon in Venezuela. Considering the approach so often taken to the topic of land invasions and occupations, and with our study underway, we decided to complement the planned research by including an analysis of the first few months of the government of President Hugo Chávez provided in the newspaper journalism of Julio de Freitas, who began his series with these words:

We begin by noting that the problem of invasions in Venezuela goes beyond the recent extended coverage that it has received in the media inside and outside the country. It is in fact a long standing phenomenon that must be examined, though it's nature may seem obvious. The invasions of buildings and lands in rural and urban areas of our country are not surprising if we consider that most of our *barrios* have been built on land that once belonged or does belong to private owners, to the Venezuelan State, to municipalities, or to agencies such as the National Agrarian Institute (*Instituto Agrario Nacional* - IAN) or the National Housing Institute (*Instituto Nacional de la Vivienda* - INAVI), among others (see Part Three below).

The urban legacy left to us by Venezuela in the century drawing to a close is irrefutable evidence of what we are saying. The physical structure of our cities is quite diverse, but it is principally the product of the country's rapid urbanization (primarily in the twentieth century), of the lack of housing for the low income families that have migrated to the principal cities, of urban administrations that officially rejected but in practice accepted land occupations, of socioeconomic inequality, and of the culture of building construction in Venezuela.

The morphology of most medium and large Venezuelan cities has the following characteristics:

- 1) Residential developments, assumed to be in compliance with current urban regulations and to be duly registered properties. For the purposes of this study we will consider them to be compliant with the formal legal order or to have been legally regularized.
- 2) Low income or public housing built by State or similar institutions, among them the *Banco Obrero* and INAVI. In many cases known to us,, regulations were amended to meet institutional requirements, and in some cases the land on which they were sited does not belong to individual users. Arrangements range from collective property to emphyteusis and other forms of property and/or possession.
- 3) The core or original nucleus of every city considered. The great majority of these have been expanded and transformed, particularly in the second half of this century, when parcels occupied by single family homes were used for the construction of multi-family dwellings. Land in these sections may be registered, above all due to the requirements of financial institutions that require a registered property document in order to authorize mortgage financing.
- 4) Unregulated and informal *barrios de ranchos*, evolved since the time of their founding into established low income neighborhoods, have coefficients of urban development below those of other parts of the city (Baldó, 1996). Services and infrastructure are often limited, including street and road infrastructure, public transportation, water mains, sewers, storm drains, public lighting and residential power. However, in most cases the initially rudimentary residential structures have been further developed, especially in terms of building materials and size. Many of them provide modest but acceptable living conditions (Rosas, 1987). These low income urban sectors house half the country's urban population (Villanueva and Baldó, 1994) in an area that represents less than half of the developed urban area. Their primary characteristic is that they are developed on informally occupied and/or invaded land that continues to be informally occupied, not belonging to its current occupants or users despite the time that has passed since its original occupation, which in Caracas may be as much as three or four decades.

The way that lands were occupied and incorporated into developing urban areas, especially in the second half of the twentieth century, illustrates that land invasions and occupations have been taking place for several decades and that government officials have covertly accepted and reproduced existing processes of occupation, particularly since the latter part of the 1950s.



In this same sense we agree with Pérez Perdomo and Nikken (1979:21) when they state that “the State itself has contributed to the creation of a kind of informal legal order in order to meet the legal needs of the *barrios* in terms of home ownership.” We would add that an alternative legality has been established and accepted, and that precarious possession forms an important part of this informal code.

We have analyzed the legal status of Venezuelan *barrios* in other works (Ontiveros and Bolívar, 1998; Bolívar, 1998) and have concluded that there is in effect a “parallel official legality.” We can now add that this parallel legality coexists with formal legality, constituting a de facto Venezuelan legal pluralism.

In large parts of Venezuelan cities, particularly in the *barrios*, a de facto legal code is in noncompliance with formal urban planning and zoning regulations and does not respect the private ownership of land. This phenomenon should be analyzed. We often ask ourselves why the idea of building or living on land belonging to others has somehow become so acceptable and entrenched.

People could react to this complex situation in a number of ways. It is notable that up to this time neither the legal owners of *barrio* lands, nor those in stable or unstable precarious possession of it, have taken immoderate positions. In fact, the owners could demand the eviction of occupiers or the seizure of their property, while occupants could demand legal steps for the regularization of their tenure with or without compensation to the legal owner.

This “parallel official legality” (Bolívar, 1998) has allowed for the establishment of certain baseline living conditions and improvements to those conditions on illegally occupied lands, and has paved the way to a longstanding situation in which none of the parties involved seems to be demanding a change.

This tacit agreement has been breaking down in recent years, primarily due to the requirements of banks, which have been unwilling to lend money to people without legal ownership of the land they occupy. Other changes are due to the participation of the World Bank in co-financing programs for the upgrading of urban *barrios*. This has led to such programs choosing to operate only in *barrios* located on municipal properties.

Additional changes have now been proposed. For the first time, the Housing Policy Law (*Ley de Política Habitacional*) contemplates (in Article 14) the regularization of land tenure in the *barrios*, and public officials are working on a Special Law that will end or contribute to the ending of the irregular use of land in Venezuelan urban *barrios* and in some low income housing developments.

Recognizing the complex situation that has given rise to the procedures and mechanisms related to urban *barrios*, and recognizing that certain changes are under way, in this paper we will refer to certain elements made evident in our most recent research.

These elements will be set out in three sections. Parts One and Two comprise a transdisciplinary examination of the materials obtained in our research. Part Three is a journalistic analysis of land invasions developed especially for this article.

Part One, *Revealing Dialogues on the Regularization of Urban Barrios*, is based on conversations with different social actors and examines the causes and consequences of the veiled acceptance of informal land occupations as a means of resolving the housing deficit, particularly for those with few economic resources.

We will look at the structural foundations of Venezuelan society and the resulting tangled and sometimes confused set of causes and effects. We will also look at the kinds of discourse that we believe present obstacles to clarifying or describing the problematic. On the basis of these long-standing and newer elements and the interrelationships between them under current circumstances, we will make our first new contribution and finish with an introduction to our further research.

In Part Two, *Tales of a Regularization Foretold*, we will introduce our analysis of the *barrios* in their heterogeneous homogeneity and examine certain elements that might help to answer the question at the heart of our research.

In Part Three we will present the journalistic analysis mentioned above: *Land, Shelter, and Invasions: Itineraries of an Old Problem in Times of a New Government*.

In an epilogue we will attempt to synthesize the views of the three authors.

## Part One: *Revealing Dialogues on the Regularization of Urban Barrios*

Teolinda Bolívar Barreto

### Introduction

When we set out to learn more about the regularization of Venezuela's urban *barrios*, and in particular to find an explanation for the dominant practice of not regularizing them, we decided to do field research rather than continue to discuss the opinions of those who study this topic from an academic perspective. It was not our intention to exclude the latter approach, but rather to give other actors the opportunity to express themselves on this question, to broaden the universe of key informants. We worked with people who participate in the actual production of urban *barrios* in the sense of their physical construction, with their users, i.e. inhabitants, and with government officials, some of them very highly placed, who had somehow opted not to take the steps necessary to legally regularize the *barrios* and bring them into line with formal legality.

Although at the time of this writing we have not been able to interview all the social actors that we intend to work with, and we have not been able to cover all the cities that we think important to include, the results of the interviews that we have conducted up to this time are significant and their analysis contributes to our understanding of certain elements that help to explain the question and encourage us to continue with this work.

I would like to say that when I had the opportunity to spend a week listening to recorded conversations between researchers and the interviewees who had granted us some of their precious time,<sup>iii</sup> I felt a great deal of satisfaction to be hearing the interviewees express some very important and sometimes powerful points of view on the topic. At times I experienced the pleasurable sensation of being in the presence of twenty informants who were not only responding to the questions, but conducting a dialogue among themselves, complementing and sometimes rejecting ideas that we sometimes project without taking into account the lives and culture of those who produce urban *barrios* for their own use (Ontiveros and De Freitas, 1996; Moreno, 1993).

For these reasons I was elated by the experience, and I was convinced that our decision to broaden the universe of informants was a good one, particularly our decision to include both high government officials and the inhabitants of *barrios* who struggle mightily for the security represented by a parcel of urban land.

The following list of factors is the product of my first reflections on these interviews. In general I will refer to what I believe has impeded or delayed the legal regularization of Venezuela's urban *barrios* up to now:

- a lack of information on actual property owners and confusing conditions of land ownership
- the dominant ideology that has always considered the *barrios* to be a transitory phenomenon
- the establishment and acceptance of an alternative informal legality as applied to the *barrios*

- the acceptance by inhabitants of a *stable but precarious form of possession* rather than formal and legally recorded property
- the avoidance or rejection of tiresome and expensive legal and bureaucratic procedures
- the struggle to attain stable possession of land
- the prioritization of street infrastructure and access to public transportation, facilities, and services as opposed to formal legal regularization
- the peculiarities of *barrio* morphology, commonly including irregularly sized and shaped parcels, particularly when sited on hills and alongside waterways, and the peculiarities of community norms and procedures different from those established for the rest of the city

### **Lack of information on actual property owners and confusing conditions of land ownership**

Former President Rafael Caldera argues that the principal obstacle to property regularization is the lack of clarity with regard to the ownership of invaded properties. Because of this uncertainty, he says, the provision of basic services to those occupying such properties is felt to be the most important and urgent need. This is corroborated by the existence of basic street and service infrastructure in every *barrio* after the initial phase of occupation. The founders or original occupants struggle in humiliating circumstances in order to obtain (finally!) official permission to remain on the land that in some cities is called a *concesión de uso*, or license to use a property. Formal legal regularization has never been prioritized.

The legal status of urban property in Venezuela is still very ambiguous. Many rural properties have been incorporated into cities with no record of their formal owners as opposed to their occupants or users. There is a deficit of maps delineating clear property boundaries, and the legal owners of properties that may have been recorded at one time have disappeared or been subject to ensuing confusion.

Ana Ligia Ramírez, who until 1998 held an important position in the municipal government of Iribarren (of which Barquisimeto is the capital), discusses the problem of the “undivided properties” (*tierras indivisas*) where many of that city's *barrios* and housing developments are located. These sometimes very large properties of dubious ownership exist in many Venezuelan cities, having once formed parts of large estates, ranches, or farms. Many of them are subdivided among numerous holders of limited rights over portions of the property. These individuals may or may not belong to a single family, depending on the nature of previous sales of land shares or rights on a particular *tierra indivisa*. In some cases individuals holding such rights do not even know or can not identify each other. The legal clarification of these kinds of property conflicts would require research on the legal history or *tradición jurídica* of titles and contracts archived at public registries. Even if such research is conducted, problems may persist due to putative heirs who have died, disappeared, or left the country, leaving missing pieces in the complex puzzles of ownership. Solutions to these problems can be found, of course, but they are complicated and costly.

This ambiguous and confusing situation leads the landless to invade properties and slowly consolidate their occupation. Later occupations expand and come into contact with one another. In Caracas there is now a conurbation consisting of multiple *barrios*, further complicating the situation of interwoven boundaries and unclear property divisions. This situation sometimes enables putative land owners to take advantage of the confusion and drive other occupants off the land, or try to do so.

In such cases the problem of ownership may become a never-ending saga if the occupants of the land do not have the means to take up the expensive legal procedures necessary in order to resolve the case and do not intend to abandon the small piece of land that has cost them so much to obtain and upon which they have built their houses brick by brick. Where would they go? Who would compensate them? Sometimes they are not the first occupants of a lot or house, but have purchased or inherited it from its original occupants. We interviewed Rosa de Peña with regard to these questions. She has lived for more than 20 years in a *barrio* in Caracas that forms just one part of a group of *barrios* situated on lands of dubious ownership. We are told that similar situations occur in many other cities, but we don't yet know the number of *barrios* or inhabitants in this kind of situation, nor how to resolve the problem.

The perspective of another interviewee is interesting on this topic. Attorney Urbano Taylor worked with the inhabitants of the *barrios* referred to above for a number of years. We have included some excerpts from his interview<sup>iv</sup> in which he talks about his experiences and some collateral obstacles to the regularization process.

The inhabitants of Hoyo de la Puerta were evicted after a fourteen year long process that began in 1972-1973, when Mr. Taylor had recently completed his studies. He first became involved when a friend of his who lived there asked him for help.

Ferris and Santaella, the putative owners of the land at La Peñita, filed for a legal judgment known as a *juicio de reivindicación territorial* against the inhabitants. This type of lawsuit is used to reclaim property from a party or parties said to be illegitimately exercising property rights and interfering with the exercise of those rights by the legitimate property owner. Mr. Taylor decided to represent the inhabitants *pro bono*. The first thing he did was to organize the owner-inhabitants into an agrarian league and into associations of interested parties. Since it was said that the land belonged to either the National Agrarian Institute (*Instituto Agrario Nacional*) or the Central University of Venezuela (*Universidad Central de Venezuela*), they decided to request that those two institutions state their positions on the ownership of the property. He also conducted a title search for the properties at La Peñita in order to determine who the actual property owners were. After about six months of research, it was determined that the property belonged not to the plaintiffs but to a Mr. Jesús María Díaz, a gentleman of very advanced age. Upon reaching this conclusion, Mr. Taylor decided to ask Mr. Díaz to sell the land to its inhabitants. Based on his discussions with the inhabitants, he delineated the parcels that were actually being used for housing and farming, because a number of people had been claiming ownership of land that they were not actually using. The actual owners were willing to let the land go for a minimal price, but the sale could not be finalized because of pressure from local politicians who were charging the inhabitants a kind of "rent" to use the land and did not want to lose this income.

As mentioned, the attorney had to recommend the establishment of an association of affected inhabitants, the agrarian league. In addition, we have seen the difficulties that the inhabitants have in buying their land, even when united in an association, because those who have more money and power and political or governmental support are able to get the upper hand and establish their own ownership.

Up to this point we've been discussing private properties involved in litigation and undivided properties, but there are also properties in good legal order whose owners have trouble determining whom to address so that their land will be vacated or so that the government will seize it. In the case of one old hacienda in Valencia called La Isabelica, one of the hereditary property owners makes attempts to assist in the regularization of all those parcels whose informal possessors wish to legitimately purchase them. He can't force them to do so, however, making the process long and costly for the owners (Solórzano and Bretto, 1996). In this case the inhabitants do have the opportunity to buy their parcels. Credit and legal help are offered them, but they do not seem to be interested in buying.

In addition to the situation of land owners deprived of the use of their land, there are also parcels that are apparently public property, either municipal, national, or *ejido*. In many of these cases it is hard to determine whether or not the land is actually owned by a State entity, since they have frequently passed into other hands or been involved in a confusing sale. One such case is that of José Jiménez, one of our interviewees, in the La Antena *barrio* of Barquisimeto. He reports that when the land at La Antena was occupied it was not known who the property owner was. Subsequent legal research with the help of attorney friends determined that the land had originally belonged to the Municipal Council and that the conditions of its sale were unclear. After a number of years pursuing these leads, its occupants failed to win possession of the property, but the Municipal Council issued them a license to use it, a *concesión de uso*. Although it appears that they will not soon gain ownership of the property, they feel less threatened just having this official authorization. In our view, they have achieved what can be called “precarious but stable possession” of the land.

### **The hoped-for transitional nature of urban areas occupied by *barrios***

These illustrations of the difficulties indicated by former president Caldera as an obstacle to regularization indicate that he is correct. However, we believe that this problem may be obscuring other social, economic political, or ideological causes intrinsic to Venezuelan society. Urban *barrios* in Venezuela have had a surprising trajectory from their beginnings in the 1940s and 1950s. It has been assumed that the phenomenon could be controlled and its physical expression eliminated. However, this has not been possible. Instead, they have simply been ignored.

Over the course of more than 30 years, different governments have attempted to relocate families occupying *barrio* areas or in precarious possession of *barrio* land. This has been the case since the government of Marcos Pérez Jiménez in the 1950s up to the present government of Hugo Chávez. Pérez Jiménez initiated the relocation of the inhabitants of certain Caracas *barrios* into large apartment buildings. The current government talks about relocating them to new towns in the country's interior, where they would be provided with housing and work. The former idea has not been on the agenda for many years. The democratic system that came to Venezuela at the end of the 1950s could not or would not do anything to impede the development and consolidation of Caracas's *barrios*. On the contrary, it contributed to their consolidation. Mixed and even

contradictory opinions are expressed within today's government. However, technical and social improvements and legal regularization have been implemented in existing *barrios* with considerable enthusiasm and clarity, in keeping with the *Decree with the Authority and Force of Law to Regulate the Subsystem of Housing and Housing Policy*, whose Article 12 calls for the physical upgrading of *barrio* areas as well as the enlargement and improvement of housing in *barrios* and low income developments. In addition, Article 14 of the decree states the following:

Programs for the physical upgrading of *barrio* areas and the rehabilitation of low income developments, contemplated in Article 12 of this Law, will include the progressive improvement of environmental conditions, urban planning regulations, and the regularization of land tenure.

In keeping with this legislation, a special law will be effectuated for the purpose of establishing procedures and modalities for the recognition of land rights, the acquisition of properties, and the utilization of public and private lands occupied by the inhabitants of certain *barrio* areas and low income developments.

Current 1999-2000 authorities at the National Housing Council (*Consejo Nacional de la Vivienda*) have been working toward the passage of the special law mentioned in Article 14, hoping to avoid undue haste but to act while the political moment remains propitious.

We have in our possession the proposed law, called the *Law for the Regularization of Real Property Rights in Barrio Areas and Low Income Developments*. These officials are promoting, as I am, the recognition of urban *barrios* (Bolívar, 1987). If they are successful, we will have advanced on the road toward the legal acceptance of the *barrios* as part of Venezuela's contemporary cities, recognized with their peculiar morphology, with their virtues and their problems, with their greater risk factors, but recognized as parts of the city like other parts of the city.

We do not believe that the fundamental obstacle to the legal regularization of the *barrios* is simply the confusion over property ownership in Venezuelan society, or just the irregular patterns of parcelization in urban *barrios*, especially those on the hillsides surrounding Caracas, but also the fact that they have simply not been accepted as *sui generis* twentieth century urban areas.

### **The establishment of an informal legal order for the *barrios***

Although the *barrios* are not included in the formal legal system since they generally do not comply with current laws and regulations, in practice a separate but official legal code has been established to regulate the ongoing activities that in fact take place in them.

The fact that a former two-term president of Venezuela, an attorney, referred in his conversation with us to the notion of precarious possession is, if nothing else, a sign that what we are maintaining here does correspond to some legal reality.

We believe that a *de facto* legal code has been established with regard to the *barrios* and all matters related to them. In the words of respected specialists Pérez Perdomo and Nikken (1979:21), "...the State itself has contributed to the establishment of a kind of semi-official legal order to meet legal needs related to the ownership of housing in the *barrios* ." The State itself

also acts within the context of this *de facto* legality. Though doing so tentatively, incrementally, and in return for votes, State institutions have provided street infrastructure, services, and urban facilities to the *barrios*.

Evidence of property registration is not required in most situations; in fact foundations have been developed to serve as intermediaries between informal inhabitants and the banking sector. So what motivation is there to get involved in a regularization process? Legal tenure is useful when there is a threat of eviction and an associated demand for property titles, but as former president Caldera told us, precarious possession is usually sufficient.

### **The acceptance of stable but legally precarious possession**

Does this mean that the people of the *barrios* do not want regularized property? We don't think that this is entirely so.

Property and possession have sometimes been confused in Venezuela. For this reason, and because we are working in interdisciplinary teams, it seems useful for our social scientists to address this question. I refer the reader to Part Two of this paper, written by Teresa Ontiveros.

I also include a brief but edifying explanation by sociologist Tosca Hernández:

The first concept requiring explanation is that of *property*, an aspect of Law and thus a type of social practice which in a given social formation is a historical expression of conflict between social groups in the formal determination and reproduction of power relations. The concept of property in our countries is one of the pillars of modern law and of legal "equality." It presupposes the existence of free, equal, and independent men and women (the citizenry) in association with one another as a result of their own political will.

The concept of *property* is also one of the points of historical tension between the individual and society, a boundary between the collective and individual and the public and the private. Unlike mere *possession*, *property* is not a relationship between a *subject* and a *thing*, but a relationship between a *subject*, a *thing*, and *all other people*, those whose relationship to that same *thing* is restricted. A *thing* is possessed in order to be used, to be made to produce, or to be abandoned, but this is a right only "in the eyes of the others." To have property rights is to be in legitimate possession according to rules accepted by the group, where being and having are never separable because one *is* only if and to the extent that one *has*, and one is what one has. (Bolívar, Cilento Sarli and Hernández, 1997:7).



## **Avoiding or at times rejecting involvement in costly and time-consuming legal and bureaucratic procedures**

At this point in a discussion of private property and possession we must introduce the question of unequal access to legal and administrative systems.

Since no legal document proving the ownership of property is required of *barrio* inhabitants, they don't care if they have one or not, and may even forget that such a thing exists. Why be concerned about property?

According to one *barrio* dweller in Caracas, people in his *barrio* sell only buildings, even if the seller is also the land owner and would be legally able to sell the land through the use of formal documents. The informant reports that this is the practice due to the investment in time, costs, and bureaucratic procedures that would be required in order to sell land formally.

We would also like to introduce the question of the *barrio* dwellers' approach to bureaucratic procedures. Some researchers and government officials interviewed for this research argued that it is futile to insist on the regularization of the *barrios* if their inhabitants do not use formal procedures even when they are able to do so. This was in reference to cases in Caracas (Sucre District Municipal Council), and Barquisimeto (Iribarren Municipal Council).

In other interviews, however, some *barrio* dwellers seemed to be responding almost directly to the objections of those professionals. One woman from a *barrio* in Barquisimeto described her displeasure when she had had to go by herself to different government offices regarding the purchase of her land. Of course she could have done so, but the list of requirements demanded of her was so long, the waits so interminable, (and the clerks so disagreeable, I would add), that she became discouraged and did not complete the process. She preferred to remain in a state of precarious possession, a condition in which many people have no paperwork available to demonstrate their relationship to the property on which they live. In the same interview, this woman mentioned that the process is very different when it can be conducted by groups of neighbors and with institutional assistance.

Regarding the complicated procedures required of those who wish or need to obtain property titles in Barquisimeto, Cumaná, and Caracas, see the report I produced several years ago (Bolívar, 1998:14-24).

## **The struggle of those founding *barrios* to achieve stability in the possession of occupied land**

From the moment in which they invade or occupy land that is not theirs, *barrio* dwellers are involved in constant social skirmishes and battles. Over time, they are worn down by these interminable struggles, and sometimes even pay with their lives.

We don't support invasions or occupations, and we would prefer that everyone in need of housing had access to a lot with at least minimum urban services. However, if the housing supply is inadequate and no land is available for housing construction, what are people to do? Personally, I oppose the use of repressive measures to evict people who genuinely need a small piece of land in one or another city on this planet. At the same time, there is no denying that some individuals

traffic illegally to provide such land to others, in the fashion of the frequently-mentioned *gang del rancho*, or traffickers in informal shacks, in Maracaibo. These traffickers should be denounced and isolated by *barrio* dwellers, if possible by those actually in need of housing. The group of invaders led by Nerys Cuenca in Maracaibo was able to do this (Cuenca, 2000). The *barrio* dwellers themselves should be able to expose those who seek to exploit for their own benefit the misfortune of the poor and those in desperate need of housing.

For those who argue that the population does not struggle for the ownership of the land where they build their houses, we want to say that many factors should be considered, only some of which have been mentioned above. One should also take into account that information on peaceful struggles of *barrio* inhabitants is rarely disseminated, particularly in books. Their battles are rarely recorded or remembered, but they form an essential historical record for those of us who focus on the problem.

We want to take this opportunity to mention the significance of our interviews with Rosa de Peña in Caracas, mentioned above; with Alberto Ceballo, of the Agua Viva *barrio* in El Roble, Barquisimeto, and with José Jiménez, from the La Antena (Pacífico) *barrio*, also in Barquisimeto. They illustrate the strength of will and the constancy and perseverance with which *barrio* dwellers carry on their struggle for the stable if precarious possession or the formalized ownership of the land on which they construct their housing.<sup>V</sup>

### **The priority given to providing transportation, street infrastructure, and public facilities and services rather than formal legal regularization**

Researchers from other countries, particularly in Latin America, are surprised by the provision of public services to Venezuelan *barrios* that have not been legally regularized, and even more surprised by the improvements made to dwellings that undergo a transformation from *ranchos* (shacks) to houses, and even into multi-story buildings constructed of sturdy and permanent materials (Bolívar et al., 1994). This unusual situation is due to the decision by government officials beginning many decades ago to provide services to the informal occupants of land invasions in those areas where de facto occupation had been accepted, rather than first addressing the question of property regularization. In the words of Rafael Caldera:

That's why a kind of precarious but stable possession has continued on the part of those inhabitants who built their *ranchos* on small sites, next to streams for example. Sometimes they have enormous difficulties and make huge investments. It's truly amazing how they build two or three story houses in places that seem next to impossible. But those people live there now, and in certain cases we have found that what is most urgent is to make the *barrio* livable by authorizing basic services such as street infrastructure, potable water, sewers, communications, lighting, and telephones. These things are more important than building new houses.

This policy is what has impeded, or at least delayed, the legal regularization of the *barrios*. Knowing that they were the beneficiaries of an alternative set of legal rights, that they were not going to be driven off the land, that they could improve their houses, that they would not have to spend large sums of money to buy the lot on which they had already built and were living, people felt much less threatened. In addition, it was established that inhabitants would be repaid for the investments they had made in their homes if the occupied land was later needed.

## **The resulting peculiarity of *barrio* morphology**

The diverse shapes and sizes of the existing lots found in the *barrios* was another obstacle mentioned by the officials we interviewed (Bolívar et al., 1994:53-100). They ranged from twenty up to thousands of square meters in area. This is a complicated problem. Lots need to be remapped and in many cases reconfigured, a difficult and meticulous task, but one that can be accomplished if done with patience, and of course with the participation of the affected inhabitants and the assistance of relevant State bodies.

An example of this process is currently underway in Venezuela's interior, specifically in two *barrios* in Barquisimeto called Zona de Comprensión and La Antena. It is being implemented by groups of *barrio* inhabitants, with advice and training provided by State institutions. In Caracas as well, in the *barrios* of Catuche and La Silsa, groups of houses are undergoing a process of physical reorganization as condominiums, like the condominium or horizontal property scheme applied to apartment buildings.

In addition to the problematic physical arrangement of land parcels, there is the problem of multiple owners or inhabitants that coexist in individual structures. Particularly in Caracas, we have come across cases of multiple-story buildings with a number of related or unrelated owners. These buildings constitute a sort of unregistered, informal, and undefined horizontal property with semiprivate spaces, sometimes with completely unmarketable title documents. In addition to this unusual situation, which is an aspect of the alternative legality that has developed, there are problems stemming from a lack of sympathy and cooperation among neighbors. When neighbors actively dislike each other there may even be architectural repercussions. In other research we have encountered purely verbal agreements among neighbors.

Another problem is the lack of norms with regard to the production and reproduction of *barrios*. Sometimes houses are expanded to occupy their entire parcels, extending all the way to their boundaries with rights-of-way or boundaries with neighboring parcels, even encroaching at times on contiguous lots that belong to others. Since these lots are not registered and are defined simply by the fact of possession, their occupants have no legal authority to maintain their control over the area that they originally occupied. In some *barrios*, early occupants appropriate large parcels, which they may then share generously with later arrivals wanting a small house lot. Sometimes later arrivals simply appropriate a portion of a larger parcel without asking, however, negatively affecting the individual or family from which it is being taken. This problem was discussed in our research report on densification (Bolívar et al., 1994).

In many cases the political will necessary to carry out regularization is lacking due to the difficulties described above.

Due to the seemingly anarchic arrangement of land parcels, the unusual combinations of buildings and uses, and cultural patterns in rule-free urban *barrios* where individuals do what they can and as they wish, any process of legal regularization by planners is dependent upon two factors:

- a. a previous physical reorganization based on reliable information provided by researchers
- b. new forms of *barrio*-level social organization devised in collaboration with those conducting the research required in point *a* above, and possibly with government officials

### **Prelude to further research**

We have seen that the question of the legal regularization of the *barrios* is not a simple thing and that it is not easy to appreciate all its implications and ongoing transformations. In fact, it is closely tied to the historically determined behavior of human beings.

Based on analyses developed up to this point, we can describe certain elements that may contribute to improving the response of society to the needs of occupants of lands that are not their own, especially those that constitute urban *barrios*.

One of the lessons that we take from the preliminary analysis that has been conducted is the overriding need to settle on an approach to private urban land, including possible solutions to the problems it poses. Some measures should be taken to clarify this complicated and difficult situation.

Concomitant with the above, there is an urgent need to offer serviced land to homeless people who lack the economic capacity to access land on the formal market but whose sociocultural characteristics are such that they will probably be able to produce their own urban housing and to develop the immediately surrounding semiprivate area.

A decision must be made that new housing should be produced on urban land that can be economically incorporated into transportation networks and all urban service networks, and that the question of urban land property should be resolved.

Up to this time, the open-ended occupation of properties has been produced and reproduced, constituting the acceptance of precarious possession. We believe that it is urgent to clarify this situation. To continue in this ambiguity, where only possession and not property ownership is what matters, is to condemn both possessors and formal owners of property to a situation that will never be resolved but rather lead over time to a chaotic state of affairs where daily life for *barrio* dwellers will be marked by uncertainty, fear, and violence.

One of the results of this process is the triumph of individualism. Everyone does what seems best for him or herself, usually without considering the favorable or unfavorable effects on others.

Meanwhile, the tendency for the urban environment in the *barrios* is continued deterioration. If there is no immediate intervention taking into account all the factors that contribute to the *barrios*' production and reproduction, including global social factors as well as local and even immediate conditions, we will have no effect, or to be less categorical, any contribution that we make will quickly be forgotten.

In this sense, we think many resources are wasted, including the time of planners who generate elaborate regulations that frequently remain unread as just more contributions to the already vast

literature on the *barrios*. We think that in order for them to be useful they should be the result of close collaboration with *barrio* inhabitants, but planners must be intimately familiar with daily life in the *barrios* and really involved with their dynamics. We think that life in the *barrios* can be improved through mediations involving new methods by a different social actors involved in the processes of *barrio* production and reproduction, including new methods on the part of planners.

At this point in our reflection I realize the urgency of communicating with those who advocate and work toward the comprehensive physical upgrading<sup>vi</sup> of the *barrios* regarding the important need to consider aspects of their production and reproduction, including of course the culture and customs of *barrio* inhabitants and others working closely for their improvement. Thus in our effort to produce this written contribution and working at times directly in the *barrios* where physical upgrading is taking place with the participation of the national government and the World Bank, we must emphasize certain aspects critical to the success of physical upgrading programs, among them questions regarding the ownership and possession of properties and of course the unregulated or self-regulated nature of housing construction.

We don't think that the legal regularization of the *barrios* is possible without comprehensive physical upgrading, and we don't believe that the latter process can achieve its intended goals unless the goal of legal regularization is formally or informally taken into account and initiated. (By "informal" regularization we refer to existing forms that we have called "precarious possession," which is part of an alternative legality).

This leads us to ask several questions, including this one: What positive repercussions in the urban situation may result from the formal registration of properties in the names of those who currently possess them?

We can formulate some answers to this question based on what has been discussed in this article and based on our knowledge of the needs and aspirations of *barrio* residents, particularly those in only precarious and *unstable* possession of their land and homes.

We think that people will first breathe a sigh of relief. They will be able to sleep without fear of being driven from their homes. But we know that this is also the result when they are granted a *concesión de uso*, a license to use the property, so granting full property rights to the parcel is not absolutely necessary. It is sufficient to recognize the condition of precarious possession. Among the actual cases of the use of such licenses, we find *barrios* on municipal land that is not used in any way incompatible with housing for low-income families that begin by building a small shack, and municipal land used for other metropolitan priorities. We also find land belonging to other State institutions such as the National Agrarian Institute (*Instituto Agrario Nacional*) and the National Housing Institute (*Instituto Nacional de la Vivienda*). On the other hand, at the end of the 1990s we have found that occupations are not permitted and invaders are removed from land belonging to the National Fund for Urban Development (*Fondo Nacional de Desarrollo Urbano* - FONDUR). On some occasions negotiations have led to the sale of land, but only after the peaceful departure of occupiers. This occurred in Nueva Democracia, in Maracaibo (Cuenca, 2000).

While the cases described above are not unusual, few lands can be occupied in that fashion. Formality is gaining ground and property titles are increasingly necessary, sometimes due to requirements by commercial banks and sometimes to those of the public agencies to which lands belong.

We believe that the conditions are present for new and old *barrios* to regularize the property of the lands where they are located, including those on State property, and particularly where possession is not only precarious but also unstable.

For whose benefit can or should the question of regularization be addressed and resolved? The answer is clear. Regularization will benefit *barrio* residents in unstable precarious position of their land. From the formal legal point of view, these people are vulnerable to eviction by *de jure* land owners or individuals claiming to be *de jure* land owners in order to recover or take control of a property. Urban lands to be regularized should be appropriate for housing use and should not be located in areas incorporating imminent threats to human life such as river and stream beds, areas actively prone to landslides or requiring expensive stabilization work, and highway and high tension line rights-of-way. People living on lands presenting any of these dangers must be relocated to properties providing living conditions equal or better to those in which they lived.

In our opinion, a document representing individual registered property is less important than a document indicating *concesión de uso (sin pacto de retracto)*: with no right of withdrawal) that allows them to participate in *barrio* improvement programs, including those funded by international agencies.

We accept the recognition of official legality for the urban *barrios* as long as within this legality it is possible for residents to exercise all their citizenship rights even if they do not have deeds and that within the *barrios* a physically acceptable level of urban development and an acceptable quality of life are attainable. It should also provide a legal environment within which local organizations of *barrio* dwellers can be promoted, established, tested, and empowered to oversee the processes by which *barrios* are produced and reproduced (Bolívar, 1999). We believe that the promotion of strong new *barrio* organizations in close collaboration with local authorities and professionals is the only way to assure community-based regulation in areas of self-built housing.<sup>vii</sup>

The legal regularization of the *barrios* is a question closely tied to the socially-mediated behavior of Venezuelans, characterized by a high level of permissiveness and a strong and corresponding propensity to live in informality, among other features.

In order to carry out a process of regularization with a significant probability of success, we recommend that what is already known about the question be seriously taken into account, and that further research be promoted and carried out to monitor ongoing regularization processes.

## Part Two: *Tales of a Regularization Foretold*

Teresa Ontiveros

### Introduction

If we want to describe the stages of social development of low income urban *barrios*, we should pay special attention to those characteristics that uniquely identify them. Among these characteristics is the fact that the *barrios* are established, they grow, and they are reproduced primarily by their inhabitants. Socio-structurally, the *barrios* result from a social division of space. They form a geomorphological space domesticated by thousands of families ranging from the most economically deprived to others somewhat less so, incorporating a broad spectrum of the urban poor.

A look at the history and nature of the *barrios*, which on other occasions we have called “contemporary popular territories” (*territorios populares contemporáneos*) (Ontiveros, 1995), brings out their “heterogeneous homogeneity,” referring not only to the spaces produced (Guerrero, 1994:61), but to their cultural characteristics as well.

Their homogeneity refers to aspects of *barrio* production and reproduction in the urban structure, the nature of the self-urbanized space, the deficiencies of urban services and facilities, and the ongoing crisis that is their social-historical context. In many of these spaces, one can observe the population of vulnerable and at risk groups in terms of work, health services, education, environment, and quality of life, experiencing decreasingly tolerable levels of social exclusion, undermining their status as citizens and even depriving them of their identity as participants in the social fabric of the city.

Their heterogeneity refers to the various forms in which these areas are resemanticized, i.e. loaded with sociocultural meanings in keeping with the identity and values configured by *barrio* dwellers. The architectural heterogeneity of *barrios* is notable for different qualities and levels of intensity in the occupation of space, with identifying characteristics that allow us to differentiate one *barrio* from another. The *barrios* can also be categorized on the basis of sociopolitical or cultural production. For example, the Marín *barrio* in San Agustín del Sur is known for its contributions to urban popular music and the talent of its youths for music, dance, and other art forms. Guarataro, near downtown Caracas, is associated with years of political struggle, as is La Charneca. Several *barrios* in Las Adjuntas, such as Santa Cruz, are associated with community activities such as food and health cooperatives. Pedregal, in the eastern part of the city, is immediately associated with Holy Week celebrations and the palm fronds known as *Palmeros de Chacao*. Santa Rosa *barrio*, between Libertador and Andrés Bello Avenues, with its large Peruvian community, is known for its festivals in honor of Jesus, held in the second half of every October, with the presence and participation of Christian brotherhoods or *cofradías* originating in other parts of the country including, among others, Valencia and Maracay. Together, the *barrios* form the distinct part of the urban community that makes possible this dialectical interplay between homogeneity and diversity.

In another work we referred to self-built areas as *barrios of contrasts* (Ontiveros, 1997). In the words of sociologist Nery Córdova (Córdova, 1995), these *barrios* constitute a multiethnic and multiregional “cultural melting pot” made up of Andean, Asian, Peruvian, Colombian, and Ecuadorian peoples and Venezuelans from Miranda, Caracas, etc. Multiple ethnic and regional

combinations conforming different *barrios* have resulted in community strengths ranging from sports, traditional and popular music and dance, community associations such as women's organizations, alternative media, and many other activities that form the basis for community social life and projects.

One striking aspect is the way that *barrio* space is occupied. We believe that the form of occupation somehow conjugates *barrios'* human-level heterogeneous homogeneity with the characteristics of the physical spaces they occupy. *Barrio* occupations have generally taken the same form from the sociopolitical or urbanistic point of view, but have differed with regard to subjective, inhabitant-centered factors such as individual and collective values, representations, and the social sensibilities that lead to this process of occupation, which may take different forms and even differ in content (diverse or heterogeneous meanings of the inhabited space, the socio-anthropological dimension). We will discuss these ideas below.

According to Venezuelan sociologist Alberto Lovera, " the dominant model of the popular settlement process " (which in our analysis is homogeneity) is the *invasion* (Lovera, 1997:121), which refers to the occupation of public and private land by some means other than their purchase. Thus:

The vast majority of popular settlements in Venezuelan cities were established through invasion. Direct occupation predominated and became generalized after 1958, when massive invasions in downtown areas followed the fall of the dictatorship, but it was present before that time, including before and during the military government that attempted to eradicate the *barrios*. With the advent of democracy, the direct occupation of land became more systematic and eventually came to involve about half the population of our largest cities (Lovera, 1997:121).

This "legitimization of habitable space," in Lovera's words, is notable for trying to provide a response that goes beyond the structural causes, primarily economic, and consider the socio-historical reasons for the use of urban land by people to whom it does not belong, reasons that should be further elaborated:

... a number of analysts have pointed to a historical tradition in the Venezuelan countryside of using land when it is needed, frequently but not always with the consent of its owners. The arrival of urban populations in the cities did not eliminate this social practice, nor did legal changes regarding real property or increased State intervention... The fact is that this form of access to land is traditional in Venezuela, not only in the cities but in the countryside. The ubiquitousness of this practice in Venezuela contrasts with other societies where it also occurs, but much less commonly. People participating in land invasions see themselves as exercising a right to housing enshrined in the Venezuelan Constitution, although by doing so they are violating other laws such as the Civil Code and the Law on the Sale of Land Parcels. In the name of this constitutional right, and needing housing, they justify the physical occupation of properties. Using the same logic, they struggle to consolidate their occupations and demand that the State intervene to provide them with public services (Lovera, 1997:121-122).

The growth and permanency of the *barrios*, and in most of them the failure to provide the services and facilities necessary for a dignified life, reflect the incapacity of the State to provide



a healthful, developed space to society's lowest income sectors. Because the State has never fully committed itself to a comprehensive housing policy, any number of strategies have been followed by the different social actors in these urban spaces (Bolívar, 1989), producing the urban landscape that makes up our cities today.

First of all the inhabitants themselves do not generally own the land on which they live, so their attempts to produce a space that responds to their needs are limited and diverted into surprisingly creative modes of expression:

The different modes of occupation, of construction, of organization, the different conceptions of the space produced by its own inhabitants and the socialization processes that arise, are the expression of the cultural dynamic of the groups that construct the *barrio*. These living spaces are vectors of expression directly tied to the processes of rootedness, of territorialization, and of appropriation, and to the dialectical process of resistance and adhesion to the dominant urban development model, a confrontation between the processes of domination-reproduction-disintegration and of the liberation-creation-transformation of urban development (Solinis, 1990:20).

In contrast are the politicians, technocrats, government officials, and municipal leaders who at different stages of the process have promoted programs, plans, and projects that many researchers consider merely cosmetic, promoting model *barrios* as laboratories of "consolidation" while surrounded by a profusion of other such *barrios* where it is barely an exaggeration to say that children can be found living in raw sewage, hillsides are eroded by rain, and not a single house will survive the next downpour. Many of these actors promote land invasions.

The web that is the State acts as a "protector" with regard to social peace, when social equilibrium may be maintained on the basis of minor favors, adjustments, or investments that may be really quite large but have little overall effect on the *barrio* and the families that live there. In these ways, the State has invested in existing *barrios* on both public and private lands:

... the State frequently responds positively to *barrio* inhabitants' pressure to protect their possession of invaded lands, an element of the clientalistic approach to governing involving the State, political parties, and popular sectors in a political arrangement that has been called "conciliatory populism" (Lovera, 1997:124-125).

At other times, however, a repressive State confronts *barrio* inhabitants when formal land owners (either the State itself or private actors) demand other, far more profitable uses for their property, producing the specter of eviction and its traumatic consequences for low income inhabitants.

Between these approaches of tolerance and "invisibilization", most occupations have matured into *barrios adultos* or "mature *barrios*," and taken on the attributes of integrated urban neighborhoods (Bolívar, 1995:74). In this process, the consolidation of *barrios* and evictions from *barrios* each contribute to quotidian *barrio* dynamics.

From time to time, there are serious proposals to resolve the situation of *barrio* dwellers. In the 1970s, Rubén Charlita Muñoz (quoted in Ontiveros, 1998), presented a *Proposed Law for the Protection of Those Occupying Land in the Barrios of the States, Territories and Federal*

*District*, which despite its good intentions went absolutely nowhere.

In a previous work on this topic we tried to revive the memory of one attempt to regularize land tenure in urban *barrios* through the granting of land to municipalities, saying at that time that "the only written reference that we have found up until this time is that by Solórzano and Bretto..., referring to a project to authorize public credits that was rejected by Congress, which considered it '[contrary to] property rights because it encourages invasions.' In our judgment, it is important to better understand the failure of the only national attempt to regularize land tenure" (Ontiveros, 1998:13).

In this complex and difficult context, the coexistence of the *barrios* with the "legal city" is accepted, and they are provided with official aid (national and/or local) through large-scale programs, establishing what researcher Teolinda Bolívar calls "parallel official legality," and forming the basis for the following hypothesis:

...the solution is found in what in our judgment is a legal variant stemming from the power of legitimacy achieved by *barrio* inhabitants.

Inspired by Sousa Santos..., it may be said that a "parallel official legality" has been established. When inhabitants occupy lands that are not their property but rather that of the national or municipal government, even the domestic and international private sectors participate in activities that are strictly speaking illegal, but are legitimated by a "parallel official legality," by granting financing with self-built houses accepted as collateral. Nevertheless, we reiterate that in the case of private properties only, the State intervenes to assert the legality of transactions and avoid any kind of legal judgment. Sometimes the State requests authorization from land owners and in some cases we have found that the municipal council acts as a guarantor (Bolívar, 1998:28).

One piece of evidence that Bolívar presents to support this hypothesis is the use of presumptive, unmarketable titles (*títulos supletorios*), which have no apparent legal value if one supposes that the sale of a property that does not belong to the seller is illegal. Furthermore, sales based on these presumptive titles are negotiated around the value of buildings and improvements known as *bienhechurías* because they have been developed on land belonging to other parties, and transactions with these characteristics have in practice become a precondition for urban survival (Bolívar, 1998:20). Since this is one of the salient mechanisms for property transactions in the *barrios*, *títulos supletorios* have actually become a point of reference for *barrio* inhabitants, acquiring a symbolic value among them, but paradoxically, among official institutions as well, which require their submission in order to provide official applications for the rental or purchase of properties (Bolívar, 1998:21). They are also required in loan applications to improve housing through *barrio* associations. The author provides concrete examples for these two kinds of cases. In addition, it is ever more common for attorneys to provide this service to *barrio* inhabitants, demonstrating once again the power of everyday reality to insinuate itself into *barrio* value systems, with its diverse manners of conceptualizing the world and acting in it, constituting ways of life that are significant for our analysis and in any analysis of the adaptive processes that social groups employ.

Thus these presumptive titles, which have no formal legal value, are employed as "guarantees" among *barrio* inhabitants:

... these documents provide the security of having a paper to guarantee their property... We believe that the presumptive title not only plays a symbolic role but also that it is indispensable for various real property transactions, among them payment for *bienhechurías*. With this document they [the *barrio* inhabitants] feel that their property is being regularized... Are *barrio* inhabitants deluded, or are they in compliance with a parallel official legality? (Bolívar, 1998:24)

We can also associate this parallel official legality with what we are told by sociologist Tosca Hernández, who reports that when non-owners get access to a property, "... they establish rights and resolve conflicts, fortified by the strength they need to survive in the legal framework of a society where the political system is the primary factor for social integration." (Bolívar, Cilento Sarli and Hernández, 1997:9)

According to Tosca Hernández, this kind of *legal pluralism* is very characteristic of societies such as our own:

Speculating that societies that from the moment of discovery, conquest, and colonization, have experienced the imposition of and resistance to symbolic and representational systems. This process continued even after independence when they found themselves "required" to confront a modernity always defined by others. The result of this process has been the imposition "from above" of cultural representations, and with them legal institutions originating in societies different from our own. Thus our society is in a permanently defensive mode vis-à-vis our reality. A plurality of legal orders have arisen to address this lack of correspondence, and normative systems arising in different social situations combine, confront, and interact with one another (Bolívar, Cilento Sarli, Hernández, 1997:9).

With regard to investment for improving the quality of life in the *barrios*, we have found it increasingly common that one of the criteria of lending institutions is that *barrios* selected for investments do not have land tenure problems, remembering that at least some of the areas where public works projects will be executed are located on public land (national or municipal), either in terms of housing programs such as the programs of the Popular Housing Foundation - *Fundación Vivienda Popular*, or the Mortgage Banking Foundation - *Fundación Banca Hipotecaria* or in terms of *barrio* services and facilities programs such as the Promueba *Barrio* Improvement Program - *Programa de Mejoramiento de Barrios Promueba*, now called the Cameba Program. In fact, the latter programs expect land in the selected *barrios* to be regularized. The Project for the Urban Improvement of Caracas *Barrios* (*Proyecto de Mejoramiento Urbano de Barrios de Caracas* - Promueba Caracas) describes its programs and goals like this:

The program has three components: a) urban development, b) social accompaniment, and c) land tenure regularization. The general goal is to improve living conditions for low income sectors of the urban population, providing urban infrastructure in affected areas of the city, including alternative housing, streets and roads, aqueducts, sewers, drainage, electrical service, and land tenure regularization. These projects are intended to increase the quality of life for forty thousand families in the next five years. The strategy is to

coordinate the financial resources of relevant national and local organizations, to minimize the requirements for multilateral financial resources, and to establish local cooperating agencies (Hernández, 1998:61).

We believe that the proposals by these programs point to the latent problem of land tenure in Venezuelan urban society for public and private institutions, for mortgage financing entities, and for some inhabitants, including some for whom the ownership of land did not constitute (and for some of whom *does not* constitute) a problem, given the multiple problems that they face in their difficult daily lives. Nevertheless, the discussion has been brought forward and stimulated both theoretical discussions and practical considerations.

Why reactivate his latent problem? Given the ever greater conditions of risk in which low income sectors are living, the deteriorating quality of life and the phenomena of extreme social exclusion and segregation, there is a need for public policies that in practical terms will tend to restore some semblance of balance to the situation, and for urban and social development activities to improve the quality of life of the urban poor and allow for their reinsertion into the greater society. The implementation of policies with these goals requires a new transparency in the relations that are produced in the urban space and a new transparency in the rules of the game. Why haven't these commitments been made in our country before we arrived at this pass? Why do approaches like those of the 1970s fail? This is a discussion that should be pursued and that should take into account historical, cultural, and psychological factors. Nevertheless, we believe that sociologist Alberto Lovera makes one very clear and powerful point:

In fact, the current discussion on the regulation of land tenure in the *barrios* is more pertinent to *barrio* improvement and consolidation than to the problem of property itself as a central issue; the latter is rather more an instrument, a means to facilitate a planned and coherent consolidation of the *barrios* and their articulation with the rest of the urban structure, apart from the interest that real estate sectors (involved in building construction, financing, and management) may have in facilitating their integration into this immense market (Lovera, 1997:125).

In an immediate sense, however, should the regularization of land tenure be pursued? What successful or less successful but admirable experiences can we refer to as guides for future action?

### **Urban points of view on land tenure regularization in the *barrios***

There are many voices in favor of regularization and many that oppose it. In an interview conducted by architect Teolinda Bolívar and attorney María Elena Calles (1999), the opinion of former president Rafael Caldera comes across loud and clear:

There are two reasons for the difficulties [of regularization]. One is that it is enormously challenging to determine who the current owner of a property is, and even whether a property is private or if it belongs to one of the communities that has still not been dissolved, if it is *ejido* land, or if it is municipal land. This makes it a very difficult process to determine who the current owner of a piece of property is. For this reason, there is the idea of a constitutional amendment to transfer the ownership of properties to those who have occupied them peacefully and openly, in a stable fashion, for a certain number of years, just as the legal owner would do but without having legal possession. That's one

aspect, but also most land in the *barrios* is divided in such an irregular and imprecise way that establishing property boundaries is nearly impossible.

Since many of these *barrios* are in places considered unstable and inappropriate for residential use, the former president believes that if the State presented these properties to those who occupy them, it would then be obliged to rationalize their physical condition and to compensate their legal owners, incurring expenses of a completely unexplored magnitude. But according to Rafael Caldera, playing no role at all in the situation is what has resulted in “the kind of legally precarious but stable possession of those inhabitants who built shacks in whatever space they could find, on the banks of streams, sometimes confronting great difficulties, with enormous investments. It's just amazing how some truly ingenious people have built two and three-story houses on very challenging sites.”

For these reasons, he believes that it is more important to make the *barrio habitable*. Dr. Caldera believes that a legal provision granting *barrio* residents property rights could have undesirable legal consequences. Likewise, for occupants to leave the *barrio* and build new houses elsewhere would be a daunting task.

Dr. Caldera points out another problem to illustrate the difficulty of regularizing *barrio* lands: the parcelization process itself:

How would rules be drawn up for these properties? What would be the minimum size for a parcel to be established as a piece of property and conveyed to an owner? Could a 20 square meter parcel be established as a legal property? That's absurd; it doesn't make sense; they would have to be parcels of a certain minimum size, conformed according to certain rules.

Another aspect of the problem is the time that would be needed in order to reach an ideal solution, given the urgency of the situation:

We can't invest several years trying to reach an ideal solution. We have to address the most urgent and compelling needs of the community, such as water service. Sometimes water can't be provided to every house, but a source of water can be located in every *barrio* at a reasonable distance from the housing. Streets. Hillside stairways. They may seem ornamental but they're extremely important within the *barrios*. Then, communications. Public phones are a sought-after goal for these people, and you might not believe it but one of the services that they demand as fundamental is public safety. The first time I ever visited a marginal *barrio* in order to see the situation and offer help, I found that the first thing people wanted was a National Guard post. That's what they wanted most... We responded with a very nice project in El Limón.

This culture of responding to emergencies expressed by Dr. Caldera, as distinct from the *culture of urgency* proposed by sociologists Yves Pedrazzini and Magaly Sánchez (1992), is very typical of our politicians. They respond to “emergencies” with short-term measures, some of whose effects in the community are negative since they are conceived and applied without recourse to wider or longer term analysis. We think that this has done a lot of harm to the *barrios* and to the process of their rationalization.

It is notable that Dr. Caldera reflects on the fact that *barrio* dwellers are in precarious possession of their homes, referring also to the physical challenges in these spaces established only through the strength and resistance of their inhabitants. Many of the *barrios* are on or near the banks of mountain streams, on high steep land, etc., which together with environmental challenges and the inhabitants' economic, family, and health conditions, goes a long way to explaining their precariousness. At the same time, they are stable in the sense that despite these obstacles, many have lasted a very long time without suffering any radical actions such as expropriation (although we cannot forget certain attempts that were made during the period of the Pérez Jiménez dictatorship). As time has passed, *barrio* inhabitants have developed an identification with the land they occupy, and a sense that their possession of it is legitimate. This sense may even be secondary to the psychosocial sense of possession that people develop when they build their own dwellings, be they anything from small shacks to well elaborated houses built from permanent materials. They come to feel family and *barrio* rootedness and a belonging to the space they occupy. *Barrio* dwellers' relationship to their land and especially to their houses is a key factor in the processes of possession and appropriation of *barrio* land.

It is worth noting, on the other hand, that researchers such as Maritza Montero and José Luis Vethencourt (Bolívar, Cilento Sarli and Hernández, 1997) point to a latent but ongoing sense of impermanence, for example when inhabitants are threatened by rains, landslides, etc., or when the supposed legal owners of *barrio* lands suddenly or perhaps cyclically appear to exercise their property rights, raising the specter of displacement and creating social and psychological instability. Such events may also reactivate a crisis of meaning between possession and appropriation on one hand and uprooting and displacement on the other. Psychologist Maritza Montero also refers to the need for upward social mobility (from shack to house), the sense of ownership and belonging that is undermined in interactions with the formal legal system, about which *barrio* dwellers know and understand very little, and:

... about which the only thing people understand is that to sell is to deliver a thing and receive money in return for it. Indeed, people are very familiar with this because shacks are bought and sold regularly. There are many such transactions every day.

This generates a series of psychosocial and psychological processes that aside from inducing attitudes, beliefs, and values, also generate a cognitive process. The value of property is established and present in all of these people, but at the same time there are a lot of confusing attitudes and beliefs about what does and does not belong to a person. People living in *barrios*, living in shacks, may be subject to a lot of confusion in this sense, and this has consequences in terms of behaviors; there are behaviors associated with physical decadence and others associated with conservation.

Curiously, in *barrios* dominated by more rudimentary shacks there is an easily observed process of housing improvement. ...Ironically, we've also observed behaviors indicating a determined rootedness despite the precariousness of the situation (Montero, en Bolívar, Cilento Sarli, and Hernández, 1997:49).

We can see that psychosocial, cultural, and anthropological factors play a role equal to that of architectural and urban planning considerations in land regularization in the *barrio*, and they will play an important role in the formulation of policy to "resolve" the situation. We will come back to this point.

In an interview with attorney María Elena Calles (1999), sociologist Alberto Lovera indicated that if he is inclined to think that the regularization of land tenure is worth the effort. However, he says:

We must be aware that there are different ways to approach this problem; ... It shouldn't be done the way it's been done in some states, in some municipalities. It's been undertaken as a kind of populist move where private titles to parcels of public land have been distributed. This is a recipe for the worst kinds of consequences.

A regularization process wouldn't make sense unless it were also part of a process to reorganize the space to be regularized. One of the problems with regularization is that it can trigger a mechanism that essentially expels the inhabitants of a particular area because where there is private land, the area can be converted into a competitive market, particularly in some locations. If it is a desirable area for real estate promotion it may attract enough capital to make the sale of their property very attractive to inhabitants but not provide them with enough money to acquire a comparable place to live. This is similar to what happens in urban renewal programs.

At the same time, Lovera warns that the sale of these properties does not take place outside the market. Transactions are conducted in various ways and in fact the market for *barrio* properties is:

... more dynamic than the so-called formal market, but with some obstacles to the penetration specifically of private, promotional capital in the entrepreneurial sense of the term, specifically obstacles to the entry of capital where property is irregular and where there is no mechanism to substitute for property titles. This also affects inhabitants because they are unable to obtain loans through ... the majority of programs with outside financing since they can't take out a mortgage on a piece of property that isn't theirs. [This] affects revenues in the real estate sector and affects the inhabitants who although they have sufficient resources, are unable to benefit from a number of different instruments.

This irregularity has not kept the *barrios* from growing. Self-built housing continues to be improved and Lovera notes that in some cases it has become so dense as to cause concern (citing the work of Professor Teolinda Bolívar and her research team).

Lovera reiterates that any analysis of the current state of the vast majority of *barrios*, and indeed of the city as a whole, must consider the sociopolitical dimension, i.e. the need to recover regulatory and normative capacity in the urban space because "society needs to adhere to certain rules of the game." To be functional, he says, those rules must be shared. In the case of the *barrios* in particular, he believes that some of the perverse effects of densification are due not only to the absence of regulation (and not just the regulation of land), but to "the absolute dominance of the market in that submarket." Thus any attempt at regularization should consider applying a set of norms to benefit the quality of life in these urban spaces. He goes even further, saying that this analysis should be applied to the rest of the city as well.

There is not and can not be any recipe for the form in which regularization should be undertaken:

We need to remember that faced with heterogeneous phenomena in heterogeneous societies we need a menu of options for different circumstances, or they may even need to be tested by conducting a series of pilot programs that can be evaluated in the short term for their effects on property and on improving the situation. Measuring even these short term effects requires a minimum of five years, but there are other kinds of things that can be inferred, or inferred from already existing situations. We can infer from what has happened in *barrios* where legal land property rights were authorized since there are many *barrios* where inhabitants have property rights over their land because they were acquired from other landowners or because somewhere along the way they were acquired from their owners and the State perhaps distributed lots. This could be compared with otherwise similar situations...

Researcher Oscar Olinto Camacho has spent the last few years working on this difficult problem, and focuses on the different forms in which land occupied in the *barrios* should be regularized:

[Policy] should not be focused exclusively on a presumed solution by means of simply assigning and registering land titles. Depending on the case, the urban development of the *barrio* for specific projects either should have been begun previously or should be begun simultaneously. Communities should participate in those projects and there should be the possibility of different categories of land tenure and land use such as individual and collective properties, private, public, and semipublic areas, condominiums, etc. (Camacho, 1996:8)

Among specialists in the field, we find voices both in favor of and opposed to regularization processes. A Law on the Regularization of Real Property Rights in *Barrios* and Low Income Developments (*Ley de Regularización de los Derechos Reales Inmobiliarios en las Zonas de Barrios y Urbanizaciones Populares*) is under consideration and intended for near-term application. It is promoted by the National Council on Housing (*Consejo Nacional de la Vivienda* -CONAVI), but full details are not available at this time. We can only say that the positions of the national government on this issue may not yet be fully formed.

What is the real role of *barrio* inhabitants in relation to the land they occupy? What are their opinions, their expectations, and their solutions to this situation?

We should remember that at the beginning of these reflections we indicated that the *barrios* are a homogeneously heterogeneous phenomenon, and indeed in conversations and debates among *barrio* inhabitants themselves, we have found a wide range of positions concerning their occupation of the land.

To some, the existence or nonexistence of legal property rights over land that they occupy is not an important enough concern to interfere with their precarious daily lives, generally dedicated to survival activities: feeding themselves, finding the resources to buy the latest school supplies required for their children's education, or finding the money to make payments on a television set that they bought from a merchant down the street. Most important is the house and its improvement, the material and symbolic value of the domestic space.



To others in the same circumstances as the previous group, tenure is not a concern until they are confronted with demands by the owners of land that they occupy. This was the case for a young woman speaking at a land workshop in December 1995, who spoke of the uncertainty of living on land belonging to others, particularly when worried about a seemingly imminent eviction:

Even if you recognize the dilemma of not owning the land you live on, your long-term occupation of it (15 or 20 years) makes you feel part of a place, and you want to have a house, to feel like it's yours, to have social connections right where the house is. You're also affected by the trauma of feeling defenseless when you know that you may be evicted at any time. What happens to those years of belonging to a place, where at least three generations (parents, children, and grandchildren) have been able to establish those family and *barrio* ties? Where can you go? To build another shack or another house? How do you struggle to obtain that piece of land? (Ontiveros, 2000:1).

Living on “land belonging to others,” some inhabitants experience alternating cycles of tranquility and anxiety. The struggle for regularization, the hope to make these lands their own, provides a sense of purpose and a way to alleviate the collective drama arising from the specter of forced displacement. This is the case for *Señora Rosa de Peña* of the *barrio* Hoyo de la Puerta, who has experienced the growth of the *barrio* with this dilemma ever-present. She remembers confrontations between *barrio* residents and the National Guard in 1945, 1972, and 1978:

...every time that a new national or regional government comes to power, the National Guard shows up. If they don't confiscate all the electrical connections, they close off access to the *barrio*; they take away residents' cars... They mobilize the mass media, Los Teques [the state capital], the National Guard units, the Ministry of the Environment, the Prosecutor; they hound us in every way they can (Bolívar et al., 1995:86).

Rosa de Peña describes the ordeals experienced by her *barrio* at every national and international meeting of *barrio* dwellers. Her story is not fictional, but with so much telling and retelling it seems like a foundational myth incorporating uncertainty, struggle, and sacrifice, as well as hopes for a still undefined happy ending, perhaps after the next inevitable confrontation with the owners, of which there have already been many.

The struggle is not restricted to Caracas. For example, in the state of Lara and the city of Barquisimeto, we are aware of cases such as the *barrio* La Antena, where inhabitants have struggled continually for lands that were occupied "on the seventh of April of 1994 at five o'clock in the morning" (Jiménez, 2000:2). Historically, these were urban *ejidos*, but in 1957 they were sold to Radio Barquisimeto, only to be abandoned several years later, leaving behind a landmark antenna about 120 meters high, around which the *barrio* of the same name then grew (Jiménez, 2000).

Jiménez's description of the struggle for the *barrio* popularly known as “Pacífico” begins with details of the illegal sale of land to Radio Barquisimeto, and describes marches, the occupation of the Legislative Assembly of the state of Lara and of the city's Municipal Council, the drafting of a diagnostic document on the situation of the *barrio*, and recourse to the mass media. After all this,

On June 4, 1996, the Municipal Council approved a resolution rescinding the sales contract to Radio Barquisimeto because it violated laws in effect at the time of the sale; it ordered the Metropolitan Office of Urban Planning (*Oficina Metropolitana de Planeamiento Urbano* - OMPU) to conduct technical studies on the land, and instructed the Directorate of the Cadastre (*Dirección de Catastro*) to issue concessions for the use of the land (Jiménez, 2000:4).

The La Antena Civil Association for Housing (*Asociación Civil Provivienda La Antena*) was formed, and with technical help prepared an application for a land-use concession and produced maps of the *barrio* and its land parcels. According to Jiménez,

This experience at La Antena was very important because it served as a point of reference when Municipal Attorney (*Síndico Procuradora Municipal*) Marilyn Unda drew up a special contingency program for the regularization of land tenure, which called for the formation of Technical Assistance Teams in the different organized communities within the municipality of Iribarren.

Unfortunately this program was curtailed by political and economic interests that opposed it. Up to February 2000 we have received approximately 300 land use concessions and there are 70 applications for concessions tied up in the Municipal Council. Municipal Attorney Marilyn Unda, who was coordinating the program, was removed from office by the Council (Jiménez, 2000:5).

Was the experience of the *barrio* La Antena unusually heroic? We think that there are and have been many such stories. Just recently, in fact, in March and April 1999 we witnessed a wave of land occupations in many regions of the country that set off a strong debate recounted by anthropologist Julio de Freitas in Part Three of this work: *Land, Shelter, and Invasions: Itineraries of an Old Problem in Times of a New Government*. Many surprising points of view were expressed in these discussions, tending first to justify and legitimize the occupations, but later characterizing them as the work of opposition parties. This demonstrates the complexity of the problem, among other things.

We will see in many of the narrations the things that motivate people to struggle for regularization or to simply continue in a condition of legally precarious but stable possession of the land on which they live.

We may not be aware of all the factors that *barrio* inhabitants consider in making this decision, for example the endless series of individual and collective bureaucratic procedures necessary just in order to apply to purchase a piece of land. As pointed out by Víctor Cárdenas (Cuny), a member of the Solidarity Network of Autonomous Communities (*Red Solidaria de Comunidades Autónomas*), there are few advantages to living on one's own property other than the ability to obtain mortgage credits and to register a property title. This makes one wonder what exactly it is that makes us full citizens.

There are also a number of different modalities or forms that regularization may take. Some think that property should be collective because otherwise individual families may be easy prey for speculators and fall victim to peaceful forms of displacement. Others think that property should be based on the family unit or that property owners should be organized into

cooperatives. In the face of so many points of view, what can we contribute to this discussion?

We believe that there are well-established motivations for the regularization of land tenure under our model of capitalism (which some call "savage capitalism") and we believe that it has become an instrument to apply new modalities for the consolidation of self-built spaces (Lovera, 1997). However, as a hyper-complex and paradoxical matter, interest in regularization on the part of elite sectors is matched by the interest of subaltern sectors. How are their divergent underlying interests to be conciliated? We believe that the immediate solution is for popular sectors to be aware of and expose the underlying interests in these regularization processes, and once familiar with elite discourse, take their own positions in keeping with the collective history, trajectory, and projects that characterize the *barrio*. This is a moment for the meanings of frequently used words such as negotiation, *concertación* (cooperating in a focused and concerted fashion), and dialogue to be taken seriously and put into practice in order to achieve a just and dignified quality of urban life that meets the conceptual requirements of full citizenship, in contrast to what we experience today, which is a society where inhabitants of the city and its surroundings are deprived of the functional, aesthetic, symbolic, and affective qualities of a satisfying life. We should also remember the words of researchers González Alcantaud and González Molina: "Semanticized etiologically, land is territory; resemanticized culturally, land is transformed into nation" (1992:49).

And we are all committed to that...

## **PART THREE: *Land, Shelter, and Invasions: Itineraries of an Old Problem in Times of a New Government***

*Julio de Freitas Taylor*

### **Introduction**

At the risk of stating the obvious, we can begin by saying that the problem of land invasions in Venezuela is an old problem that long predates the extensive media coverage it has recently received in this country and elsewhere. The invasion of buildings and properties in rural and urban areas of Venezuela should come as no surprise if we take into account that the majority of the *barrios* in the country have been built on property that originally belonged, or that does belong, to private landowners, to the Nation, to municipalities, or to institutions including the National Agrarian Institute (*Instituto Agrario Nacional* - IAN), the National Housing Institute (*Instituto Nacional de la Vivienda* - INAVI), and others.<sup>viii</sup>

In previous years in fact, even during the so-called oil boom, several schools in the western part of Caracas, entire public housing properties such as in the Raúl Leoni development in Casalta 3, and even privately owned commercial spaces such as the old Almacenadora Caracas storage facility on Avenida Sucre in Catia La Mar were occupied by people who had lost their homes due to landslides or flooding in *barrios* such as La Morán and Valmore. In Caracas, many of these same people can be found 20 years later still living in “irregular” conditions.

It has not been unusual for the ownership of certain large haciendas, ranches, and farms to be called into question because of the way they were obtained, or because they were invaded and originally belonged to Indigenous or *campesino* communities. Thus if invasions per se are to be criticized, that criticism should not be restricted to the members of any particular social group. It should be directed at much of Venezuelan society.

In this context, one may ask why the Venezuelan press and other journalists gave so much coverage to the problem of land and housing invasions that took place between March and April 1999. An initial answer seems simple, since that was the very beginning of a new government and a new presidency. Lt. Colonel Hugo Chávez Frías (Ret.) had assumed office just a few days before. Chávez was one of the officers behind an attempted coup several years earlier, and according to many political analysts and some media outlets, his support stems directly from the popular discontent that was expressed so vividly in the riots and looting of February 27, 1989, what one journalist called “*el día que bajaron los cerros*” or “the day that the hill dwellers came down (to the city center),” referring to the looming presence of hillside *barrio*-dwellers surrounding the capital city of Caracas.

In November 1998, one month before the presidential election, Caracas newspapers ran several brief articles on certain land invasions in areas near the capital city. In addition, several presidential candidates participating in what was called an “Anti-Chávez Front” centered their campaigns on the possible abuses of private property that Chávez would perpetrate if he were elected president. Paradoxically, these campaigns stimulated a wave of rumors that reflected both approval and disapproval of such actions if Chávez were elected.<sup>ix</sup>

These factors have led us to provide a brief and very exploratory analysis of how the Venezuelan press, civil society, and political actors responded to the phenomenon of invasions in the first months of the Chávez government.

## **Methodology**

In order to carry out this analysis we examined articles on rural and urban invasions published in Venezuelan newspapers between President Chavez's inauguration in March 1999 and July of the same year. We used all the articles on this topic that were published in three widely read national newspapers: *El Nacional*, *El Universal* and *La Razón*. The readers of *El Nacional* and *El Universal* generally belong to middle and upper socioeconomic strata while the readers of *La Razón* generally have lower incomes.

Since these three examples of the print media tended to approach the topic in a very similar fashion, we decided to focus primarily on the manner in which various social actors involved (mostly government and opposition representatives and representatives of major economic forces in the country) chose to express themselves on the topic.

We should also point out that despite the extensive use of interviews and quotes from documents produced by the above-mentioned actors, none of the newspapers conducted direct interviews with occupants of the land and housing in question, the "invaders." It is striking that the point of view of the principal actors in these events was never reported.

Once we collected the articles to be analyzed, we categorized their phraseology and discourse in relation to a series of descriptors that we considered most representative of the discussion as a whole. Without making any claim as to the exhaustiveness of our research, we believe that these descriptors present the essence of what the different articles intended to communicate to their readers. The descriptors are as follows:

- property invasions are not a new phenomenon in Venezuela
- statistics on the problem were apparently presented unscientifically, i.e. the use of pseudo-statistics
- the need to respond to invaders with violence
- invasions as a strategy of opposition parties against the new government
- invasions due to the weakness of the new government or invasions inspired by the new government
- invasions as an impediment to domestic and foreign investment
- short-term changes of attitude or opinion with respect to invasions and how to react to them
- the need for tax reform or political reform to avert or inhibit invasions

In addition to articles containing these descriptors, we also encountered journalism that responded to news of property invasions with what can be called meta-reflections, i.e. comments regarding invasions vis-à-vis the social and political situation of the city and country from a humorous, philosophical, or city planning perspective. These were interesting not only because of their intrinsic content but also because they provided context on the historical moment in Venezuelan national life.

## Results

### Property invasions are not a new phenomenon in Venezuela

As mentioned above, at the beginning of March 1999 the problem of invasions came to be discussed as though it were a wholly new phenomenon in the country. In the months from which we draw our corpus, it was easy to find repeated references to a harmonious and idyllic Venezuela where respect for private property has always been a key factor in our development as a democratic nation. To opposition sectors, invasions were associated with the new government, which was either rhetorically or concretely closer to low-income sectors. According to this discourse, the government either supported invasions for strategic reasons or at least took a laissez-faire approach to them. In response, one of the parties associated with the new president stated clearly:

Invasions are common practice that has been promoted by the Venezuelan State and political parties. They have taken place for more than 40 years. The occupation of slums surrounding the principal cities of the country is due to invasions that took place at the urging and with the implicit consent of various governments [over the years]. (leader of the Movement for the Fifth Republic (*Movimiento Quinta República*) parliamentary delegation, quoted in the article “PPT acusa a AD de ser el promotor,” in *El Nacional*, 3/16/99).

Not only were the invasions not a strategy of the new government, but they were a practice as old as Venezuelan democracy itself and had been promoted by previous governments and by the State. In fact, they were not as large or numerous as they had been in the past. The then-Minister of Internal Affairs:

There are only small and sporadic cases. These invasions do not constitute an emergency; they are easily manageable. Some news media have tried to magnify the problem, which has actually diminished from what we have seen in the past (“Miquilena: Las invasiones son fácilmente manejables,” in *El Nacional*, 3/12/99).

This condition of irregularity, beyond the partisan political problems that may be associated with it and apart from the question of certain people’s “guilt” in the matter, involves a divergence from the law, or what some scholars have called “legal pluralism,” dating back much further than March 1999. This is easily observable from the standpoint of legal sociology:

I would not be surprised if at least half of the country lives on properties that at one time were occupied through invasions, nor if cursory legal research would cast doubt on the

tenure of many of today's landowners. These are symptoms of a generalized institutional precariousness in our national territory and also an indicator that for many Venezuelans the rule of law is not a reality in any sense of the word (Ignacio Avalos. "Invasiones o ¿Ay qué pena en el exterior!" *El Universal*, 4/13/99).

It seemed to be quite difficult to provide convincing arguments that the phenomenon of land invasions was nothing new in Venezuela, something that common sense tells us didn't need to be proven at all. In fact, land invasions at this point were not in themselves the issue. The larger problem was foreign "confidence in Venezuela," a confidence that according to some groups of entrepreneurs and politicians had been seriously eroded by the results of the recent presidential election and other events of recent months. This erosion, they said, could scare off foreign investment from our country:

#### Invasions and foreign investment

This situation is a disincentive to both domestic and international investment... because it is a violation of private property rights and a threat to legal security that in the medium term will affect the invaders themselves, because they will be unable to get legal ownership of the housing that they have invaded and they will be unable to initiate the physical improvements that would generate the jobs that Venezuela's needs so much given the current high rate of unemployment (statement of René Tineo, president of the Federation of Chambers of Commerce in the state of Zulia (*Fedecámaras-Zulia*), in: "Empresarios solicitan reunión urgente con Miquilena para tratar invasiones." *El Nacional*, 3/9/99).

Another interesting characteristic of the discourse on invasions that appeared in the national press was exemplified in statements from the business and ranching sectors. Certain numbers and percentages were referenced as though historical records had been kept on all invasions, no matter how small. We have called this practice the use of "pseudo-statistics."

#### Pseudo-statistics

According to the president of the Cattlemen's Federation, a "wave of invasions" of private property began immediately after the inauguration of President Chávez. By no later than March 6, according to these statements, more than 1,000 cattle ranches had been invaded:

Working ranches were the most affected by this wave of invasions of private property that has taken place in the last three weeks. More than 1,000 *haciendas* have been invaded (statement by José Luis Betancourt, president of the Cattlemen's Federation, in: "Sector privado espera por acciones del Ejecutivo para frenar las invasiones." *El Nacional*, 3/6/99).

Figures were not provided for cattle ranches alone, but for urban property as well, included in statements by *Fedecámaras-Zulia*, which has close ties to the Cattlemen's Federation. Data provided less than 24 hours after this invasion were alarming not only for their high numbers but also because of their supposed exactitude:

Cabimas is a development of 2,500 housing units, 500 of them currently completed.  
Maracaibo is a project of 2,000 apartments with values in compliance with official housing

policy. The state police in Zulia have taken no action on this matter; none of the appropriate evictions have been carried out (statement by René Tineo, president of Fedecámaras-Zulia, in: “Empresarios solicitan reunión urgente con Miquilena para tratar invasiones”. *El Nacional*, 3/9/99).

Reading through the statements of business spokespeople in early March, one particularly surprising statement stands out, particularly taking into account the repeated characterization of land invasions as a new phenomenon. If at the time when these articles appeared this “recent wave” of invasions was barely 3 weeks old, wasn't it contradictory to refer to “a normal number of invasions,” thus recognizing invasions as a common practice? It also leads one to wonder what number of invasions, being violations of private property, would cease to be “normal” and begin to be a threat.

“At the meeting of business representatives from all regions and business federations, it was stated that “in the last three weeks, invasions in Venezuela have increased by a factor of 10 over the normal number. One hundred properties have been violated,” stated Vicente Brito, vice president of Fedecámaras (“Invasiones aumentaron 10 veces.” *El Universal*, 3/9/99).

### Violence used against invaders

As has been pointed out, the so-called “wave of invasions” was not restricted to rural areas. Land for farming was certainly a factor, but people in need of housing also played an important role, at least at the level of discourse, in what seemed to be a wave of illegal occupations in the first months of the new government.

In the specific case of Caracas, people whom some called “urban guerrillas” began to make their presence felt in the capital's *barrios*. At this time, the existence of a “subversive” document came to light, calling upon *barrio* inhabitants to invade apartments in the “formal city.” Thus the “invaders” could be associated clearly with a particular socioeconomic stratum and a particular physical space. The city councilor who made the following statements belonged to a political party in opposition to the pro-Chávez *Polo Patriótico* coalition, and linked the national government with illegal occupations:

The Municipal Council of Caracas resolved in one of its sessions to exhort the government to control and resolve this “wave of invasions.” Councilor Oswaldo Siano reported that properties in Macarao, Caricuao, and Antimano had also been invaded, as had apartments on Avenidas Lecuna and Urdaneta and in El Paraíso and La Candelaria. He also reported that since last November, a document has been circulating in capital city *barrios* stating that “the land should belong to the poor” and recommended that the individuals inciting these invasions be investigated (“En 15 días desalojan el Di Mase” *El Universal*, 3/17/99).

The complicity of the national government and of President Hugo Chávez in particular was made perfectly clear when neither the police nor the National Guard were allowed to intervene.

The insistence of the president on not allowing state security forces to participate in any form of repression of land invaders is partially due to the identification of invaders with popular social



sectors, in some way justifying land invasions as the product of the injustice of Venezuela's so-called democratic period over the previous forty years. In contrast, the response of the then-president of the Venezuela Governors Association and the governor of Lara, apparently one of the states most affected, paints illegal occupations as crimes and those who perpetrate them as criminals:

The president said that he would not utilize the Guard to repress the people, but he never said that he would not use it to repress crime (statement of Orlando Fernández in: “Gobernadores solicitan apoyo del Ejecutivo para solucionar crisis por invasiones.” *El Nacional*, 3/11/99).

The owners of affected ranching properties in this case in Guárico, one of the most important cattle ranching states in the country, emphatically expressed their discontent with “government passivity,” as reported by a journalist for *El Nacional*:

The owners of invaded properties en Guárico said that they were not content to simply wait for results of the “attempts to persuade the perpetrators of these actions to desist” that the government recommended (“Productores de Guárico claman por el freno inmediato de las invasiones.” *El Nacional*, 3/22/99).

In the same article, the ranchers are quoted as calling land invasions in Venezuela a recent phenomenon, and as asserting that they were unique to this country:

Throughout history, man has prized no thing more than the possession of land. People will work and strive to own land because its possession provides security. In Venezuela this has changed because land is no longer a safe investment now that it is being forcibly invaded and occupied by others (“Productores de Guárico claman por el freno inmediato de las invasiones.” *El Nacional*, 3/22/99).

In addition to the historical-anthropological discourse used in the quote above as an argument against invasions, there is a certain implicit fatalism as well, given the apparent recency of the invasions in question. Less than 30 days after these illegal occupations were reported, they were being presented as a national threat so grave that they endangered necessary food production, and as having caused irreversible damage that was symptomatic of a national breakup.

Some voices went so far as to advocate a war to the death against people responsible for land invasions, not only as the most obvious way to recover invaded properties, but also as the only possible manner in which to reconstitute the nation. The demand for immediate government action, therefore, could be characterized as necessary to avoid a “bloodbath” of unpredictable proportions:

Property and nation are synonymous. If some enemy decided to invade our country, I would confront his artillery, and I am ready to take up arms and to use them against those who might invade my property, the land that is my home and the home of my family and children. This is the home and shelter that I have put over my head with the sweat of my brow, after many years of toil. If as Hobbes said, “man is a wolf to his fellow man,” then I will be a lioness and protect the inheritance of my cubs with my very life. The State came into being to confront precisely this type of threat, and the Rule of Law should constitute

the rules of the game. The president wanted to be head of this “moribund State” and inflamed people's passions. Now we must confront and resolve them or we will all die, some of hunger and others of bullets fired on the battlefield of civil strife (Cira Romero de Barboza. “Invasiones, cascos azules y ¡te lo dije!” *El Universal*, 3/24/99. Emphasis added).

From the time of the first news releases about land and house invasions in various Venezuelan states, things went so far that the violent words uttered in response were transformed into a phenomenon that transcended the problem of invasions itself. This phenomenon was the open opposition of certain social sectors to the recently elected president. According to opposition groups, the problem of occupations was only the tip of the iceberg of other “irregularities” that might occur under this new government because of what they considered the obvious relationship between the new president and Venezuela's poorest social sectors.

To some, the problem of the land invasions stemmed from connections even further afield and in fact preposterous. The Brazilian Landless Workers Movement (*Movimento dos Trabalhadores Sem Terra - MST*) could somehow be involved, they said, with the “wave” of illegal occupations that was taking place. After all, a Claretian priest accused of working with *Chavista* parties to promote invasions had worked years before with the *MST* in Brazil:

Lewis Pérez, secretary-general of *Acción Democrática*, recently indicated that Father Casaldáliga [Claretian priest Pedro Casaldáliga] was responsible for the invasions of private property and said that his visit was sponsored by the party *Patria Para Todos* and by the *Movimiento Quinta República* (“Sacerdote brasileño no incitó invasiones en Venezuela,” *El Nacional*, 4/8/99).

The Catholic Church responded immediately to these accusations. Among their responses was that of the Superior General of the Claretian mission, quoted in the same article:

I don't know if in his meetings with the press [the accused priest] would again focus on the dispossessed. He is very strongly committed to the landless peasants of Brazil, who have suffered greatly. Some of them have even been killed to remove them from the land, so Casaldáliga defends them. To say that he's committed to the peasants there, however, in no way means that he has come here to incite Venezuelan *campesinos*. Those are two very different things. (“Sacerdote brasileño no incitó invasiones en Venezuela.” *El Nacional*, 4/8/99).

### Invasions are justified

Very early in his presidency, Hugo Chávez Frías not only defended the decision not to use force against the so-called wave of invasions, but justified the invasions themselves:

President Hugo Chávez Frías stated yesterday that the invasions of private property are the result of forty years of social injustice that will not be resolved through violence. “The term ‘invaders’ is not the most appropriate. Children are not invaders; abandoned and impoverished women are not invaders. They have rights. They're not invaders; they're our brothers and sisters in a desperate situation.” (“*Invasiones son producto de 40 años de injusticia.*” *El Universal*, 3/14/99).

Days earlier, the then-Minister of Internal Affairs Luis Miquilena indicated that there were some justifiable invasions, even offering a definition for them. His definition, however, was confused in not distinguishing between the unavailability of land for cultivation and the unavailability of housing:

The executive branch, through the president, will initiate studies on the cases of “justified” invasions, which... are those where the *campesino* does not have land to work. The country is going through a very critical situation. There is a tremendous lack of housing, calculated at more than a million housing units (“*Miquilena: las invasiones son fácilmente manejables.*” *El Nacional*, 3/12/19).

In retrospect it is clear that the problem of invasions was magnified by the mass media and by different social actors in the months of March and April. Nevertheless, it is striking that the problem was not denied by the president and his cabinet. In fact, the invasions were acknowledged, officially justified, and legitimized at least verbally from the very beginning of the new government. That is to say that invasions were not only *described* by national government representatives but effectively *prescribed*, which is the result when an actor or actors who have the social power to convert their words into policy describe a phenomenon as valid.<sup>X</sup>

Shortly after these statements were made, however, political parties linked to the government went on the counteroffensive, directly accusing opposition parties, and specifically Acción Democrática, of fomenting the ongoing invasions as a way to discredit the work of the president:

#### Invasions are the work of opposition parties

Senator Pablo Medina indicated that Acción Democrática (AD) was the initial instigator of the invasions in Monagas and other regions... Medina said that AD undertook a plan of “political manipulation” in order to weaken the government, and that “in December, AD organized strikes in the petroleum, education, and health sectors to take place in January. Once the movements failed due to the discrediting of CTV, they tried promoting invasions (“*PPT acusa a AD de ser el promotor.*” *El Nacional*, 3/16/99).

This was the beginning of a series of “symmetrical inversions,” in the sense described by Claude Levi-Strauss. If the government was accused of instigating not only invasions but other somehow collateral problems, then sectors of the government would make the same accusations against opposition parties, said to be acting “out of their desperation due to having lost the power that they held for 40 years.” Minister of Internal Affairs Luis Miquilena, who just days earlier had justified “some types” of illegal occupations, declared in a national press conference that the problem of invasions:

...seems like an invention, a serial novel promoted by some people for propaganda purposes (“*Invasiones parecen una novela.*” *El Universal*, 3/17/99).

## Changing positions

But it was not only the Minister of Internal Affairs who changed his perspective on the invasions. Three months after the president's statement justifying invasions and referring to the participating "women and children" as "brothers and sisters" (In his first comments on invasions Hugo Chávez spoke only of women and children), he now stated that the invasions and the "invaders" were part of a destabilization plan orchestrated by the political party *Acción Democrática*, and that these occupations of land and housing were only a small part, now suppressed, of a long list of planned anti-government maneuvers:

The president indicated that there is a plan underway to discredit the national government, supposedly coordinated by the leaders of *Acción Democrática*. According to him this maneuver began with the invasions, continued in the confrontation between street vendors and the Metropolitan and Caracas Police, and is currently behind the oil strike ("*Chávez: A veces provoca hacerlo todo por las malas.*" *El Nacional*, 6/14/99).

## The need for political reform to avert invasions

There was also agreement among many of the political actors involved in discussions about the problem of invasions around the necessity for political or fiscal reforms that would contribute to restrain or eliminate what in their eyes and in the eyes of the press was a "wave of invasions." It is important to note that the cause of invasions, at least those taking place in rural areas, was not the action of any particular social group but rather a characteristic of Venezuelan society dating to the last third of the nineteenth century. That was *latifundismo*, a pattern of rural land ownership based on large estates. In order to address this question, Pablo Medina, the secretary general of the political party *Patria para Todos (PPT)* proposed the following:

...a land tax that would punish the owners of fallow or unused land... as a formula to address the phenomenon of invasions by attacking the unequal distribution of land in Venezuela. [This kind of tax] exists everywhere but in Venezuela. By punishing the owners of unproductive land it would oblige the owners of large properties to sell land quickly and would provide the middle class with access to land ("*Impuesto predial frena el latifundismo.*" *El Universal*, 3/17/99).

The idea of imposing a land tax had actually been proposed by researchers for several years. However it was taken up again by sectors close to the government primarily as a strategy to avoid an eventual declaration of national emergency by the president, a move that was then being requested by the opposition party *Acción Democrática*.

In addition to this tax proposal, in March and April there was a proposal for a series of discussions around the need to reform the laws regulating land property and tenure. However, urgent attention was soon turned to the need for a National Constituent Assembly, a political project of the new president, and to the role that the assembly would play in constitutional changes necessary for the modification of land use laws.

In the latter part of April, the mass media, including the print media, gradually lost their previously conspicuous interest in the "wave of invasions" in the country, until the topic

eventually disappeared from their pages. All of the groups that had been involved in some way in the polemics around this phenomenon, including the press itself, began to refer to it in the past tense. Strangely, there was no reference to how the situation had been resolved. The nation, democracy, and the population in general had been depicted as being in danger, closely watched by foreign investors threatening to leave the country or to not enter it. What had happened?

### Epilogue

We have arrived at an end that is a beginning. We have paused to take an account of the obstacles encountered at this point of the road forward that have impeded and delayed the formal legal regularization of the popular and self-built communities known as urban *barrios*.

We have benefited from three views of events based both on interviews with some of the key people involved and on a reading or rereading of key documents.

In this final section, we will not repeat the contents of the article. Instead, we will attempt an exercise. We will seek convergences and we will point out some of the factors that throughout the history of the urban *barrios* have impeded their incorporation into the formal legal system.

In this attempt to synthesize, it is particularly relevant to point out some of the characteristics of Venezuelan society. We are predisposed to live informally and to take a permissive attitude toward whatever the needs of a given individual or group may be. Many actors, including politicians, public officials, the poor, and those who manipulate people needing urban housing, have individually and collectively allowed informal and irregular urban conditions to exist and fester.

While self-built *barrios* have not been fully accepted, they have been allowed to exist, to grow, and to multiply. To some, they are transitory urban territories. They have even been conceptualized as “nomadic encampments” (Marcano, 1997:119). To their builders and inhabitants, however, those whose “property” is situated on land belonging to others, these territories are increasingly permanent.

Those who see the *barrios* as temporary accept only that they are there “for now.” Until a decision is made as to what to do with them, they exist as precarious phenomena with a certain stability, *de facto* if not *de jure*.

Invasions no longer appear in the press because they are no longer news; they just happen. Landowners become passive in their response. This is one of the those cyclical pauses that to *barrios* dwellers is an opportune moment to move forward in materially appropriating the piece of land where they have built their housing. It is a time to make physical improvements. They seem to have forgotten that they are transgressors. They expand their shacks into houses or multiple occupancy buildings. With the help of local governments they develop their *barrios* into urban spaces that may be modest, unpretentious, and still precarious, but are contemporary urban spaces, testimony to *the culture of urgency* (Sánchez and Pedrazzini, 1992:119).

Attempts at formal regularization come and go, responding to well-established objectives. Is there a solution to this complicated and paradoxical problem? Is there a way to break through the inertia characterizing the urban situation at the end of this century? There may be, but it must be based on negotiation, collaboration, and dialogue.

Certain frequently used words must be reimbued with their intrinsic meanings. Only then will it be possible for *barrio* dwellers to enjoy the underlying benefits of the urban community and citizenship to which we all have a right, and for the inhabitants of these territories to enjoy a quality of life consonant with their fundamental humanity.

Formal legal regularization should be pursued not only to satisfy specific demands such as the ability to obtain credit. We must take into account the broader human needs of those who live with the practical disadvantages and the uncertainty associated with occupying land that is not their own.

We will continue our research because we are committed to advancing the necessary short and long term changes.

## Referencias Bibliográficas

- Austin, J.L. (1962). *How to do things with words*. Londres: Oxford University Press.
- Baldó, J. (1996). "Urbanizar los barrios de Caracas". En: Bolívar, T. & Baldó, J. (comps.), *La cuestión de los barrios. Homenaje a Paul-Henry Chombart de Lauwe*. Caracas: Monte Ávila Editores Latinoamericana, Fundación Polar y Universidad Central de Venezuela.
- Bolívar, T. (1987). *La production du cadre bâti dans les barrios a Caracas... Un chantier permanent!*  
Tesis de doctorado. París: Universidad de París XII.
- Bolívar, T. (1989). "Los agentes sociales articulados a la producción de los barrios de ranchos (contribución a la discusión)". *Coloquio Vivienda*, Vol. I, N° 1:143- 163.
- Bolívar, T. (1995). "Urbanizadores, constructores y ciudadanos". *Revista Mexicana de Sociología*. Año LVII, N° 1, enero-marzo.
- Bolívar, T. (1998). "Irregularidades jurídicas y derecho a la vivienda" (segunda parte). En: Bolívar, T. y Ontiveros, T., *Vivienda y acceso al suelo urbano. ¿Institucionalización de un derecho oficial pararelo?* Trabajo presentado en el Taller Law and Urban Space. Oñati, País Vasco (mimeo).
- Bolívar, T. (1999). *Reflexiones sobre el gobierno de las ciudades y metrópolis contemporáneas*. Ponencia presentada en la Conferencia Internacional sobre el Control de la Expansión Urbana, México.
- Bolívar, T. et al. (comps.) (1995). *Hacedores de ciudad*. Caracas: Universidad Central de Venezuela, Fundación Polar y Consejo Nacional de la Vivienda.
- Bolívar, T. y Ontiveros, T. (1998). *Vivienda y acceso al suelo urbano. ¿Institucionalización de un derecho oficial pararelo?* Trabajo presentado en el Taller Law and Urban Space. Oñati, País Vasco (mimeo).
- Bolívar, T.; Cilento Sarli, A. y Hernández, T. (coords.) (1997). *Barrios y propiedad de la tierra. Una discusión*. Caracas: Universidad Central de Venezuela, Fundacomun y Fundación Gual y España.
- Bolívar, T.; Guerrero, M.; Rosas, I.; Ontiveros, T. y De Freitas, J. (1994). *Densificación y vivienda en los barrios caraqueños. Contribución a la determinación de problemas y soluciones*. Caracas: Ministerio de Desarrollo Urbano/Consejo Nacional de la Vivienda.
- Camacho, O.O. (1996). *Consideraciones sobre la regularización de la tenencia de la tierra en los barrios venezolanos*. Caracas: Ministerio de Desarrollo Urbano/Consejo Nacional de la Vivienda.
- Córdova, N. (1995). "La participación: camino para la organización comunitaria". En: Amodio, E. y Ontiveros, T. (eds.), *Historias de identidad urbana. Composición y recomposición de identidades en los territorios populares urbanos*. Caracas: Fondo Editorial Trópykos / Ediciones FACES-UCV.

Cuenca, N. (2000). "Desarrollo habitacional Nueva Democracia: de invasores a propietarios... Hoy promotores". Ponencia presentada en el *Foro Internacional Habitantes y sus aliados. Participación urbana y nuevas solidaridades*. Caracas, 19-24 de febrero (mimeo).

González Alcantaud, J.A. y González de Molina, M. (eds.) (1992). *La tierra. Mitos, ritos y realidades*. Barcelona, España: Anthropos.

Guerrero, M. (1994). "El diseño resultante de las edificaciones en las agrupaciones que conforman". En: Bolívar, T.; Guerrero, M.; Rosas, I.; Ontiveros, T. y De Freitas, J., *Densificación y vivienda en los barrios caraqueños. Contribución a la determinación de problemas y soluciones*. Caracas: Ministerio de Desarrollo Urbano/Consejo Nacional de la Vivienda.

Hernández, L.E. (1998). "Calidad de vida en comunidades pobres. 'Proyecto de mejoramiento urbano en barrios de Caracas' ". En Imbesi, G. y Vila, E. (eds.), *Calidad de la vida en las áreas metropolitanas. Life quality in the metropolitan areas. Métodos, técnicas e instrumentos. Methods, techniques and tools*. Roma: Gangemi Editore.

Jiménez, J. (2000). "Barrio La Antena: cómo un proceso autogestionario organizado permite lograr paulatinamente su consolidación". Ponencia presentada en el *Foro Internacional Habitantes y sus aliados. Participación urbana y nuevas solidaridades*. Caracas, 19-24 de febrero (mimeo).

Lovera, A. (1997). "Se busca espacio habitable. Las formas de acceso al espacio habitable y su legitimación". En: Bolívar, T.; Cilento Sarli, A. y Hernández, T. (coords.), *Barrios y propiedad de la tierra. Una discusión*. Caracas: Universidad Central de Venezuela, Fundacomún y Fundación Gual y España.

Marcano González, L. (1997). "Modelo urbano: el barrio de ranchos, una manera de habitar la ciudad". *Revista Venezolana de Economía y Ciencias Sociales*, Vol. III, N° 2-3:112-121.

Martín, C. & Virtuoso, J. (1994). Catuche: "Experiencia piloto de urbanización". *Sic*, septiembre/octubre. Caracas: Centro Gumilla.

Moreno, A. (1993). *El aro y la trama episteme, modernidad y pueblo*. Caracas: Centro de Investigaciones Populares/Universidad de Carabobo.

Ontiveros, T. & De Freitas, J. (1996). "Repensando el barrio: papel del antropólogo en la rehabilitación de los espacios autoproducidos". En: Bolívar, T. y Baldó, J. (comps.), *La cuestión de los barrios. Homenaje a Paul-Henry Chombart De Lauwe*. Caracas: Monte Ávila Editores Latinoamericana, Fundación Polar y Universidad Central de Venezuela.

Ontiveros, T. (1995). "Densificación, memoria espacial e identidad en los territorios populares contemporáneos". En: Amodio, E. y Ontiveros, T. (eds.), *Historias de identidad urbana. Composición y recomposición de identidades en los territorios populares urbanos*. Caracas: Fondo Editorial Trópykos / Ediciones FACES-UCV.

Ontiveros, T. (1997). "Cultura y costura del hábitat popular urbano. Notas referenciales para una construcción analítica alrededor del hábitat creativo, cultura y participación en la ciudad de Caracas, Venezuela". *Revista Urbana*, Vol. II, N° 20.



Ontiveros, T. (1998). "Procesos de ocupación de los terrenos por los habitantes de barrios y 'lógicas' de utilización del suelo ajeno" (primera parte). En: Bolívar, T. y Ontiveros, T., *Vivienda y acceso al suelo urbano. ¿Institucionalización de un derecho oficial pararelo?* Trabajo presentado en el Taller Law and Urban Space. Oñati, País Vasco (mimeo).

Ontiveros, T. (2000). "Valores y expectativas de habitantes de barrios del área metropolitana de Caracas en torno a la regularización de la tenencia de la tierra". *Proyecto de Investigación. Ideas preliminares*. Caracas: Escuela de Antropología, Facultad de Ciencias Económicas y Sociales, Universidad Central de Venezuela.

Pedrazzini, Y. y Sánchez, M. (1992). *Malandros, bandas y niños de la calle. Cultura de urgencia en la metrópoli latinoamericana*. Valencia, Venezuela.: Vadell Hermanos Editores.

Pérez Perdomo, R. y Nikken, P. (1979). *Derecho y propiedad de la vivienda en los barrios de Caracas*. Caracas: Universidad Central de Venezuela y Fondo de Cultura Económica.

República de Venezuela (1999). *Decreto con rango y fuerza de Ley que regula el Subsistema de vivienda y Política Habitacional*. *Gaceta Oficial Extraordinaria* N° 5.392, 22 de octubre.

Rosas, I. (1987). *Estudio de los indicadores de producción y calidad de la habitación popular*. Informe final. Caracas: SEU/FAU-UCV/Mindur (mimeo).

Rosas, I. (1995). "La cultura constructiva popular en las áreas de barrios de ranchos". En: Amodio, E. y Ontiveros, T. (eds.), *Historias de identidad urbana. Composición y recomposición de identidades en los territorios populares urbanos*. Caracas: Fondo Editorial Trópykos / Ediciones FACES-UCV.

Solinis, G. (1990). "14 résultats suivis de 14 questions sur l'habitat auto-construit". En: Bassand, M. y Bolay, J.C. (coords.), *Hábitat creativo, cultura y participación*. Lausana.

Solórzano Márquez, T. y Bretto, Y. (1996). "Experiencia en torno a la regularización de un asentamiento de barrios en la antigua hacienda La Isabelica, Valencia-estado Carabobo". En: Bolívar, T. y Baldó, J. (comps.), *La cuestión de los barrios. Homenaje a Paul-Henry Chombart De Lauwe*. Caracas: Monte Ávila Editores Latinoamericana, Fundación Polar y Universidad Central de Venezuela.

Villanueva, F. & Baldó, J. (1994). "Sobre la cuestión de la Urbanización de los Barrios". *Sic*, N° 568, septiembre/octubre. Caracas: Centro Gumilla.

## Appendix

List of interviews conducted by Teolinda Bolívar (T.B.), María Elena Calles (M.E.C.), Glenda López (G.L.), Nelgivia Duno (N.D.), and Coromoto Briceño (C.B.).

### **In Caracas:**

Name	Date	Interviewer
Ana María Ruggeri	Dec. 1999	MEC
Oscar Olinto Camacho	Nov. 1999	MEC
Alberto Lovera	Oct. 1999	MEC
Gabriel Ruan	Dec. 1999	TB/MEC
Jaime Parra Pérez	Dec. 1999	TB/MEC
Roberto Urbano Taylor	Dec. 1999	MEC
Víctor Cárdenas (Cuny)	Oct. 1999	MEC
Rosa de Peña	Nov. 1999	MEC
Carlos Ortega	Nov. 1999	MEC
Rafael Caldera	Nov. 1999	TB/MEC
Alfredo Cilento Sarli	Oct. 1999	TB
Mildred Fuentes	Oct. 1999	MEC
Participants at a meeting of the Solidarity Network of Autonomous Communities, October, 1999 M.E.C.	Oct. 1999	MEC

### **In Barquisimeto:**

Name	Date	Interviewer
Ana Ligia Ramírez	Oct. 1999	GB
Jorge Cáceres	Sept. 1999	GB
Edilio López	March 2000	GB
Angel García	Nov. 1999	ND
Daniel González	Nov. 1999	ND
José Jiménez	Nov. 1999	CB
Rolando Ramírez	Oct. 1999	CB
Alberto Ceballos	Oct. 1999	CB

<sup>i</sup> We will use this expression (precarious possession) in this report to indicate the legal status in informal urban *barrios*. We adopted the expression after it was used by former Venezuelan president Rafael Caldera when he was interviewed by María Elena Calles and myself on November 1, 1999. We will use this interview throughout the report and plan to publish it once it is reviewed by Dr. Caldera. We also encountered a use of the expression “precarious possession” (*posesión precaria*) in Pérez Perdomo and Nikken (1979:85) in a discussion about informal

housing rentals.

ii We would like to be perfectly clear from the start that to us there is a difference between an *invasion* and an *occupation*. In most cases, land is taken without force, therefore constituting an occupation rather than an invasion. In many cases, this process is initiated and then followed by a longer process whereby the *barrio* fills with houses and inhabitants.

At the same time, property owners have not always demanded the immediate abandonment of *barrios*. This may be due to a lack of clarity with regard to the ownership of many areas incorporated into the city, which may be occupied or even invaded while there is no owner with the proper documents to legally demand their abandonment.

iii At the time of this writing we have conducted a total of 21 interviews, 13 of them in Caracas, including one interview with two-time former President Rafael Caldera. The remaining interviews were conducted in Barquisimeto, where the municipal government of Iribarren instituted a process of urban regularization (Bolívar, 1998).

iv In this case the interview was not recorded. The text was reconstructed by interviewer María Elena Calles from her notes.

v We have decided to transcribe and publish the interviews with *barrio* inhabitants in Caracas and Barquisimeto as well as the interview with former president Caldera.

vi The expression *habilitación integral* (comprehensive physical upgrading) is used in current housing policy. At other times people have used the expressions *rehabilitación integral*, *urbanización*, and other expressions to refer to similar activities.

vii The establishment of Social and Technical Assistance Offices (*Oficinas de Asistencia Técnica and Social* - OLATS) may contribute to the process of the legal regularization of Venezuelan *barrios*. One example worth looking at is the Catuche *barrio* in Caracas (Martín and Virtuoso, 1994).

viii According to an October 5, 1999 article in the daily newspaper *El Universal*, based on data provided by the National Council on Housing (*Consejo Nacional de la Vivienda* - Conavi) and municipal governments in the metropolitan area, 40% of the population in Caracas lives on land that does not belong to them and that they have occupied for more than 30 years. In the municipality of Libertador, there are 227 *barrios* and 48% of the population lives on land classified as a “national municipal reserve.” In Sucre there are 600 *barrios*, with 40% of the population concentrated in Petare and Filas de Mariches, the majority of them on municipal land. In Chacao there are 5 *barrios*, with 6.6% of the population living on private or municipal land. In Baruta there are 7 *barrios*, with 20% of the population living in invasions. In El Hatillo about 5,000 families occupy invasions of private properties that are not their own. According to data provided in the same article, there are 12,000,000 people in Venezuela who can be categorized as “land invaders” since they occupy lands that were originally not their own property.

ix Some supporters and some opponents of then-candidate Chávez expected that his election would bring about a popular revolution comparable to the Cuban process led by Fidel Castro Ruz in 1959. This was reflected in the speeches and hand-held signs at a popular celebration of Chávez’s election held on February 4 of this year in the Plaza Caracas.

x There is abundant literature demonstrating the power that words assume in certain contexts. For reasons of space and in keeping with the goals of this work, we will not focus our analysis on this point. To explore these “performative utterances,” see the book *How to do Things with Words*, by J.L. Austin, which is considered a classic in the field, along with the works of Pierre Bourdieu, John Searle, and others.

