



Building a Global Panorama:
***Summary report of the
Deep Dive on
Land and Housing***



GLOBAL
NETWORK OF
**MOVEMENT
LAWYERS**
Powered by Movement Law Lab

Introduction

The GNML's Deep Dives program is a virtual learning methodology designed to strengthen international solidarity between movement lawyers. As global forces are always impacting the trajectories and outcomes of local fights and the normative terrains on which we as lawyers and advocates struggle locally, the GNML has begun to pilot its Deep Dives — a virtual learning methodology aimed at deepening our global understanding, analysis, and strategy to grow international solidarity between movement lawyers and address the root causes of the oppressions people experience at the local, national, and regional levels. In December 2022, we concluded our first Deep Dive on the theme of Land and Housing, which we designed and facilitated in collaboration with GNML members from:

- [Movement Law Lab](#) (USA)
- [Observatori DESCA](#) (Spain)
- [Labá - Direito, Espaço & Política](#) (Brazil)
- [Terra de Direitos](#) (Brazil)

How we designed our Deep Dives

We developed the Deep Dive methodology to facilitate virtual learning and exchange in the post-pandemic context and overcome the barriers to online engagement for a multilingual, multinational activist community. We acknowledged the needs of our global colleagues and Network members who desired a space that is not only practically useful for their day-to-day work, but also analytically expansive.

The four-session Deep Dive program focused on building connections, understanding context-specific challenges, and fostering international solidarity. Over the course of four sessions, we built an agenda to help us get to know one another, understand what each of us is up against in our respective contexts, learn lessons, and support one another through sticky problems we might be facing in our work at present. We also had the opportunity to exercise our internationalist muscles and build solidarity with one another across language and geographical differences.

Accordingly, we identified four primary goals for the Deep Dive sessions:

- Set forth an analysis of the issue, grounded in multidisciplinary perspectives
- Provide real substantive value to the local work of movement lawyers.
- Design a process for collective learning and solidarity building.

- Surface the value of transnational work and strengthen commitment to this kind of work at the global level.

This first of the GNML's Deep Dive series centered on the topic of Land and Housing because of how central these issues are to so many of the disputes we see playing out in economic, political, and environmental spaces. Access to secure and safe housing, which implies access to the land on which it sits, is a key foundation from which other rights flow – education, food, health, political participation, and more. And as it is impossible to talk about the right to housing as separate from land rights, we chose this series by considering issues of land and housing as they manifest in many forms: informal settlements and security of land tenure, the financialization of housing, self-determination and indigenous control over land and natural resources, and eviction resistance.

After an application process, 49 people were chosen to participate in this Deep Dive, representing 12 countries across three languages — English, Spanish and Portuguese — for which we had live simultaneous interpretation. In addition, the public webinar drew in many more participants who could not commit to the full Deep Dive but were interested in the panoramic analysis offered in that space.

Summary of the 4 sessions

Session 1: Laying the Foundation

Session 1 prioritized creating a foundation of mutual understanding and exploration of how individual struggles for land and housing justice are interconnected across borders. Solidarity can only truly come about when we begin to fundamentally understand our struggles to be interlinked. We thus deemed it important to open a space where we can collectively get to know each other and assess our present moment by exploring questions about the conditions for winning change in this domain and the interplay between global and local/national levels.

This first session was important to create a sense of belonging and building relationships by getting to know each other's geographic contexts, the work we are doing and how we are analyzing the housing/land movements in our respective contexts. We know that solidarity and analysis must be built on a foundation of relationships and trust, so we sought to build that with this session.

Session 2: Analytical webinar, “Land and Housing: A Panoramic View”

The second session was a public webinar to unpack the many issues related to land and housing that form the epicenter of major social conflicts around the world. We assembled an incredible panel of visionary panelists across diverse topics and regions to address the following questions: What are the main factors defining the present parameters of land and housing struggles? How does the law structure the prioritization of land uses and functions according to the highest profitability that can be extracted from it? Can law recognize other possible uses of land defined by communities and not by private profit? How might we include other imaginative visions about land and nature that can be valorized through the law?

Panelists:

Raquel Rolnik (Brazil): Professor and urban planner at the University of São Paulo and former UN Special Rapporteur on the Right to Housing



"The hegemony of individual private property in urban and rural areas is what has allowed the development of an extractivist and financial perspective of [our] relationship with the planet. Previous and still existing collective forms of organizing the community and its relationship to the land have been silenced, repressed and criminalized".

Alejandra Jacinto (Spain): Lawyer specialized in housing issues, and current deputy for Unidas-Podemos in the Assembly of Madrid



“The combination of the struggle of social movements with the struggle in the institutions and in law are necessary for social transformation. Changes are born from social movements and then translated into laws and public policies. The best example is the strength of the feminist movement that has achieved the recognition of a wide range of rights. The massive mobilizations of May 15, 2011 have surfaced that transformative political options are not capable of achieving their objectives without a strong organized social fabric, and that social movements cannot advance beyond the abstract demand for social justice without institutional mechanisms to transmit these agendas”

Nélida Ayay Chilón (Peru): Indigenous lawyer from Cajamarca, Peru and environmental defender



“There are few environmental lawyers and even fewer indigenous lawyers (...) There are very few lawyers who understand the meaning of nature and mother earth. You have to understand and listen to Mother Nature to make a defense. The prosecution has closed cases saying that there is no proof of damage to the environment, when those who live there every day know how nature has been damaged (...). Water has no price

but the miner looks down on it” (“el agua no tiene precio pero el minero la mira con desprecio”).”

Pedro Martins (Brazil): Coordinator of the Amazon Program of Terra de Direitos



"The colonial structure that marks the relationship with the land in Amazonas suffered a new remodeling with the advance of large corporations that have been demanding more infrastructure and logistics works to increase the development of mining projects (...) Brazil needs to be more indigenous, needs to recognize itself more and more black for the recognition and realization of more rights that have been historically denied. In addition, this is crucial for a matter of representativeness in the political scenario".

S'bu Zikode (South Africa): President and cofounder, Abahlali baseMjondolo, shack dwellers' movement in South Africa



"Abahlali occupies vacant and unused land not only to build housing but also community gardens to feed the community, community halls, political schools and poetry cooperatives, in order to highlight the social value of land over the market value. Communities are building an alternative economy by these means. Because of this, it is necessary to secure not just the right to housing, but also the right of people to access land.”

These speakers identified the root causes of similar struggles for land and housing rights for dispossessed peoples:

- a politics of extractivism embraced by governments that continues to serve as the basis for the degradation of the environment;

- market-driven commodification of land and housing leading to the deprivation of large swaths of urban and rural communities of access to adequate housing and land uses that sustain human life;
- the derecognition of collective forms of ownership, organization, and occupation characteristic of indigenous communities and pre-colonial forms ways of structuring society.

To combat these dynamics, the speakers pointed to strategies that have worked in multiple contexts:

- Recover alternative and indigenous histories of collectively stewarding and occupying land to counter the hegemony of private property;
- Elevate the social value of land and housing over its market value as a central consideration for policy making;
- Marry organizing with a policy and institutional agenda that translates movement-driven demands into long-term power for social movements; and
- Ensure prior consultation and involvement of communities in any project that will affect their use, continued occupation and relationship to their land, housing and natural resources.

After the public portion of the webinar, the speakers were invited to stay with Deep Dive cohort members for a deeper discussion of the basic ideas presented during the program. Through this session we were able to generate a common platform from which to think about the deepest and most urgent problems related to the issue of land and housing around the world. From this theoretical session, which surfaced the voices of activists, lawyers and intellectuals from Africa, Europe, and the Americas, we were able to ground the following sessions in more practical, experiential, and tactical discussions under similar analytical lenses.

Find the video recording of session 2 in Spanish, French, English, and Portuguese [here](#).

Session 3: Case studies from Argentina, Catalonia, South Africa & India

This session shifted focus from theoretical frameworks to practical case studies, highlighting the real-world experiences of movement lawyers and activists. We understand that concrete, practical examples are central to training from a movement-lawyering perspective. We thus wanted to complement the theoretical framework provided in Session 2 with the practical knowledge that various members of

our cohort had from their experience on the ground. We heard four case studies of Deep Dive participants located in 4 different continents:

1. **The Federal Act for Informal Settlements in Argentina (2018):** social organizations anchored in working-class neighborhoods took the initiative to conduct a national survey of those neighborhoods and pressed the State to pass [Law 27,453](#), which suspends the evictions and recognizes their right to that land, including the right to access basic services.



2. **Act 24/15 against evictions in Catalonia (2015):** various civil society actors and social movements submitted a grassroots initiative in Catalonia, leading to the approval of [Act 24/15](#) to stop evictions -large landlords are prohibited from evicting their tenants, and in the case of small landlords, the State must rehouse the vulnerable family elsewhere.



- 3. Ingonyama Trust leasing program in South Africa:** In 1994, the Zulu people were recognized as owners of the land under the customary law regime through a land trust. The Trust began to negotiate with companies and modified the conditions so that the population had to start paying a fee to lease the land. Women and other groups raised their voices, and the Court ended up declaring the system unconstitutional and leases were declared null and void.



- 4. Save Musi River campaign in India:** Communities began to organize themselves in 1997, after the local government decided to initiate a project to clean up and beautify the Musi River, which involved evictions and demolitions. They built a wide range of networks and connections with unions to demand for a stay order and inclusion in the master plan.



General reflections from case studies

- The classes of people in control of real-estate capital enjoy greater rights under the present law, while fewer rights exist for the poor and working classes. In some cases, movements are disputing the applicable legal frameworks, especially where different legal regimes and normative frameworks are in tension with one another (South Africa and Argentina).
- For working-class communities, there are transitions towards systems in which more precarious or less secure forms of tenure prevail, such as renting or the occupation of housing or vacant land.
- Organizing from below, social movements, and popular power are the driving factors for legal and institutional changes that benefit poor and working class people, not legal processes alone. In the cases we discussed demands were structured on the basis of three agendas:
 - greater security of tenure for poor people;
 - legal recognition of non-commodified forms of access and use of the habitat;
 - connection between labor and housing struggles.
- With respect to the role of law, the case studies presented alternative tactics for the protection and expansion of rights other than litigation, often the central strategy employed by lawyers. Presenters recognized the limitations of litigation as the sole form of powering social change, focusing on the relevance of collective organization and trust & solidarity building as the basis for constructing an effective legal strategy. In summary, the movement lawyers who presented emphasized the need for law to connect with organizing.

In Session 3 we experimented with a case-study methodology that allowed us to hear examples of relevant fights taking place in different locations and with that, connect dots to understand the overall panorama. The challenge of this session was balancing the time needed to explain the background and the specificities of each context with the need to surface a broader understanding of the commonalities and common threads that link all of the fights.

Session 4: Brain Trusts

We used the "brain trust" methodology to engage in collective problem solving. This methodology aims to encourage creative conflict resolution tactics through structured discussion. One participant raises a specific challenge they are facing, and the rest of the group, from their own situated experience, asks questions and offers suggestions about

how the participant can address the challenge presented. Thus, a brain trust is an informal and rapid process of collective brainstorming designed to help quickly identify possible solutions to a difficult challenge. Participants were divided into three groups by language and each one brought a specific challenge directly related to their work. The challenges were personal, institutional, or movement related. The group then decided on a challenge that they will make the subject of the brain trust. One group addressed the Musi River conflict in India; another, an agrarian reform proposal in Colombia; and the third looked at the “Zero Eviction” national campaign in Brazil. After their group workshopped various solutions, the person who had posed the challenge identified the most useful idea(s) generated during the session and clarified the next steps.

Ultimately, the amount of time we had and unfamiliarity with the brain trust methodology for many of the participants presented a challenge. We had planned, at the request of some members of the cohort, to have a space in which we can come up with ideas for collective work in the future. It was a challenge to balance both things in the same session and it was tough to transition from one moment to the other, though it was interesting to pilot and see how the brain trust methodology could be tweaked and adapted to be used in the future with participants who have never experienced this way of learning. In the future, we must make sure that at least one person from each group has experience or preparation on how to use this methodology in order to guide and organize the discussion.

Conclusions and opportunities for the future

The Land and Housing Deep Dive earned a strong average rating of **8.94** out of 10 in the post-course survey. Participants praised the course methodology and found the case studies most engaging, expressing significant interest in future collaborations and discussions. As to the sessions, "Session 3: Case Studies" was chosen by half of the cohort as the most interesting, followed by "Session 4: Brain Trusts." In the survey, as well as in the last session, we drew out ideas from participants regarding how we might continue with this collective training and discussion space. The survey surfaced that the majority would be interested in a continuing discussion group, a follow-up session next year, a working group, an upcoming Deep Dive, as well as the elaboration of this summary report.

The Deep Dive methodology prioritizes balancing theoretical analysis with practical experience, fostering co-creation of the training content through exchange spaces to build strong, lasting international solidarity among movement lawyers. In this respect, we were very interested in developing a curriculum that combines spaces for exchange

in which we can get to know each other better with a space for analytical debate. It is hard to promote relationship building spaces virtually, so it is important to allocate more intentional and deliberate time to this element than in in-person training spaces, where there is more room for spontaneity. We believe that these exchange spaces allow us to better shape the questions we ask ourselves and try to answer in the course of the training, the working conditions of our cohort, their contexts, their concerns, their interests, and the type of transnational support we can build. In other words, in order to shape a space more adjusted to the needs and interests of our cohort, it is important that the training be conceived as a space of collective co-creation. This is the only way by which we can generate sincere and lasting global solidarity bonds over time.

The Deep Dive model offered movement lawyers a unique, dedicated space for theoretical reflection, allowing them to examine the systemic forces shaping land and housing struggles across the globe. Beyond the tactical debates, this space offered essential foundations from which to think about our capacity for intervention. This space became a powerful pause in the normally hectic life of movement lawyers so that they could see similarities with others in land-and-housing struggles around the globe and think together about the structural phenomena that create these conditions.

Following theoretical discussions, we found it valuable to foster peer-to-peer practical knowledge sharing through case studies and brain trusts, allowing participants to learn and refine their local tactics. These settings also created a space where these brave and creative advocates could begin conceiving collective transnational actions that link together and amplify their own local or country-specific work.

Finally, we equipped participants with tools and frameworks to enhance their critical analysis, collaborative problem-solving, and support for social-movement demands. This includes providing lenses that enable them to ask more insightful questions, analyze their contexts effectively, compare notes with lawyers facing similar challenges, and collaboratively develop creative solutions that address the demands of the social movements we work with.

Based on what we learned in this first Deep Dive, we were able to update our pedagogical and advocacy objectives for our second Deep Dive on the right to resist, which took place in early 2023, incorporating the analytical framework and structure we built for the first deep dive. It also sought to overcome some of the shortcomings identified in this first course. For example, understanding that one of the main obstacles to think about joint advocacy actions in this first deep dive had to do with the lack of time, the second deep dive introduced two more sessions to craft a global action.