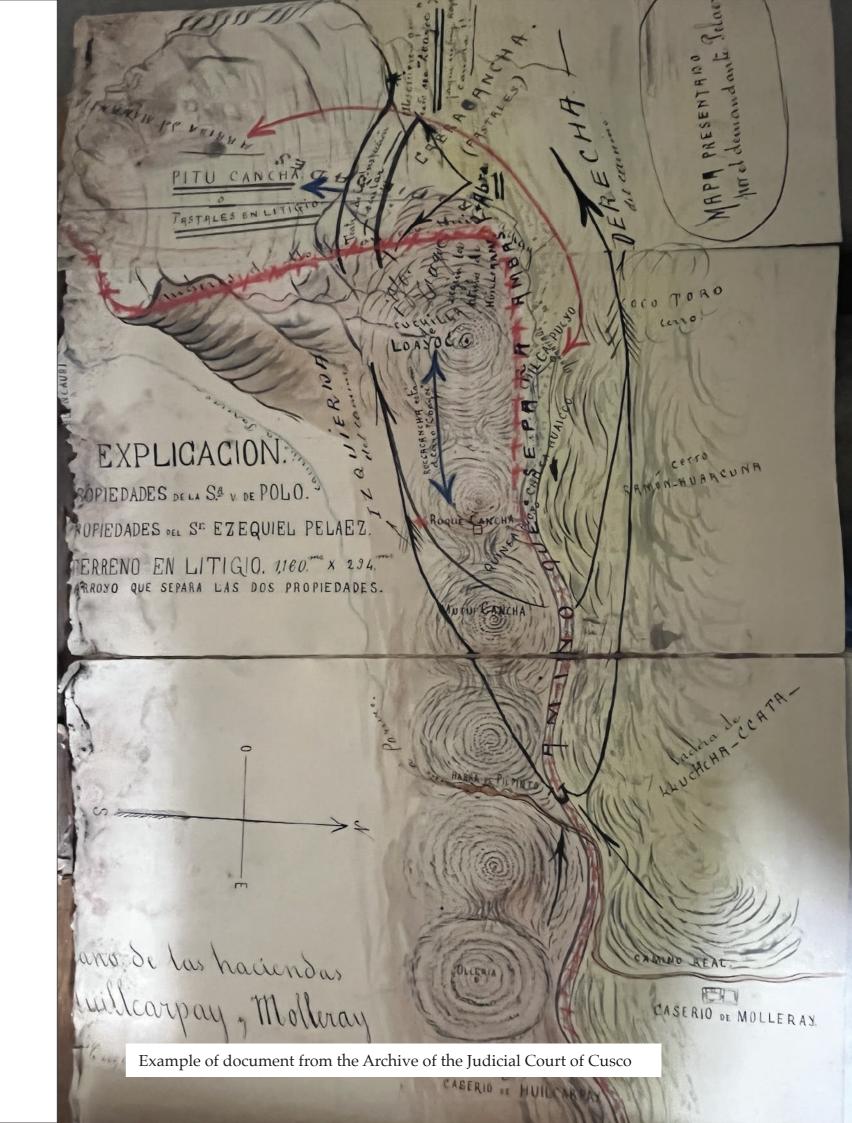


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Summary

Legal norms are an important determinant of the way cities develop. How can people acquire land? What is an owner entitled to do? What are the duties of an owner to his or her neighborhood? Much of the research on these matters focuses on the text of the law, the legislation, the codes of norms. However, the difference between the text of the law and its everyday application is considerable (Herzog, 2015). This difference is even larger when considering cities in Latin America where most of their growth is informal. In this project, with the support of the Harvard Mellon Urban Initiative, I traveled to two Peruvian cities to learn about the sources available to study the everyday application of property law. Two were the main findings, which will inform the doctoral research that I intend to do on the role of "associations" in the informal development of Peruvian cities: (i) Though the traditional sources in the study of legal institutions such as property are judicial archives, there is a big potential in studying other sources of transactions over land that did not involve a judicial litigation – which in number are the majority of the cases – such as notary archives, housing associations archives and the public registry; (ii) The study of the sources must consider the location of the properties and the implications of the formal or informal origin of the neighborhood in which they are located, because that will translate into different kinds of transactions and documents that the research will find and analyze (1).

(1) Admittedly, the boundary between formal and informal urbanization is substantially blurred in Peruvian and Latinamerican cities. The terms are used only as simplified approximations to the different modes of development of the cities I studied.

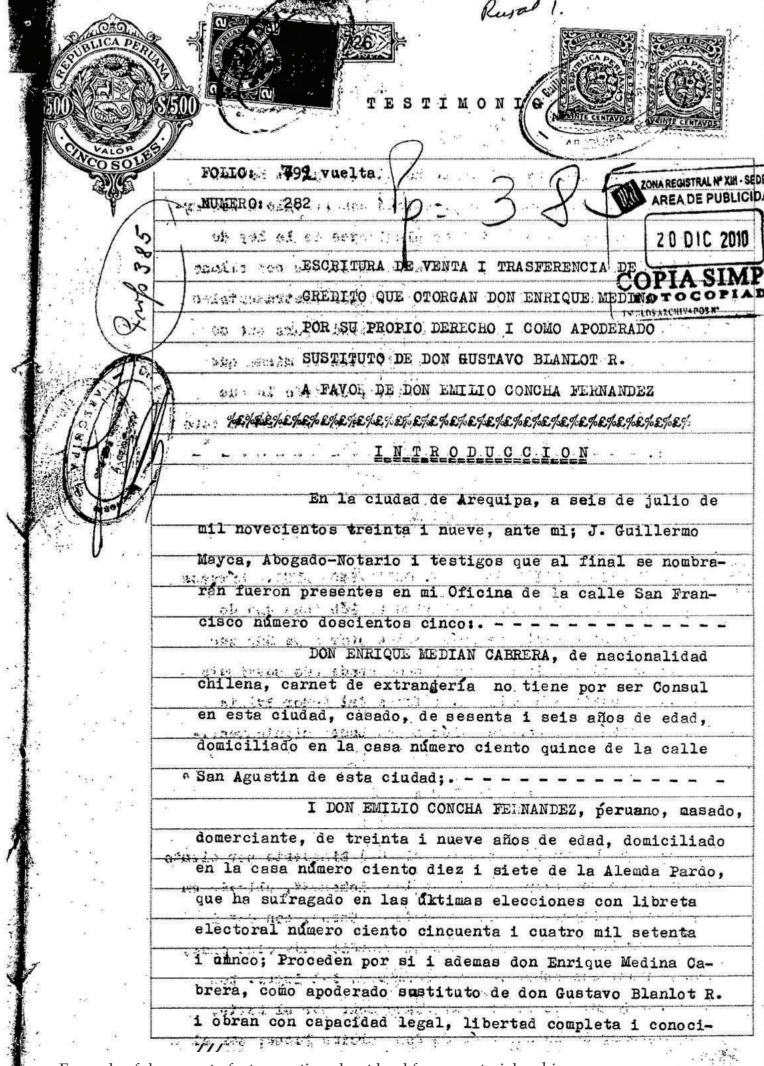


Formal

Notary Public

The large majority of cases of property acquisitions in a city does not entail a court litigation. Where can we find information about these cases? A first source is the Notary Public. According to Peruvian laws, for an acquisition of land or of a house, the buyer and seller must agree on the price and sign an agreement. Nothing else is needed. However, due to the danger of the seller transfering the property to someone else without the buyer knowing about this, buyers usually request the intervention of a Notary Public. The archives of the notaries are decentralized – administered by each notary - while the notaries are still active. Once they retire or resign, they send their archive to the General National Archive office located in the capital of each region of the country. The advantage of this source is that the information is public, that is, anyone may request the notaries for reviewing or for a copy of the documents. Another advantage is that this information is representative of the type of transactions that people agree on. The disadvantage of this type of archive is its volume. Each notary keeps a huge number of records, many of which are standardized because of the intervention of commercial actors such as mortgage banks. Also, the contracts and other documents lack detail about their context since the parties involved do not have to motivate the reason for the transaction they are involved in. Finally, the public deeds do not have a particular connection with any area of a given city. An initial database of this kind of documents that was gathered in this project may be found here:

https://drive.google.com/drive/folders/1zYfhmKm-HOV5F9c-Au8AVDnn22mTGXTF1?usp=sharing



Formal

Public Registry

The information about land transactions in the Peruvian public registry is the most organized and systematized. The public registry was created in 1888 and contains information organized by plot of land. Thus, when finding out the registry number of any given property, it is possible to review the history of transactions of this same plot of land all the way to the first time that it was recorded in the registry, which is often the first decades of the 20th century. Another advantage of this database is that it is georeferenced. In the last 20 years the details on the location of the properties has been updated with Universal Transverse Mercator (UTM) coordinates. Although in previous decades the location was described with more rudimentary tools such as hand-drawn maps or textual descriptions, it is of great help to have some kind of geographical reference for the documents contained in this archive. The disadvantage of the public registry as a database is that it is not updated in many parts of the cities because it is a voluntary registry. Also, the filters to record information in the registry are very strict and this reduces the representativeness of the samples of legal titles that the researcher may find there. A first sample of records from this archive that was gathered in this project is contained in this link:

https://drive.google.com/drive/folders/1PcxL5-krJsD-JiZAd3gNo-SEEaVKj2Bh9?usp=sharing

PUBLICIDAD: 8553992 Recibo Nº 2019-231-38501 CERTI. LITERAL TOMOS-PREDIOS Partida Nº 0700517

Example of document from the land registry of the Public Registry

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aiquiente distribución: lote sessetisiete A, con sesseientos meinticcio une Tros wadrados warentimuese decimetos cuadrados; late sesentinite B, con quicuiento nomentimere metro madrado un decimetro cuadrado; lote 15 senticiete C, con mil ciento seis metros cuadrados cincuentisais deci weter wadrado; late sesenticute I, con dos mil trescintos nueve me. Too wadrados mintiocho decimetos wadrados; late secutiviete E, con wil doscisutos cinculativis metros wadrados un decimetro cuadrad pervicios generales con matro mil trescientos dieciseis metos analos. dos sesenticios decimetos anadorados; lete sesenticolo com acatos. cientos metos madrados; lote sescretimuese con dos mil quinientos Tremtiseis metors wadrados ochenta decimetos cuadrados; late sute To un magnitudos metos madrados mintrocho decimetos cuadrados late retentiumo con cuanentidos metors cuadrados neinticolos deas metors anadoads; late setentides con siete mil ciento cincuentitos untos cuadrados cincuentrocho decimetros cuadrados; late setentimo too con matro mil matracientos dos metos madrados torras de Parquel: - Perques unmero P1, con un area de mil qui cientos schestinite metros cuadrados masentidos decimetos cuadrados Parqueo mi meso P2, con un area de dos muil Trescientos cincuente tres mutos audiodos; Perques número P3, con un area de siete mes setuciento ochentisiete metos madrados marentificte secimetros cuadrados; Parqueo micuero P4, con un area de Tres mil cuaren tidos untros ouadiados. Yarqueo mir meso P5, con um area de setecien To setuliciste metros cuadrado setentidos desiculos cuadrado Parques micuero P6, con un área descompuesta en: nueve mil extenticineo metro malondos marculio olo decimetoos cuadrado doscientos dizmetos cuadrados; Parqueo minuero PJ, com em ares de seis une ochaientos curcuentidos metro madrados mentionato descuetos madrado; Parques minus. Po, con un área de dos a noveciento orhentidos metros madrados; Tarqueo minero P9, un área de dos mil seiscientos recintitres metros madrados catories cimetro cuadrado; Parqueo micuro P 10, con un avea de custro uil seisciento rescuticuatos metro madeados mintirais deci metros walrados, Panques vivues PM, con un area de susciento ochenticanto weter wadrado electicines decimetro wadrado Parques mi mero 412, con un área de quinientes ochanta metros cuadrados dos decimetos cuadrado; Parques mimos P13, com un area de quiciento disciocho metro andrado atenta decimetro cuadondo. Vargue reinners P14, con me area de matricuto sesculiaimo me tros madrados cinmenta decimetros madrados; Parques mimero 15, con un ásea de siscientos cincuentiscio metros cuadrados cuarer Ta decimetros cuadrados: Parqueo mémero P16, con um ánea de siete mil quimento, dies metros cuadrados cuarentinatos denentros andrado; Parqueo un war P 17, cm un aver de antrocientos cince timene metros audiados bonforme a la referida Revolución hicuiste sial los asto negistrales que apavecen inscritos gozan de flena . lider, salvo les sufrierieres que se hacen en el inciso c), del artículo primero de la parte nevalutiva, de la lates: late se. sentitres, que como a fojas ciento cesenticines, del Tomo mil Tres ciontos sitenticuatos; late sesenticuatos, que carre a fajar ciello se Tentisiete, all Tours wil Trescientes setenticuato; las perente cinco, que come a joyas ciento ochentiforo, del Tomo una la cacier

Informal

Associations

A substantial number of neighborhoods in Lima, Peru that have an informal origin – which involved a spontaneous occupation of peripheral land - entailed families organized in housing associations, with the peak of this dynamic in the decades of the 50s, 60s and 70s. Among the archives useful for investigating this process of urbanization are the institutional documents of these associations. One such archive is the personal archive of the president of one of these associations, Mr. Manuel Pulchs Prado, the president of the Asociación Urbanizadora Padres de Familia del Señor de los Milagros, which in 1958 founded a neighborhood in the north of Lima (in what today is the district of Comas). From the experience I could obtain from interviews with local urban historians, another important source for studying the development of these associations and their members are the oral testimonies. Though valuable to the study of the predominant mode of urbanization in 20th century Peru, the disadvantage of these sources is naturally the difficulty in finding such sources. Accordingly, generalizing conclusions from the historical study of these archives is harder. In the link, it is possible to see a sample of this kind of documents that was gathered in this project.

https://drive.google.com/drive/folders/1bfrEEmrM0WRHf7-JnAdEIPLtN8tdap2Hb?usp=sharing

HOLETIN INFORMATIVO Nº 1

PRONATO NACIONAL DE BARRIADAS DE FOOT BALL Y VOLLEY BALL. Tenemos el agrado de informarles a los Sres. Miembros de todas las Bases afiliadas al Frente Unico y personas interesadas en el desarrollo del Campeonato denominado "Campeón de Campeones" que oganizan las secretarias de Cultura y Deportes y el Quincenario "Liberación". Esta reonión se llevó a cabo el día Domingo 28 del Pte. a las 5 p.m. en el Local de la Asc. de Huascarán (Ey Pass) Puente del Ejército, con la asistencia de las Siguientes Parriadas: Asc. de Huascarán, Asc. de Canto Chico, Asc. de Virgon del Carmen, Asc. de Padres de Familia de la Gran Crúz de Marcavilca Cherrillos, Asc. Urb. Villa Olaya Chorrillos, Asc. 3 Compuertas, Asc. Urb. de Pobladoros Unidos de Leoncio Prado, Asc. Urb. de Callejón de Cueva, Asc. Baños de Otero, Asc. Ancieta el Angel Asc. Jardin Marical Castilla (parto baja), y Asc. Daniel Alcides Carrión.

En esta reunión se tomaron los siguientes acuerdos:

lo.-Se nombró una Junta Directiva quedando integrado por las siguientes personas: Presidente, Sr. Ricardo Romero Mendoza; Sec. de Actas Sr. Máximo Espiritu Ji-Presidente, Sr. Ricardo Romero Hondoza, Social Sr. Isidero Oró López Menes; Sec. de Economía Sr. Julio Gamarra Salas; Fiscal Sr. Isidero Oró López Sec. de Organización Sr. José Alvarez; Coordinadoros: Sres. Alfonso Campos

2º.-La Junta Directiva se encargará do confeccionar la elaboración de los Esta-

3º.-Se nombró una Comisión de Fondos Económicos, ouyos integrantes son las siguientes personas: Sr. Alejandro Arce (Baños de Otero), Antonio de la Crúz (Callejón de Cueva), Carlos Arias (jardin Hariscal Castilla), Victor Rufa Luyo Canto Chico), Isaac Fierre (Virgon del Carmon), Liberato Lozada (Ancieta el An-

4º.-Se aprobó la realización de un Baile Social que se llevará a cabo el día Sábado 3 de Junio del mos entrante, do 10 p.m. á 5 a.m. en el Local de la

Asociación Huascarán (By Pass) puente del Ejército. 5° .- La nuova Reunión so efectuará el prómimo Domingo 4 de Junio a las 4 p.m. on el Local de la Asociación Huascarán (Bay Pass) Puente del Ejército, en donde se discutirán los Estatutos y Roglementación del Campeonato.

NOTA: El Departamento de Educación Física del Frente Unico de Earriadas y el Servicio médico del mismo prestarán toda clase de facilidades. Está abierta la inscripción para vodos los equipos que descan participar

Los que desean toda clase de informaciones sírvase llamar al Teléfone 78897 Los premios a disputarse son: Fresidente de la República, Presidente de la Cámara de Senadores y Presidente de la Camara de Diputados. además abrán promios especiales que si embibirán públicamente.

Se ruoga el concurso de toda las Barriadas Hermanas.

Lima, 30 do Mayo do 1961.



Example of document from the Manuel Pulchs archive

Informal

Public registry

The national public registry in Peru has not only a land registry but also a registry of associations. This registry provides a record of every association created in the country following a Notary procedure. The purpose of the associations vary widely, but many of these associations were created for the purpose of obtaining land and housing for their members and were included in the registry in the 1950s and 1960s. The registry provides updated information on the associations until today and it is possible to review whether a 1950s association has had activity in the last decades. However, the information that this registry provides is very limited because it is mainly focused on the organization and not the land or properties that the association occupies. It can be used for tracking the members of the association as well as the composition of its board. In addition, in this same registry it is possible to find information about peasant communities (comunidades campesinas), which is especially relevant in the case of communities whose land is located in the peripheries of urban areas. An example of documents that may be found in this registry which was gathered in this project is available here:

https://drive.google.com/drive/folders/1Eu_x0zkT-JElmg-g2K8QnPq-YuuMNKWR1?usp=sharing Oficina: LIMA. Partida: 11027485. Pag. 40/40



ZONA REGISTRAL Nº IX - SEDE LIMA OFICINA REGISTRAL LIMA Nº Partida: 11027485

INSCRIPCION DE COOPERATIVAS COOPERATIVA DE VIVIENDA DE LA URBANIZACION POPULAR CHACRA CERRO LTDA

REGISTRO DE PERSONAS JURIDICAS

RUBRO: NOMBRAMIENTO DE MANDATARIOS

C00031

<u>ACTOS</u>: RENOVACION POR TERCIOS Y DESIGNACIÓN DE CARGOS EN EL CONSEJO DE ADMINISTRACIÓN DE COOPERATIVAS.

Por <u>Asamblea General del 13/04/2020</u> y reapertura del 18/01/2021, se acordó la renovación anual por tercios en el Consejo de Administración, siendo elegidas las siguientes personas:

Titulares:

FRANCISCO VERA ATAUCURE con D.N.I Nº 06860888., por 3 años. MALAQUIAS MEJIA FABIAN con D.N.I Nº 06856112, por 3 años.

<u>Suplentes:</u>

EVERANDO ZAVALA ROJAS con D.N.I Nº 06894415, por 1 año.
LUIS ALBERTO BAUTISTA ARANA con D.N.I Nº 06889604, por 1 año.

Por <u>sesión de Consejo de Administración del 16/04/2020</u>, se acordó designar los cargos al interior del citado consejo, quedando conformado de la siguiente manera:

Presidente: OCTAVIO BENIGNO LIÑAN ROMERO con D.N.I. Nº 06957440. Vicepresidente: FRANCISCO VERA ATAUCURE con D.N.I. Nº 06860888.

Secretario: DELSY FRANCISCA MELGAREJO CHAMORRO con D.N.I Nº 09194464.

Tesorero: MALAQUIAS MEJIA FABIAN con D.N.I. Nº 06856112.

Vocal: JUSTINA SATURNINA CONTRERAS SAMANIEGO DE CABANILLAS con D.N.I Nº 09026009.

Suplente: EVERANDO ZAVALA ROJAS con D.N.I. Nº 06894415.
Suplente: LUIS ALBERTO BAUTISTA ARANA con D.N.I. Nº 06889604.

Así consta en las COPIAS CERTIFICADAS del 26/10/2020 y del 21/01/2021, ambas otorgadas ante Notario Dra. SEKULA DELGADO, LJUBICA NADA en la ciudad de LIMA.

<u>Libros Acreditados</u>: Libro de Actas de Asambleas Generales Nº 03 (Fs. 275-282 y 287-290), legalizado el 03/02/2009 por Notario de Lima Dra. Ljubica Nada Sekula Delgado, registrado bajo el Nº 371-2009. Libro Padrón Nº 02, legalizado el 08/11/1997 por Notario de Lima Dra. Ljubica Nada Sekula Delgado, registrado bajo el Nº 3257-97. Libro de Actas del Consejo de Administración Nº 02 (Fs. 61-64), legalizado el 19/03/2012 por Notario de Lima Dra. Ljubica Nada Sekula Delgado, registrado bajo el Nº 490-2012.

El título fue presentado el 30/03/2021 a las 12:53:48 PM horas, bajo el Nº 2021-00825343 del Tomo Diario 0492. Derechos cobrados S/ 54.00 soles con Recibo(s) Número(s) 00002971-143 00005584-143.-LIMA, 07 de Mayo de 2021.

JEANETTE JOHANNA ANGULO ACOSTA Registrador Público

Página Número 1

Judicial

During this survey of databases I was also able to access the archive of one judicial court: the Civil Court of Cusco. Here I had the chance to review judicial files from the first half of the 20th century. Though the request of copies of the archived documents is a long process, the information proved of great value. The kind of topics brought to the court were varied and this allowed for the identification of a great array of cases for studying claims to land by different actors. This included not only individual people or families but also claims by associations of neighbors, which showed me the potential of this type of archive to study also the informal process of urbanization of the cities. However, it is important to consider that most of the documents are not written by people themselves but had the mediation of professionals of law, something that must be accounted for in their textual analysis. Although the archive has not a direct connection to specific areas of any region or city, the litigation proceedings allowed for the use of some graphic aids for the discussion of the legal matters, such as the one shown in the image. In this sense, in later stages of my research, the judicial archives may be the main source of information if they are complemented with some information or data collected from the other archives described in this report. A sample of the kind of information available in judicial archives can be found here:

https://drive.google.com/drive/folders/1oDVGPfsKcgwdDrs-DEM47Z26uKznM-46Q?usp=sharing



This survey of archives and sources was conducted with the generous support of the Harvard Mellon Urban Initiative during the month of July of 2022 in the cities of Lima and Cusco, Peru.

About the project of studying the role of associations in the informal development of Peruvian cities: Fernández Salas, J. (2020) "La Propiedad y el Común: Reflexiones sobre el valor de la comunidad en el presente de crisis" (Property and the Commons: Reflections about the value of community in the present of crisis). At: Derecho de los Desastres: Covid-19. Vol. I. Lima: PUCP. https://drive.goo-gle.com/file/d/10GzDPwRa1HDuM-pzS-lp66BEDSzCNSB0i/view?usp=sharing

