

1-1-2009

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## Recommended Citation

Nancy Rhinehart, *Public Spaces in Bogotá: An Introduction*, 40 U. Miami Inter-Am. L. Rev. 197 (2009)

Available at: <http://repository.law.miami.edu/umialr/vol40/iss2/3>

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# Public Spaces in Bogotá: An Introduction

Nancy Rhinehart

One of the most powerful instruments for creating an egalitarian society is by improving public space . . . . People need to walk and be with people, and this is essential to their happiness. Parks, green spaces and libraries make enormous improvements to the lives of the poor and create a more just, egalitarian society.<sup>1</sup>

## I. INTRODUCTION

Perhaps few issues are as important to modern cities as growth management. The task encompasses all aspects of land use planning, environmental strategies, and structural considerations. Incorporating public space into this matrix may seem like a gratuitous task when basic services and land provision remain paramount, as they do in most developing cities. Yet the case of Bogotá, Colombia, proves that the consideration and provision of public space touches, and sometimes unifies, the most important considerations of building a city. When faced with massive illegal settlements, economic segregation, high crime rates, and increasing pollution, the city's leaders took steps to address these issues through an emphasis on public spaces. They reclaimed sidewalks for pedestrians, built massive public parks and libraries, and instituted one of the best public transportation models in the world. Their efforts constituted both hits and misses, but they arguably resulted in a change that was more than just physical. The following articles aim to explore and explain the changes in Bogotá over the last twenty years, focusing mainly on the legal challenges of extralegal property as a "public" space. This article briefly outlines the history of the city and the series of mayors who implemented these changes.

## II. A BRIEF HISTORY OF THE DEVELOPMENT OF BOGOTÁ<sup>2</sup>

Founded in 1538 by Spanish settlers, Bogotá developed as the

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1. Jonas Hagen, *Of Bicycles and Bipeds in Bogotá*, UNITED NATIONS CHRONICLE, June 1, 2003, at 76.

2. The information in this section is based on Juan Felipe Pinilla Pineda, PowerPoint Presentation to Study Space Participants, La Transformación de Bogotá 1995-2007, Bogotá, Colombia (Mar. 10, 2008).

administrative and judicial center for the colonial region, then called Nuevo Reino de Granada by the Spanish. Through independence and the 19th century, the city continued to develop as the capital city for the region, growing in population from 20,000 people in 1801 to over 100,000 by 1900. As the city developed as a commercial center, industrial areas and their accompanying neighborhoods became a political focus. One result was a governmental planning unit, established in the 1930s to guide the continuing development of the city.

In 1948, the assassination of an important political leader, Jorge Eliécer Gaitán, led to riots in the colonial center of Bogotá. As a result, a large part of the city center burned down. This event, the *Bogotazo*, shaped the city through the rest of the 20th century. The destruction pushed the commercial focus, and the wealthy population, to the north of the colonial center. The area became blighted and dangerous, effectively severing the city into a rich north and a poor south. Adding to the structural challenges the city then faced, the 1970s and 1980s were marked by increasing social segregation and political corruption.

By the 1990s, Bogotá's leaders faced a long list of problems including high crime, crippling traffic, social segregation, and insufficient infrastructure. Growth management was a key issue in many of these problems. An estimated twenty families arrived daily from other parts of Colombia into a city that could not support them. Corruption and under-developed infrastructure weighed heavily on the issue: not only was there insufficient money to provide infrastructure for these incoming families, there was no methodology to even account for them. Independent settlements self-developed by illegally tapping into existing utilities, building their own systems, or simply going without basic utilities, creating significant public health risks.<sup>3</sup> Moreover, these illegal settlements physically prevented the building of roads into the city center and the development of marketable land. By 1992, city services faced crisis-level deficiencies in power, water, and sewer provision, and chaos in public transportation, education, and hospitals. The city was effectively insolvent. Despite the formidable

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3. One of the most widely studied cities with these developments is Jerusalén, located in Ciudad Bolívar. Jerusalén is the focus of many of the articles in this edition. For a detailed legal history of Jerusalén, see Andree Viana Garcés & Juan Felipe Pinilla Pineda, *Key to Dreams: The Law and the Other City*, 40 U. MIAMI INTER-AM. L. REV. 325 (2009).

state of Bogotá, the city's mayors took steps to address the many problems of the city. The first of these mayors was Jaime Castro.

### III. REVIEW OF BOGOTÁ'S MAYORS: 1992-2007

#### A. *Jaime Castro (1992-1994)*

While recent mayors of Bogotá receive most of the credit for the city's impressive transition, many cite Jaime Castro as the true "founding father" of Bogotá.<sup>4</sup> Castro wrote Bogotá's Charter in 1993, after Bogotá was declared to be the Capital District.<sup>5</sup> In that Charter he updated the municipal tax code and implanted tools to allow the city to raise money more efficiently.<sup>6</sup> He implemented Bogotá's first land-use plan and pushed the federal government to grant him more power so that he could effectively counter the city council and powerful and corrupt real estate and transportation interests.<sup>7</sup> Colombia's 1991 Constitution also aided Castro. The Constitution placed mayors, rather than the federal government, in charge of public safety and over the physical and economic development of the city.<sup>8</sup> Castro soon took steps to update tax collection, resulting in revenues triple that of 1992: whereas the city had collected \$300 million in 1992, collections in 1993 resulted in income of \$900 million.<sup>9</sup> Bogotá's mayors now had the income and the legal means to address the city's problems. The first mayor to capitalize on the opportunities created by Castro's administration was Antanas Mockus.

#### B. *Antanas Mockus (1995-1997)*

In 1994, Bogotá was an "unruly, dirty and unlovely city."<sup>10</sup> Its sewage, water, and transport systems failed to keep pace with the city's growth, which, at 4.5% each year for a decade, had reached a population of 6.3 million.<sup>11</sup> Only 60% of the population was con-

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4. Arturo Ardila-Gomez, *Cityscapes: Bogotá*, REVISTA, Winter 2003; Chris Kraul, *Colombia City Makes a U-turn*, L.A. TIMES, Oct. 28, 2006, at 1.

5. Ardila-Gomez, *supra* note 4.

6. *Id.*

7. See Kraul, *supra* note 4.

8. Fernanda Santos, *From Colorful Mayor to Presidente?*, CHRISTIAN SCIENCE MONITOR, Apr. 27, 2005, at 1.

9. Alexander Nino Ruiz, *Formal and Informal Housing Practices in Bogotá, Colombia: The Experience of Metrovivienda and Juan XXII*, 36 REVISTA DE DERECHO PRIVADO 177, 185 (Universidad de los Andes 2006).

10. Sarita Kendall, *Bumper Stickers Cannot Fix Unruly, Dirty and Unlovely*, FINANCIAL TIMES, Oct. 8, 1994, at 4.

11. *Id.*

nected to the main sewer system, and 200,000 water connections were illegal. Unauthorized growth, often encouraged by local politicians looking for votes, had taken over many vacant areas.<sup>12</sup> The city had no long-term transport or planning strategy; traffic and air pollution congested the city.<sup>13</sup> The crime rate in the city topped fourteen murders a day,<sup>14</sup> and citizens were wary of congregating in restaurants and bars for fear of drug-cartel terrorism.<sup>15</sup> Despite a shift from the city center into outlying neighborhoods, many businesses still concentrated in the rundown inner city.<sup>16</sup> The city was also in a tenuous financial situation: most of its tax revenue went straight to paying off multilateral loans incurred in tighter days.<sup>17</sup>

Antanas Mockus sought to change the state of the city through unfamiliar means, concentrating on civic culture rather than political maneuvers. Mockus, a mathematician and philosophy professor, saw his popularity rise when he resigned from his post as rector of the National University after mooning students in a lecture to get their attention.<sup>18</sup> He ran for mayor with no political experience, faced only by Enrique Peñalosa of the Liberal Party, when the two major parties, the Conservatives and the Liberals, failed at promoting an alliance for local elections.<sup>19</sup> His campaign promised “No P’s”—no publicity, no politics, no party, and no *plata* (money). His honesty and lack of political affiliation led to his overwhelming victory in October of 1994. He told students, “You can’t fix Bogotá by putting ‘I love Bogotá’ stickers on your car. Instead, say ‘I hate it, but I’ll do something to improve it.’”<sup>20</sup>

His popularity and perception as an eccentric opened the door for Mockus to use unusual tactics to address the city’s fundamental problems. He rejected the city council’s notoriously political recommendations for city positions, resulting in the resignation of at least one council member.<sup>21</sup> He disbanded the city’s corrupt

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12. *Id.*

13. *Id.*

14. *Id.*

15. See Santos, *supra* note 8.

16. Kendall, *supra* note 10.

17. *Id.*

18. *Id.*

19. See María Cristina Caballero, *Academic Turns City into a Social Experiment*, HARVARD GAZETTE, Mar. 11, 2004, available at <http://www.hno.harvard.edu/gazette/2004/03.11/01-mockus.html>.

20. Kendall, *supra* note 10.

21. Caballero, *supra* note 19.

transit police force.<sup>22</sup> He privatized the city's public utilities and positively shaped the city's finances, bringing in funds and freeing up money for investing in the city's roads, improving parks, and building bike paths.<sup>23</sup> He reformed the city's tax code, making it easier and fairer for those least likely to pay.<sup>24</sup>

He introduced his *Cultura Ciudadana* campaign, which sought to change the city's problems by focusing on the citizens' mindset; he stated, "[t]he crucial part of a citizen's culture is learning to correct others without mistreating them or generating aggression. We need to create a society in which civility rules over cynicism and apathy."<sup>25</sup> Mayor Mockus set out as the first example of his campaign. He dressed as Superman to encourage citizens to be "super citizens."<sup>26</sup> He sent out 220 mimes to mimic and embarrass jaywalkers and pickpockets. He issued 350,000 cards with a picture of a thumbs-up sign and a thumbs-down sign to drivers and pedestrians so that they could convey their pleasure or displeasure at other citizens.<sup>27</sup> The first program was so popular that Mockus later increased the number of mimes to 400.<sup>28</sup> At Christmas, usually the season for drinking and violence, he offered cash rewards for turning in weapons and then turned the weapons into silverware.<sup>29</sup> He also pushed through an unpopular law to close bars, clubs, and other entertainment establishments by one o'clock in the morning.<sup>30</sup> After years of corruption and wasteful bureaucrats and bureaucracy, Bogotanos seemed to embrace Mockus's mindset. A journalist noted, "In a short time, people learned to change their behavior. Drivers learned to give each other the thumbs-up and thumbs-down signs with a grin. Bogotá is still Bogotá, but there is more respect and tolerance in the air."

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22. Juan Forero, *Bogotá Journal: Conflict Rages, but Capital Basks in Good Times*, N.Y. TIMES, Sept. 15, 2001, at B1.

23. See *Women's Rule*, ECONOMIST, Mar. 17, 2001, at 1; Forero, *supra* note 22.

24. Laurie Goering, *Antic Mayor Transforms Troubled City: Bogotá Attempts to Shape Citizens as Well as Laws*, CHICAGO TRIBUNE, May 29, 2001, at N3.

25. John Tierney, *The Big City: Civil Disobedience*, N.Y. TIMES, Apr. 19, 1998 at 26. For a further review of *Cultura Ciudadana* and a comparison with a similar effort in Rio de Janeiro, Brazil, see Mario Nogueira, *Learning from Bogotá: Citizenship Culture in Urban Administration*, 41 U. MIAMI INTER-AM. L. REV. (forthcoming Fall 2009).

26. *The Two Colombias*, ECONOMIST, Oct. 25, 1997.

27. Caballero, *supra* note 19.

28. *Id.*

29. Tierney, *supra* note 25.

30. *Women's Rule*, *supra* note 23.

He also revived the city's Ciclovía program.<sup>31</sup> Introduced in the 1970s and made permanent in 1982, Ciclovía closed fifty miles of the city's roads to cars and opened them to citizens on bikes, skates, and foot from seven o'clock in the morning to two o'clock in the afternoon on Sundays.<sup>32</sup> Before Mockus's term, the weekly event was disorganized and sometimes dangerous—cars still imposed a right of way.<sup>33</sup> Mayor Mockus appointed Guillermo Peñalosa, brother of future mayor Enrique Peñalosa, to expand and revive the program.<sup>34</sup> Under their direction, the number of roads used by bicycles was tripled, and the program was expanded into the poor, southern part of the city where parks and recreation alternatives were few.<sup>35</sup> Continuing the emphasis on public health, free aerobics classes and bike rental were implemented in designated areas.<sup>36</sup> An outdoor mass was also provided to encourage people to spend their Sundays outside with fellow Bogotanos.<sup>37</sup> In a city that self-segregated by wealth even at bullfights and soccer games, Ciclovía provided a rare opportunity to mix with fellow citizens regardless of status.<sup>38</sup>

In 1997, Mockus decided to use his popularity toward a bid for the presidency. He lost and was replaced as mayor by Enrique Peñalosa.<sup>39</sup> Despite Mockus's popularity and success, Bogotá still faced some serious problems. During 1997, Bogotá saw 250 murders committed per month, 95% of crimes went unpunished, unemployment stagnated at 10%, and 4 million in the city fall at or below the poverty line.<sup>40</sup> Peñalosa sought to continue Mockus's focus on the way Bogotá's citizens live together.

### C. Enrique Peñalosa (1998-2000)

Peñalosa set out to rebuild Bogotá by capitalizing on Mockus's success with the city's finances, a budget surplus of \$700 million,

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31. See generally David Aquilar Lawrence, *Despite Drugs and Crime, the People of Bogotá Unite for Day of Civil Fun*, CHRISTIAN SCIENCE MONITOR, Apr. 9, 1997, at 7.

32. *Id.*

33. See *id.*

34. See *id.*

35. *Id.*

36. *Id.*; see also Web Video: Ciclovía: A Moving Experience in Bogotá, Streetblogs.com, Dec. 3, 2007, available at <http://www.streetblogs.org/2007/12/03/ciclovía-a-moving-experience-in-bogotá> [hereinafter Ciclovía].

37. See Lawrence, *supra* note 31.

38. *Id.*

39. See Lisa Jones, *A Tale of Two Mayors*, GRIST, Apr. 4, 2002, available at <http://www.grist.org/news/maindish/2002/04/04/of/>; Santos, *supra* note 8.

40. See *The Two Colombias*, *supra* note 26.

and a mandate for change.<sup>41</sup> Peñalosa focused on rebuilding the city around people, not cars, by implementing an impressive public transportation and traffic control system, as well as numerous structural improvements.<sup>42</sup>

First, Peñalosa targeted the dominance of cars in the city. He attempted to ban cars from parking on sidewalks, which were usually those of the business owners of the stores on that street.<sup>43</sup> For this effort, he was nearly impeached.<sup>44</sup> But he prevailed, and placed cement posts on city sidewalks to enforce the ban.<sup>45</sup> He also instituted a car-free day, banning commuters from driving to work, and convinced the city council to raise gas taxes.<sup>46</sup> Under his administration the bicycle became an acceptable, even favored, mode of transportation, a big shift for the formerly car-dominated city.<sup>47</sup> Peñalosa noted, "Cars isolate people. Bicycles integrate socially."<sup>48</sup> He built seventy miles of bike paths and encouraged bicycle use, continuing Ciclovía and biking to work himself every day.<sup>49</sup> He also implemented a seatbelt law and an anti-littering campaign.<sup>50</sup> Citizens were pleased enough with the results that they voted to ban cars from the city during rush hours starting in 2005.<sup>51</sup> In the interim, Peñalosa introduced a plate-numbering system, which kept 40% of drivers off the road during rush hours and also reduced air pollution.<sup>52</sup>

His biggest success was TransMilenio, a bus-based public transportation system.<sup>53</sup> Before TransMilenio, public transportation consisted of various associations of private bus operators

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41. Goering, *supra* note 24; Kraul, *supra* note 4.

42. Goering, *supra* note 24; Susan Ives, *The Politics of Happiness: a Conversation with Enrique Peñalosa*, LAND & PEOPLE, Fall 2002.

43. Ken Gewertz, *In Bogotá, Don't Park on the Sidewalk*, HARVARD GAZETTE, Apr. 17, 2003.

44. *Id.*; see also *Bogotá's Mayor Tries to Ease Urban Woes*, MIAMI HERALD, Mar. 19, 2000, at 11A [hereinafter *Urban Woes*].

45. Jared Kolter, *Colombian Capital Bans Cars for a Day*, LEXINGTON HERALD-LEADER, Feb. 2, 2001, at A12; *Urban Woes*, *supra* note 44.

46. Jones, *supra* note 39; Kolter, *supra* note 45.

47. See Gewertz, *supra* note 43.

48. *Urban Woes*, *supra* note 44.

49. Gewertz, *supra* note 43; see also Manuel Duran, *Promueven Día sin Auto*, REFORMA, Sept. 21, 2001, at 6 (Mex.); Hagen, *supra* note 1; Ciclovía, *supra* note 36.

50. Forero, *supra* note 22.

51. See John Whitelegg, *Car Wars*, GUARDIAN, Mar. 26, 2003, at 8.

52. *Id.*

53. Web Video: StreetFilm: Bus Rapid Transit (BRT) in Bogotá, Streetsblog.com, Jan. 28, 2008, available at <http://www.streetsblog.org/2008/01/28/streetfilm-brt-in-bogota> [hereinafter *Transmilenio Video*].



loosely regulated by the city government.<sup>54</sup> Bus drivers set service locations based on potential revenue from the passenger, leading to intense competition in some areas and under-service of other areas.<sup>55</sup> The system was characterized by congestion, poor quality, unsafe conditions, and slow service.<sup>56</sup> TransMilenio was partially funded by the gas tax and cost \$300 million.<sup>57</sup> Peñalosa chose this system over the proposed solution to the city's transportation problems: a \$600 million elevated highway.<sup>58</sup> He saw a system that promotes public transportation as more true to the idea of a healthy and happy city.<sup>59</sup> Since only 25-30% of Bogotanos had cars, basing a transportation system on that group inherently failed to address the commuting issues of Bogotá's citizens.<sup>60</sup> Peñalosa fought for an above-ground bus system, avoiding a traditionally expensive and usually subsidized underground subway system, which he saw as essentially favoring cars by seeking to preserve existing road space.<sup>61</sup> Through capitalizing on an essential existing resource—roads—costs were reduced in implementing the system.<sup>62</sup>

The system operates essentially as a "surface subway," with main stations with raised platforms, side doors, and its own lanes along Bogotá's main thoroughfares.<sup>63</sup> It uses private contractors to run its buses along three main corridors, covering twenty-five miles of road in the city.<sup>64</sup> It hosts bicycle storage, free neighborhood shuttle buses, and a modern and efficient control system.<sup>65</sup> By encouraging ridership, through neighborhood shuttles, and bicycling, with easy and free storage, the system reduces air pollution and increases public health with each patron.<sup>66</sup> By 2003, it was moving 750,000 passengers a day.<sup>67</sup> Within as little as five months of its launch in December 2000, TransMilenio boasted

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54. See Daniel A. Rodriguez & Carlos H. Mojica, *Land Value Impacts of Bus Rapid Transit: The Case of Bogotá's TransMilenio*, LAND LINES, Apr. 2008, at 4.

55. *See id.*

56. *See id.*

57. *See Ives, supra* note 42; Jones, *supra* note 39.

58. *See Ives, supra* note 42.

59. *See id.*

60. *See id.*

61. *See Whitelegg, supra* note 51.

62. Transmilenio Video, *supra* note 53.

63. *Id.*; *see also* Hagen, *supra* note 1.

64. Endy M. Bayuni, Opinion, *Give Busway a Chance, the Problem Is the Officials*, JAKARTA POST, Dec. 31, 2003.

65. Transmilenio Video, *supra* note 53.

66. *Id.*

67. Ardila-Gomez, *supra* note 4.

some impressive numbers: a 93% drop in fatal car accidents and a 50% decline in injury-causing accidents; a 40% decline in some air pollutants; a 30% drop in noise pollution where the bus system operated; a 32% reduction in travel time for patrons (saving the typical user 300 extra hours per year); a 10% decline in gas consumption; and a 50% drop in thefts on the public transportation system.<sup>68</sup> Most importantly perhaps, it is one of the few public transportation systems in the world that operates at a profit, despite its thirty-six cent fare.<sup>69</sup>

Peñalosa continued his focus on social integration, building pedestrian-only streets, fifty new schools, and twenty-one new libraries.<sup>70</sup> Many of these improvements were in the poorest areas of the city.<sup>71</sup> He provided citizens with free fireworks shows and concerts. Peñalosa, in a lecture at Harvard about sustainable development, explained, "People often think of things like Christmas lights and fireworks as a waste of money, but these things create a sense of belonging."<sup>72</sup> In conjunction with these efforts, Peñalosa focused on the importance and development of public spaces.<sup>73</sup> He built or revamped 1,300 parks and created greenways along creeks.<sup>74</sup> One uncompleted effort would have turned a golf and polo club for the wealthy into a public park.<sup>75</sup> To Peñalosa, democracy, which he characterizes as simply choosing public good over private, requires the implementation of parks and public spaces to "compensate [the poor] for the inequalities that exist in society."<sup>76</sup> He cites public spaces as cause for a reduction in crime, as well for promoting a positive attitude among citizens toward their city.<sup>77</sup>

Peñalosa's goals were codified in 2000 with the Territorial Ordering Plan of the Capital District (*Plan de Ordenamiento Territorial*, or POT), which focused on four essential issues of the city—urban renewal, built environment, sustainable develop-

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68. Bayuni, *supra* note 64.

69. *See id.*; Whitelegg, *supra* note 51; Transmilenio Video, *supra* note 53.

70. Gewertz, *supra* note 43.

71. Mario Vargas Llosa, *Piedra de Toque/Los Hispanicidas*, MURAL, May 11, 2003.

72. Gewertz, *supra* note 43.

73. *See id.*

74. Enrique Peñalosa, Keynote Address at the Great Parks/Great Cities Conference (July 30, 2001) (transcript available at [http://www.pps.org/topics/whyneed/newvisions/penalosa\\_speech\\_2001](http://www.pps.org/topics/whyneed/newvisions/penalosa_speech_2001)).

75. *See Urban Woes*, *supra* note 44.

76. Ives, *supra* note 42.

77. *See id.*

ment, and low-income housing—and set long-term goals for each area.<sup>78</sup> Provisions of this law guided TransMilenio, the Third Millennium Park (*Parque Tercer Milenio*), the Public School Grant (which aimed to expand and improve public education), and Metrovivienda (a low-income housing project).<sup>79</sup>

Despite Peñalosa's efforts, Bogotá's big-city problems remained. Crime rates were still high, at 35 homicides per 100,000 in 2000, and the city faced an annual influx of 160,000 people, causing housing and services shortages.<sup>80</sup> His administration was not without scrutiny: it was cited for contractual irregularities when dealing with the private companies that operated TransMilenio,<sup>81</sup> shortages in long-term support for infrastructure,<sup>82</sup> and notably, a willingness to forgo the democratic process to push through changes.<sup>83</sup> Additionally, the success of TransMilenio was still limited: it only provided service through two main thoroughfares of the city, leaving the majority of the city to the lightly-regulated, inefficient, and pollutant-heavy private bus-ing system.<sup>84</sup>

#### D. *Antanas Mockus (2001-2003)*

Upon Mockus's return as mayor, some remarked that he had "hung up his cape," foregoing his familiar antics for new tactics to address the city's problems.<sup>85</sup> His seriousness was merited: a couple of months into his term, Bogotá experienced its first bombing in almost two years.<sup>86</sup> Despite the terror, he maintained his fundamental focus on bettering the daily lives of Bogotanos. He opened a free museum and continued Penalosa's installment of public libraries, statutes, and fountains.<sup>87</sup> Mockus still used some of his prior tactics to draw the public's attention. When the city suffered a water shortage, Mockus appeared on television pro-

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78. Ruiz, *supra* note 9.

79. *See id.* at 185-86. For a discussion of the success of Metrovivienda see *id.* at 191-94.

80. Forero, *supra* note 22.

81. *Investigan a Ex Alcaldes de Bogotá por Irregularidades en Transmilenio*, PORTAFOLIO, July 7, 2004; Opinion, *Políticas de Transporte: Intereses y Beneficios*, PORTAFOLIO, Aug. 27, 2007.

82. Ricardo Santamaria, Opinion, *Buena Gestión en Transporte de Bogotá Amenaza con Desaparecer; Caos en las Calles de Bogotá*, PORTAFOLIO, Feb. 18, 2005.

83. *See* Ardila-Gomez, *supra* note 4.

84. *See* Rodriguez & Mojica, *supra* note 54.

85. Goering, *supra* note 24.

86. *See id.*

87. *See id.*

grams in the shower asking citizens to turn off the water as they soaped.<sup>88</sup> After two months, water use was down 14%.<sup>89</sup> Citizens soon saw their own economic benefits of saving water, and water use in 2004 was 40% less than before the shortage.<sup>90</sup>

Mockus reasons, "The distribution of knowledge is the key contemporary task. Knowledge empowers people. If people know the rules, and are sensitized by art, humor, and creativity, they are much more likely to accept change."<sup>91</sup> This faith—the faith that citizens could change the city—may have led to a voluntary 10% increase in tax payment, simply at the request of Mockus, by over 63,000 citizens.<sup>92</sup> In 2002, the city collected more than three times the tax revenue it had in 1990, undoubtedly aided by Castro's reforms in collection as well as Mockus's tax reform efforts in his first term.<sup>93</sup> Mockus also saw an additional 1,235,000 homes with connections to the main sewage line and 1,316,000 homes with water.<sup>94</sup> Drinking water and sewage provision rose from 78.7% and 70.8% respectively in 1993 to 100% and 94.9% in 2003.<sup>95</sup>

Mockus continued Peñalosa's car-free day and limited drivers to commuting during rush hour no more than three days a week to further address smog and traffic.<sup>96</sup> In a further measure to control Bogotá's famously aggressive drivers, Mockus targeted taxi drivers, asking riders to call his office to report kind and honest taxi drivers, whom he named "Knights of the Zebra" and recognized officially.<sup>97</sup> Mockus asked those drivers to meet with him and provide advice on how to improve the behavior of dishonest and rude taxi drivers. He also directed the construction of 200 miles of bike paths and expanded the TransMilenio system.<sup>98</sup>

An especially popular program addressed the fear of many Bogotanas to go out at night. Mockus instituted *La Noche de las Mujeres* (Women's Night) in which he asked the city's men to stay

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88. Rachel X. Weissman, *That Nude Guy? He's the Mayor*, ONEARTH, Winter 2002, at 11.

89. Caballero, *supra* note 19.

90. *Id.*

91. *Id.*

92. *See id.*

93. *See id.*

94. *Id.*

95. *Id.*

96. Weissman, *supra* note 88.

97. Caballero, *supra* note 19.

98. Weissman, *supra* note 88.

home with the children while the women went out.<sup>99</sup> The police chief and all 1,500 police that night were women.<sup>100</sup> Over 700,000 women participated on the first night, attending free outdoor concerts and enjoying specials at local bars.<sup>101</sup> Though many men ignored the order and spoke out against the restriction, most men did stay home, rewarded at their windows by applause from women passing by. Those who did not stay home were awarded with handfuls of flour.<sup>102</sup> Mockus avoided legal challenges to the restriction by ensuring all that the curfew was voluntary.<sup>103</sup> Mockus's efforts produced some serious results: murder rates and road accidents fell by 80% that night and other serious crime fell by 30%.<sup>104</sup> The event also showed success where Mockus really wanted it: it sparked media coverage and public debate on domestic violence, equality of women, and public civility.<sup>105</sup>

In another attempt to control violence, Mockus instituted Schools of Civic Security and Local Security Fronts, local groups that trained and promoted community policing. In 2003, there were 7,000 Local Security Fronts.<sup>106</sup> As he did in 1996, he held a disarmament day in 2003 where citizens could turn in their weapons for cash. As a result homicides fell by a purported 26%.<sup>107</sup> More importantly, the number of people who believed that firearms were necessary to protect them fell from 24.8% in 2001 to 10.4% in 2003.<sup>108</sup>

Under his leadership homicides were reduced from 80 per 100,000 people in 1993 to 22 per 100,000 in 2003.<sup>109</sup> Citizens, noting the reduction in the private guards hired for wealthy areas, spoke of the "humanization of the city."<sup>110</sup> Traffic fatalities fell from 1,300 per year to 600. Mockus brought special attention to those deaths, painting stars on the sidewalks where pedestrians had been killed by cars.<sup>111</sup> Coupled with the successful Trans-

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99. Caballero, *supra* note 19.

100. *Id.*

101. *Id.*

102. *See id.*; *see also* Mark Shapiro, *All the City's a Stage*, ATLANTIC MONTHLY, Sept. 2001.

103. *See* Caballero, *supra* note 19.

104. *Women's Rule*, *supra* note 23.

105. *Id.*

106. Caballero, *supra* note 19.

107. *Id.*

108. *Id.*

109. *Id.*

110. Goering, *supra* note 24.

111. Caballero, *supra* note 19.

Milenio, commuters reported times less than half their former commutes and air pollution dropped significantly. Mockus continued to be an example of the city he wanted by biking with his staff to work every day and planting trees to improve the city's parks.<sup>112</sup>

Though the city council rejected or stymied many of Mockus's development efforts,<sup>113</sup> he maintained his emphasis on civic duties.<sup>114</sup> Barred from running again under a rule that prevents consecutive terms, Mockus turned power over to Luis Eduardo Garzón in 2004.

### *E. Luis Eduardo Garzón (2004-2007)*

Garzón was the first leftist elected mayor of Bogotá, which seemed to indicate popular agreement of a continuing focus on social issues.<sup>115</sup> But while continuing the basic administrative policies of previous mayors,<sup>116</sup> the public noted key differences. There seemed to be a lack of new ideas.<sup>117</sup> The emphasis on public space diminished; citizens especially noted Garzón's support of private enclosures in previously public places.<sup>118</sup> Citizens also reported feeling less safe from crime.<sup>119</sup>

Regardless of whether the administration of Garzón will enjoy a legacy similar to that of Peñalosa and Mockus, Bogotanos can point to real changes in the city: homicides have dropped by 70% and kidnappings by an even greater percentage; there are more than thirty new libraries; and their transportation system is exemplary. Jakarta, New York, and Mexico City have used Transmilenio as inspiration for their own bus-based transportation systems.<sup>120</sup> There are other notable achievements as well. There have

112. Weissman, *supra* note 88.

113. See Goering, *supra* note 24.

114. *Id.* See generally Santos, *supra* note 8.

115. Caballero, *supra* note 19.

116. See Kraul, *supra* note 4.

117. Luis Fernando Gamboa, Opinion, *La Política de Transporte en Bogotá*, PORTAFOLIO, Aug. 27, 2007.

118. Opinion, *Contra La Privatización de los Espacios Públicos en Bogotá*, PORTAFOLIO, May 23, 2005; Opinion, *No a la Privatización del Espacio Público en la Ciudad de Bogotá*, PORTAFOLIO, July 12, 2005; Opinion, *Ejemplo de Buena Gestión Pública en Bogotá*, PORTAFOLIO, Aug. 1, 2005.

119. Elvira Maria Restrepo & Alvaro Jose Moreno, *Bogotá: Mas Crimen? Mas Miedo?*, DESARROLLO Y SOCIEDAD, Mar. 2007, at 165.

120. See Bayuni, *supra* note 64; Dario Hidalgo, *Why Is TransMilenio Still So Special?*, TheCityFix.com, <http://thecityfix.com/why-is-transmilenio-still-so-special>. For an extensive article addressing the potential applicability of a Transmilenio-type system to the U.S. see generally ALASDAIR CAIN ET AL, NATIONAL BUS RAPID TRANSIT INSTITUTE (NBRTI), APPLICABILITY OF BOGOTÁ'S TRANSMILENIO BRT SYSTEM TO THE

been decreases in poverty, pollution, crime, and traffic accidents.<sup>121</sup> Fiscal responsibility, not corruption, now guides the decisions of city actors.<sup>122</sup> The public reports changes in the mindset of Bogotanos regarding their identity as citizens<sup>123</sup> and their desire to keep public spaces.<sup>124</sup> Bogotanos enjoy a sense of belonging in a country whose geography and political battles have resulted in a fractioned country; they maintain an identity perhaps few of their countrymen enjoy.<sup>125</sup>

#### IV. CONCLUSION

The transition of Bogotá over the past fifteen years is nothing short of incredible. But two crucial questions remain: are these changes more than superficial, and can they be maintained? The sustainability of such success will depend on the future mayors and the citizens of Bogotá, especially as they work to address the many remaining issues. Twenty new families enter Bogotá each day from other parts of the country, and providing enough low-income housing has proven extremely difficult. Public transportation is still very limited, and TransMilenio is overcrowded to the point that it is referred to as “Trans-*muy-lleño*.” Ten percent of the population still lacks basic services. Education, disability provisions, and diversity are issues the city still needs to fully address. Moreover, these challenges run concurrent with fundamental challenges of the existing legal and extra-legal formations within the city. The articles in this edition seek first to explain the partic-

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UNITED STATES (2006), available at [http://www.nbrti.org/media/documents/Bogota%20Report\\_Final%20Report\\_May%202006.pdf](http://www.nbrti.org/media/documents/Bogota%20Report_Final%20Report_May%202006.pdf).

121. See generally Ricardo Montezuma, *Transformation of Bogota*, GLOBAL URBAN DEV. MAG., May 2005, available at <http://www.globalurban.org/Issue1PIMag05/Montezuma%20article.htm>; Opinion, *Avances de Bogotá en Lucha contra la Pobreza*, PORTAFOLIO, Aug. 23, 2005; Opinion, *Como Cerrar la Brecha de Desarrollo entre las Regiones de Colombia?*, PORTAFOLIO, Oct. 5, 2005; Restrepo & Moreno, *supra* note 119.

122. Opinion, *Tres Ejemplos de Buena Administración Pública en Bogotá*, PORTAFOLIO, June 2, 2006.

123. Mari Rossi Idarraga, *Lugar de Pasajeros*, TERRITORIOS: REVISTA DE ESTUDIOS REGIONALES Y URBANOS, Aug. 2004 – Jan. 2005, at 69; Francisco E Thoumi, *The Colombian Competitive Advantage in Illegal Drugs: the Role of Policies and Institutional Changes*, J. DRUG ISSUES, Jan. 1, 2005, at 7.

124. See *supra* note 118.

125. See Thoumi, *supra* note 123, at 18 (“It is not coincidence that during the last decade Bogotá mayors Antanas Mockus and Enrique Peñalosa have tried to fill that vacuum [of a strong national identity and a sense of solidarity] and have sought to create identity symbols. A great advance in that direction has been achieved in Bogotá as Bogotanos today identify themselves with [TransMilenio].”); Jones, *supra* note 39; Catherine C. LeGrand, *The Colombian Crisis in Historical Perspective*, 28 CANADIAN J. LATIN AM. & CARIBBEAN STUD. 165 (2003).

ular legal problems presented by extralegal property settlement. Daniel Bonilla explains that the Western standard of legal monism falls short both normatively and descriptively for these areas where “pluralism is the rule, not the exception.”<sup>126</sup> Bonilla and others address how best to recognize and successfully integrate these *de facto* areas of legal incongruency.<sup>127</sup> The constant need for housing in Bogotá could benefit from an approach that recognizes the particular strengths of legal pluralism in these areas. Other areas like environmental protection can also benefit from a consideration of legal pluralism.<sup>128</sup> Additional articles further address Mockus’s *Cultura Ciudadana Campaign*<sup>129</sup> and Bogotá’s literal role in American immigration law.<sup>130</sup> These articles examine the multifaceted and difficult fundamental problems still to be addressed by the current and future Bogotá leaders. Their resolution will be necessary for the city to continue its current success and to ensure positive and lasting change for its people.

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126. Daniel Bonilla Maldonado, *Extralegal Property, Legal Monism, and Pluralism* 40 U. MIAMI INTER-AM. L. REV. 213 (2009).

127. *Id.*; Garces & Pineda, *supra* note 3; Sheila R. Foster, *Urban Informality as a Commons Dilemma*, 40 U. MIAMI INTER-AM. L. REV. 261 (2009); Carmen G. Gonzalez, *Squatters, Pirates, and Entrepreneurs: Is Informality the Solution to the Urban Housing Crisis?*, 40 U. MIAMI INTER-AM. L. REV. 239 (2009) (discussing legalization of informal settlements as a questionable solution to housing issues); Érika Fontáñez Torres, *Law, Extralegality, and Space: Legal Pluralism in the Landscape of Puerto Rico*, 40 U. MIAMI INTER-AM. L. REV. 285 (2009) (examining legal pluralism in Vieques, Puerto Rico); Alexandre dos Santos Cunha, *Informal Land Subdivision and Real Estate Regularization: A Comparative Study between Colombia and Brazil*, 40 U. MIAMI INTER-AM. L. REV. 315 (2009) (comparing legal pluralism in Bogotá and São Paulo).

128. Colin Crawford, “*Savage Urbanization*,” *Environmental Protection and Legal Pluralism*, (Aug. 2008) (unpublished article, on file with author).

129. Nogueira, *supra* note 25.

130. Troy E. Elder, *Antagonizing Bogotá*, 40 U. MIAMI INTER-AM. L. REV. 301 (2009).