



HUMAN RIGHTS IN THE PORT CITY

PATHWAYS FOR A JUST TRANSITION IN VALPARAISO'S BUILT ENVIRONMENT

Part of the global project:
*Building for Today and the Future:
Advancing a Just Transition in the
Built Environment*

THE BUILDING FOR TODAY AND THE FUTURE PROJECT

This report is one of eight city research summaries as part of the global IHRB project “Building for Today and the Future: Advancing a Just Transition in the Built Environment”

Buildings and construction contribute 37% of global energy-related carbon emissions. At the same time, cities are often where people experience the impacts of climate change, rising living costs, and socio-economic inequalities.

The project examines green transition processes in the built environment of eight cities globally, aiming to (1) strengthen the understanding of social justice and human rights issues in each context and globally, and (2) open up pathways for local and international action to improve the social sustainability of these processes. The results of this project will help stakeholders make informed decisions in urban and sustainability policies, and take steps towards implementation (in various contexts and at various levels of governance).

The project is structured in four research cycles, each undertaking parallel research in two cities to derive comparative insights. The pairs of cities are: Prague and Lagos, Lisbon and Melbourne, Copenhagen and Jakarta, Athens and Valparaíso.

The report intends to inform policy-makers, investors, and businesses involved in shaping the built environment in Valparaíso, as well as civil society actors working to expand the space for socially inclusive climate action.



TERMINOLOGY

Built environment: The tangible urban environment, i.e. buildings, infrastructure and the spaces that connect them.

Built environment decarbonisation: Measures to reduce greenhouse gas emissions from the built environment by improving the energy efficiency of new and existing buildings, switching to renewable energy supplies, and reducing the climate footprint of construction materials.

Built environment resilience: Measures to strengthen the resilience of buildings and infrastructure to the impact of climate-related events such as flooding, extreme heat, and sea level rise.

Just transition: While pioneered by the labour movement and the ILO, the wider concept today involves a series of aligned and coherent climate actions that effectively fulfil both environmental and social purposes:

1. A transition to an ecologically-conscious model that allows societal development within planetary boundaries, and
2. Ensure the benefits of that shift are equitably spread and enjoyed throughout the population, and that its costs are not borne by traditionally excluded or marginalised groups.

The project focuses particularly on four thematic areas of the built environment: the right to housing, construction workers' rights on site and through supply chains, non-discrimination and spatial justice, and meaningful participation.

The project recognises that “just transitions” are context specific, and that the overall concept continues to evolve. The project therefore aims to engage with local language, narrative and perspectives while also building international momentum for positive change. The local research is accompanied by visioning workshops that bring stakeholders together to envision pathways towards a more inclusive, sustainable and just city.

ACKNOWLEDGMENTS AND PARTNERSHIPS

The Building for Today and the Future project benefits from guidance and insights from its thematic partners including ICLEI - Local Governments for Sustainability, Building and Woodworkers International, and the International Union of Tenants.

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BWI
Building and Wood
Workers' International
www.bwint.org



Laudes ———
— **Foundation**



Ove Arup Foundation

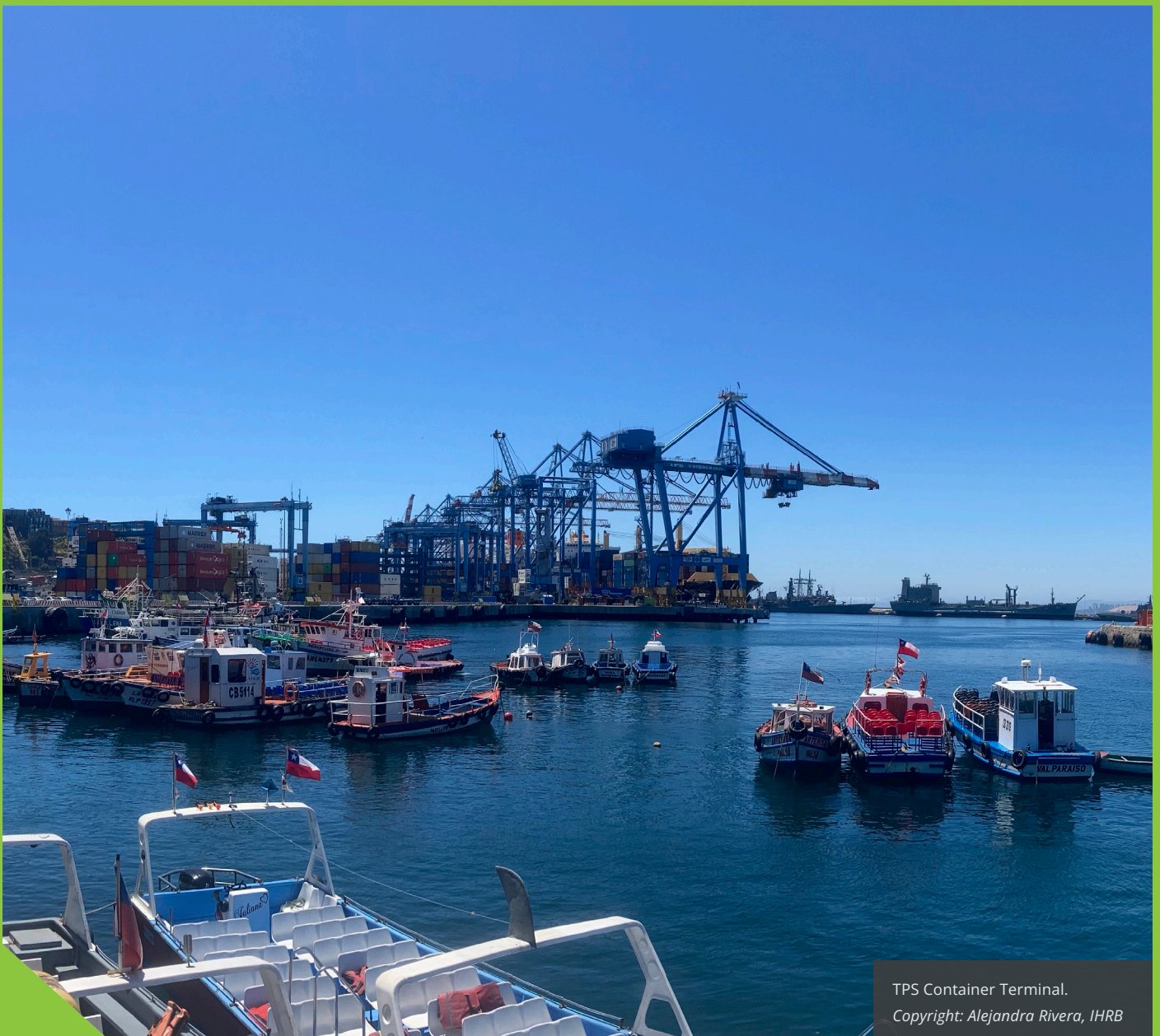
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SUMMARY

This study summarises the results of research focused on the city of Valparaíso in Chile, and the built environment sector's significant role in its economy as well as its human rights impacts, both positive and negative. Chile's ecological transition efforts – to decarbonise and move to more sustainable forms of energy – are supported by national policies, but there are challenges in embedding existing human rights commitments into that transition, especially at the city level. In line with national trends, Valparaíso faces a housing deficit, and environmental risks within informal settlements.

Complex decision-making and governance issues, socio-spatial inequalities due to port-city dynamics, and housing challenges exacerbated by climate change, as well as gentrification in the touristic 'Cerros' all contribute to the current situation. Recommendations include proposals for enhancing public participation in decision-making, developing alliances to address socio-spatial inequalities, and upholding housing rights through sustainable and inclusive urban planning.



TPS Container Terminal.
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RESEARCH PROCESS

The research project included a literature review, interviews with various stakeholders, and a visioning workshop gathering perspectives and insights on human rights impacts of the green transition in Valparaíso's built environment. The literature review encompassed government reports and policy documents, as well as grey and academic literature on human rights, climate change, planning and the built environment.

A stakeholder mapping exercise identified 51 relevant actors, 16 of whom were interviewed across different sectors: academia (2), civil society organisations (3), local government (3), central government (3), and industry (5) (see appendix for interview list).

The data was coded and analysed according to five themes: participation and decision-making processes, socio-spatial inequalities, the right to housing, workers' rights, and an overarching theme that is embedded in the other four categories: environmental rights/sustainable development.

Lastly, a visioning workshop¹ was hosted on 12 December 2023 at Parque Cultural de Valparaíso. A diverse group of built environment stakeholders, from the various sectors, gathered to share and discuss their perspectives on the city's approaches to addressing climate change in the built environment in an inclusive and equitable way.



Graffiti: another mode of expression and participation in the city.
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CONTEXT: CHILE'S INCIPIENT CLIMATE ACTIONS DO NOT REFLECT SOCIAL JUSTICE YET

Chile has experienced three decades of democracy (1990-present), marked by stability and economic growth, but also by continued inequality. In 2019, widespread protests erupted due to dissatisfaction with the unjust social, political and economic *status quo*, with demands for a new constitution. Protesters faced harsh and extremely violent police repression including alleged human rights violations. In 2020, Chileans elected delegates to draft what is viewed widely as one of the most progressive and ecological constitutions in the world: emphasising social and economic rights, gender equality, and environmental protections. However, the proposed constitution referendum failed to pass due to economic challenges and conservative opposition.² In 2023, another referendum with a conservative-backed constitution was proposed but was rejected, revealing a political stalemate.³

Economically, the built environment sector plays a pivotal role in Chile, contributing 7.1% to GDP and 8.5% to employment.⁴ The sector is also responsible for 32.6% of the country's energy consumption, 34% of solid waste, and nearly 31% of greenhouse gas emissions.⁵ Recognising these impacts, actions have begun aimed at decarbonisation of the built environment. Commendable strides in shifting from fossil fuels to renewable energy sources are noteworthy, with renewables now accounting for 63% of energy production. This transition is supported by public and private sector efforts, innovation, and proactive management. However, challenges remain in energy efficiency, rethinking urban design, and socio-spatial justice of this transition i.e. the outreach of transition initiatives to rural areas and secondary cities, like Valparaíso.

Relevant climate laws and policies include⁶:

- [Law on extended producer responsibility and promotion of recycling](#)⁷
- [Framework law on climate change](#)⁸
- [Law on energy efficiency](#)⁹
- [Public-led Circular Economy Roundtable](#)¹⁰

- [Construye 2025](#): An initiative led by the Chilean Economic Development Agency (CORFO) that developed the [roadmap for circular economy in construction](#)¹¹ and put on the agenda the [roadmap for decarbonisation of the built environment](#)
- Planning reforms:
 - Law 20.958 that establishes a system of public space contributions¹²
 - Law 21.078 regarding transparency of the land market and tax on increases in value due to extension of urban boundaries¹³
- Construction Standards:
 - [NCh3509 Modular Coordination in Buildings: Standards of Building Components to Increase Productivity and Sustainability](#)¹⁴
 - [NCh3562 Waste Management – Construction and Demolition Waste](#)¹⁵
- Resilience Standards:
 - [NCh 2369](#)¹⁶ Technical Standard for Seismic Design of Industrial Structures and Facilities that was updated in [2023](#).¹⁷ A norm that has been replicated in several other Latin American countries¹⁸

Climate actions in the Region of Valparaíso include, for example, the *Clean Production Agreement for the Circular Economy in Construction*, supported by the Chilean Chamber of Construction and the Sustainability and Climate Change Agency, focusing on circular business models for managing construction and demolition waste.¹⁹ Also, projects led by *Plataforma Industria Circular* (funded by the Innovation Fund for Competitiveness) exemplify public-private partnerships, resource efficiency and circularity.²⁰ These efforts align with national sustainability policies, yet can benefit from including further social considerations to ensure climate actions benefit all people, including marginalised groups.

These policies aim to integrate environmental sustainability concepts, achieve greenhouse gas emission neutrality by 2050, foster urban green spaces, and promote energy efficiency. While reflecting a positive shift towards sustainability in Chile, their implementation has been challenging. These documents are high-level overviews, rarely mentioning the built environment sector's role in climate action or considering human rights perspectives, limiting their scope to environmental issues without addressing potentially adverse impacts on civil, political, economic, social, and cultural rights.

This omission fails to recognise the interdependency of human rights, particularly the crucial links between climate sustainability and the rights to housing, decent work, or participation in decision making. As such, these policies risk exacerbating existing problems at local level, by not fully addressing the intertwined nature of environmental sustainability and human rights.

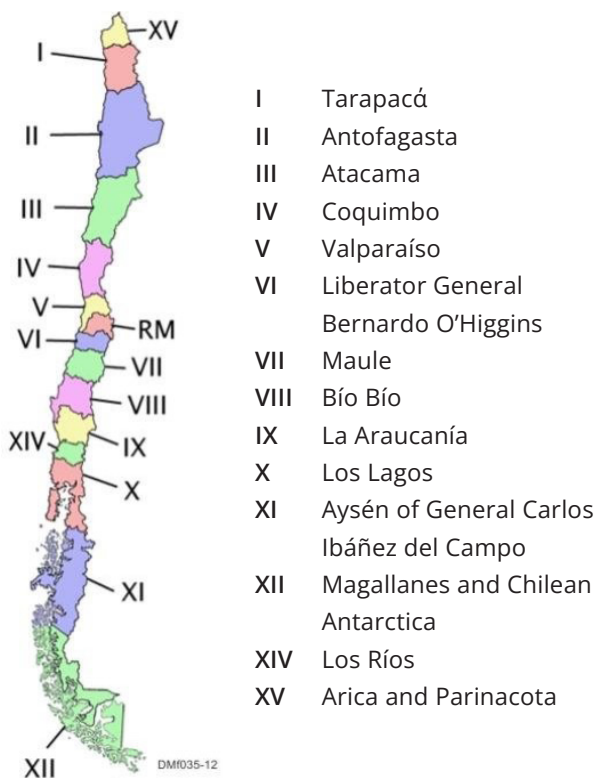
The Region of Valparaíso has 2,010,849 inhabitants (2023)¹⁹ (Figure 1), 319,745 (2023)²¹ of which live in Valparaíso, the region's capital. The city's approach to environmental sustainability in the built environment is reflected in its Communal Development Plan (PLADECO) for 2020-2030.²² This plan emphasises sustainable territorial development and climate change adaptation and mitigation, with some social considerations.²³ A critical component of this strategy is the update of the Communal Master Plan (1984), which aligns urban development with the sustainable vision outlined in PLADECO. Valparaíso has also been proactive in embracing environmental sustainability, with private initiatives like Plataforma de Industria

Circular (Circular Industry Platform) and programs developed by the Chilean Chamber of Construction, which integrate circular economy principles into construction practices.

Valparaíso, a UNESCO World Heritage Site for its picturesque architecture, struggles with high unemployment, poverty, spatial segregation, a housing deficit, decaying built environment, and the vulnerability of informal settlements to environmental risks, particularly floods and fires.²⁴ This can be explained in part by unregulated port activity, housing privatisation, and an unfinished process of economic restructuring.²⁵ The "Agreement for Valparaíso"²⁶ (2023) claims to address these issues by expanding port activities and fostering public-private collaboration. However, its participatory nature was poor and limited to informing citizens, hence it does not reflect the position of many CSOs and academics, including the SECPLA, to tax the port²⁷ as compensation for the port's extensive occupation of most of the waterfront, at a significantly high environmental and social cost.

FIGURE 1

Regional framework for Chile. Valparaíso is Region V; RM is the Metropolitan Region around Santiago.



HUMAN RIGHTS RISKS AND OPPORTUNITIES

Green transition policies at the national level have not yet been localised in Valparaíso, nor are they specific to the built environment. At the moment, there are no plans for the decarbonisation of the built environment in the city, making it challenging to evaluate the human rights risks and opportunities of such (yet to come) strategies. As a result, this section focuses on rights related to participation, non-discrimination (particularly socio-spatial inequalities), housing, and workers' rights, more general to the city, instead of impacts relating to climate actions.

Based on the broad range of stakeholders interviewed, this study found that Valparaíso's governance is fragmented, driven by the private sector, and lacks coherent policy implementation. This exacerbates social inequalities in the territory, with economic and port developments historically prioritising broader economic gains over the needs of residents. The *right to adequate housing* is further compromised by (a) the dominance of private land ownership (profit-driven without price regulation), (b) a low degree of public housing stock (meaning limited urban planning manoeuvring for the SECPLA), and (c) a real estate market that overlooks the needs of vulnerable groups. Additionally, the construction sector, a significant employer in the region, is characterised by precarious working conditions and low unionisation, highlighting the need for stronger protection of *workers' rights*. These circumstances underscore the urgent need to have municipal laws that protect human rights (e.g. recognising the right to meaningful participation for all, to adequate and affordable housing, and workers' rights), and use executive power to implement them effectively, and punish those that violate them.

PARTICIPATION AND DECISION-MAKING PROCESSES

There is lack of interaction between civil society organisations, policy-makers, and private developers in urban development processes. This stakeholder disconnection makes very difficult to be aware of, listen to, and account for, community needs in city-making. During interviews, some stakeholders stressed the tension between the need for timely decisions (i.e.

pressure to expedite projects to meet climate goals) and meaningful citizen participation. While Valparaíso's regional and local authorities recognise the importance of meaningful citizen engagement for climate projects, and in empowering individuals, insufficient consultation with local communities results in lack of public support.

Simultaneously, project delays are a common concern among the private sector. There are some *informative processes* developed by the port authority "Valparaíso Puerto Plus"²⁸ and "Valparaíso Dialoga"²⁹ which helped citizens understand the complexities of port development and its relationship with the city, however, these offer limited opportunities to hear and incorporate stakeholders' feedback.

The local government has also opened a binding public consultation to update the Communal Regulatory Plan. This plan has as its objectives "territorial planning with social and gender justice (including the voice of indigenous groups), protection and reduction of the degradation of environmental heritage and local economic development, integrating its three urban areas: Valparaíso, Placilla and Laguna Verde".³⁰

Some interviewees advocated for greater decentralisation: regional autonomy could lead to greater participation in decision-making, a fairer distribution of resources and benefits, and a healthy competition between regions. Overall, a community-based approach was emphasised as a potential catalyst for positive change. Some proposed continuous dialogue, more inclusive community participation, and stressed that projects uphold majority support if they can understand and attend to community needs and visions. Improvements in community representation, decentralisation, and collaborative governance were common requests.

SOCIO-SPATIAL INEQUALITIES

Valparaíso grapples with significant territorial inequalities that have arisen from the changing role of the port in the city's life. As one interviewee put it, "Valparaíso was first a port, then it was a city, so all city development has been around the port." Therefore, historically, economic, trade, and port affairs (benefiting Santiago and Chile as a whole) have taken priority over the needs of "porteños" (Valparaíso residents). The competition with San Antonio Port (60km to the south) encourages expansion. Yet,

governance fragmentation due to competing interests – economic from the port (EPV: Empresa Portuaria de Valparaíso), political from local government, and social from social movements e.g. 'Mar para Valparaíso', have created friction in moving ahead with such expansion.

Priorities in recent decades have been port expansion, tourism and cultural heritage development to counter economic decline. This approach seeks to leverage Valparaíso's unique cultural assets to stimulate economic growth and revitalise the city. Yet, it has had some negative consequences. Valparaíso's waterfront communities have historical struggles against commercial mega-projects and high-rise buildings, such as the cases of Cerro Baron and Parque Pümpin.³¹ These kinds of market-led developments geared towards tourism and growth have caused gentrification, displacing residents to less expensive neighbourhoods and/or exacerbating the proliferation of informal settlements in mountains and ravines. In this context, social movements and professionals have actively challenged new developments and the port expansion, through technical and heritage-related arguments.³² This highlights the importance of citizen participation in crucial decisions that impact the city's socio-spatial fabric.

Achieving a sustainable balance between climate goals, port physical and economic activities, the preservation

of cultural heritage, and "porteños" wellbeing requires ongoing dialogue and cooperation among multiple local and national actors. Meaningful citizen participation must be central. Although this requires effort, time, and resources, it would ensure that decisions in the built environment, especially climate actions, are inclusive and just, bringing positive outcomes for all stakeholders, especially local residents.

THE RIGHT TO HOUSING

Chile has signed (1969) and ratified (1972) the International Covenant on Economic, Social and Cultural Rights (CESCR)³³, which recognises the right to an adequate standard of living, including housing. The "Housing Emergency Plan 2022-2025" and "National Urban Development Policy" focus on subsidies and provision of new houses³⁴, but not on protecting tenants and residents from the real estate market (mainly Chilean developers) seeking less regulated areas to build high-rise buildings to extract high rents, a form of "urban extractivism".³⁵

Hence, there are two issues with current housing policy (1) its reactive *nature* not tackling the issue of the financialization of housing, and (2) *implementation*: Some interviewees stressed that lack of appropriate implementation of legislation and of attention by state officials to housing rights.



Graffiti: another mode of expression and participation in the city.

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Private developers bypassing civic participation and social considerations which are essential for 'building with people' and improving living conditions overall.³⁶

In Valparaíso, with 95% of land and buildings privately owned, renewing urban areas or developing new housing can be a significant challenge. Valparaíso and nearby Viña del Mar have 21% of Chile's informal settlements, while ranking second in housing shortage after Santiago (UN and others).³⁷

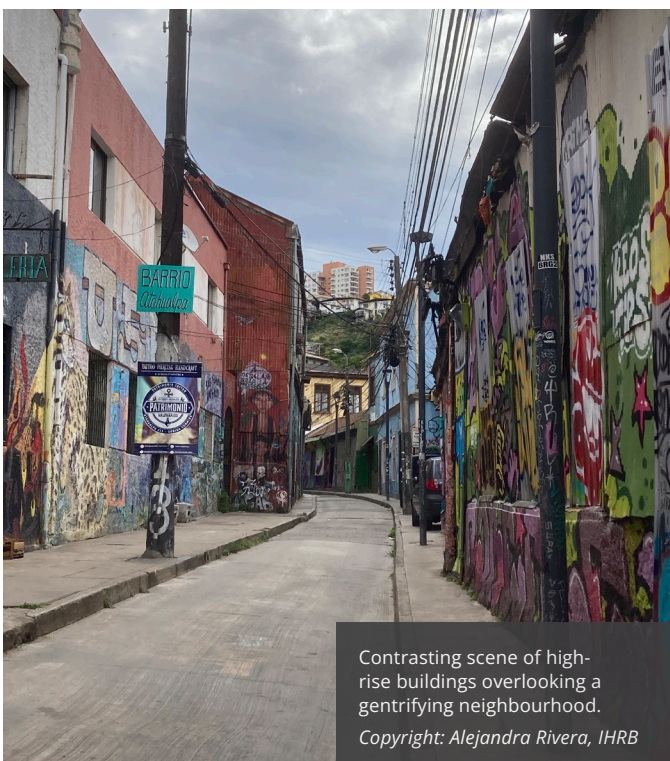
Informal settlements in hillsides and ravines are particularly susceptible to flooding during heavy rainfall, as they lack proper drainage and infrastructure³⁸. These *tomas*³⁹ are also at high risk of fires, and have substandard construction and limited access for emergency services.⁴⁰ Communities in these areas have initiated self-funded construction projects⁴¹ which could be supported by government and private companies as suggested in the recommendations.

WORKERS' RIGHTS

Unemployment figures in Chile are only available at the regional level, with most recent data indicating 9.1% (2023) across sectors, 9.4% for women, and 8.9% for men.⁴² In the Valparaíso Region, in 2023 there were 77,603 people employed in the construction sector,

8.61% of the working age population, and a decrease from 10.7% in 2021.^{40,43} Moreover, the construction industry ranks as the *third-highest sector in injury rates*, underscoring the precarious conditions faced by construction workers.⁴³ Additionally, port expansion and industrial developments lead to concerns about environmental and toxic hazards affecting construction workers' health, highlighting the need for safer working environments and employee protection programmes.⁴⁴

Moreover, a glaring gender disparity remains in the workforce across sectors: employment rate for men at 63.1% and women at 46.4%.⁴⁵ In the construction sector, initiatives such as the "Sello Mujer Construcción" aim to address this imbalance. Another challenge is unionisation. In Valparaíso, the rate of union participation is very low at 15.1%, slightly lower than the national average of 16.8%.⁴⁶ In the construction sector, the proportion of unionised workers is even lower, at just 3.8%. This is mainly attributed to concerns over job security being linked to union membership.⁴⁷ Lack of unionisation makes workers more vulnerable to injuries or precarious conditions, having less access to resources for remedies. Efforts to foster unionisation and collective bargaining in the region are essential for improving working conditions and advocating for workers' rights, particularly in construction.



Contrasting scene of high-rise buildings overlooking a gentrifying neighbourhood.
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"New lofts for sale" in Cerro Concepción and Cerro Alegre, two prime touristic neighbourhoods experiencing gentrification processes in Valparaíso.
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CONCLUSIONS

In terms of process, inadequate and superficial community engagement in urban (re)development projects impedes progress towards a resilient and equitable environment, and risks exacerbating existing social issues. Then, meaningful citizen participation processes that include all concerned stakeholders, voices and interests, and use open and transparent dialogue have the potential to reach positive outcomes for all.

Tackling socio-spatial inequalities is imperative. Valparaíso's challenges are rooted in its evolving role as a port city and the legacy of dictatorship in the country, leading to economic downturns and injustices impacting communities and the built environment. The local focus port expansion, tourism, and cultural heritage, while promoting economic growth, has concurrently resulted in gentrification and displacement of less affluent and less powerful residents.

Furthermore, ensuring the protection of the right to adequate housing in Valparaíso must be a greater priority.

Pressing issues are housing deficit in terms of quantity and quality and the predominance of private land ownership without controls on housing prices/rents. Evidence from Valparaíso illustrates a decline in housing access⁴⁸, leading to increased informality and residential precarity, compounded by heightened susceptibility to floods and fires. This underscores the importance of holistic housing policy that not only provides subsidies and additional housing, but that focuses on renovation, decarbonisation and curbing real estate profit extractions.

In summary, achieving a just transition in Valparaíso's built environment will require enhanced participation in decision-making processes bringing all actors together to rethink the approach to addressing societal inequalities. It is also important to do inclusive and sustainable urban planning that prioritises tenants' protections and construction workers' safety and wellbeing. These are pathways towards a more resilient, equitable, and just urban environment in Valparaíso.



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RECOMMENDATIONS

The recommendations below are grouped by the alliances needed to achieve them. Diverse sectors must work together and collaborate in the pursuit of the suggested actions.

NATIONAL GOVERNMENT

Ministry of Housing and Urban Development (MINVU):

- It is essential to develop a comprehensive framework that integrates human rights and environmental sustainability into urban planning. This framework should offer clear guidelines for local governments and private developers. Moreover, MINVU should launch national programmes aimed at addressing socio-spatial inequalities, including funding for affordable housing in under-served areas and incentives for developments that promote social integration. In particular, the 'Dignity by Design' Framework⁴⁹ and the City Toolkit⁵⁰ offer helpful guidance that can inform such actions.
- MINVU housing policy should defend the right to housing through tenant and local resident protections from extractivist practices of real estate developers. E.g. rent caps, tenant-friendly rental contracts, requiring a proportion of genuinely affordable housing in mixed use developments, and establishing a national public housing corporation to increase public housing stock and have greater control of the housing market.

Ministry of Environment:

- The regulatory framework addressing environmental concerns should mandate inclusion of human rights considerations in all environmental impact assessments, especially for urban development projects. Additionally, the formation of a national

task force to integrate climate change adaptation and mitigation strategies into urban planning would be an important step in ensuring compliance with existing human rights standards and commitments of the government of Chile under international and national law.

LOCAL GOVERNMENT

Valparaíso Secretary of Planning (SECPLA):

- The update of the Communal Regulatory Plan should involve meaningful community consultations to reflect the diverse needs and aspirations of all residents. In doing so, the Municipality could follow examples from other cities, like Bogotá.⁵¹ The Municipality could start by implementing pilot projects to demonstrate sustainable urban development, serving as exemplars for other cities in Chile.

Regional Government of Valparaíso (GORE):

- Legislative changes to enhance local autonomy in decision-making and financial management in urban development projects should be prioritised. The regional government should also develop a strategy focusing on sustainable and inclusive urban development, housing rights, and environmental conservation.
- Consideration should be given to establishing an Integrated Urban Development Forum involving representatives from central and local governments, the port authority, community groups, and other key stakeholders. This forum should focus on creating *collaborative governance models* that ensure all decisions regarding urban development, port expansion, and cultural heritage in Valparaíso are made transparently, inclusively, and with a balanced consideration of all actors and interests involved.

PRIVATE BUSINESSES

Chilean Construction Chamber (CCC) and individual construction companies:

- All businesses have the responsibility to adopt international standards on responsible business conduct e.g. UN Guiding Principles on Business and Human Rights and the OECD MNE Guidelines. Similarly, they should implement sustainable construction standards, including the use of eco-friendly materials and waste reduction techniques. They should also engage in public-private partnerships to develop affordable housing projects that are environmentally sustainable and socially inclusive.

Port and Tourism Industries:

- In coordination with regional and local governments, port and tourism industries should develop comprehensive plans for sustainable growth, including stakeholder engagement with local communities and environmental groups in line with international standards. It is important to ensure that tourism and port development projects contribute positively to the local economies of Valparaíso, while preserving the cultural UNESCO heritage that the city holds, promoting decarbonisation of the industry, and avoiding exacerbating, but addressing, socio-spatial inequalities.

Worker Relations:

- All private sector actors should implement comprehensive strategies to bolster the representation of women and improve overall working conditions in the built environment sector in line with international labour standards. This includes fostering a supportive environment for women to enter and thrive in traditionally male-dominated fields, as well as implementing measures to ensure equitable access to training and advancement opportunities. Additionally, initiatives to implement safety standards and provide adequate support for all workers, regardless of

gender, are essential for improving inclusion, realising labour rights, and fostering social justice in Valparaíso's built environment industry.

CROSS-SECTOR ALLIANCES

Improving port (EPV)-city relations:

- To enhance relations between private ports and regional/local governments, the potential introduction of a port sector tax royalty (akin to the mining royalty) could be considered. Allocating a substantial portion of these revenues to Valparaíso could foster productive development and mitigate tensions between the port and the city. Furthermore, local authorities must be included in port development decision-making, either through their stake in ownership or by appointing the mayor as a voting member on the board of port enterprises, moving towards greater decentralisation and local governance in port management.

Public-Private-Society (PPS) Partnerships:

- Collaborations between the Municipality of Valparaíso, private developers, and COSOC (Council of Social and Community Organizations) are essential for developing and implementing large-scale housing projects that are affordable, sustainable, and rights-based (this could include establishing a municipal public housing company e.g. MKB in Malmö, Sweden). Joint ventures in urban redevelopment should be aligned with local needs and sustainability goals.

Increase Union Membership Rates:

- Various stakeholders, including the government, legislative bodies, and the private sector, are urged to abolish existing policies that hinder the advancement of unions. Key issues include negative consequences for striking workers, the exceptional nature of collective bargaining processes, and the restriction against conducting collective bargaining beyond the company level.

See more and similar recommendations on how to embed human rights in built environment processes in IHRB's resources below:

- [Slides](#): 'Introduction to a just transition in the built environment'
- [Framework for Dignity in the Built Environment](#)
- [Video and Report](#): 'Human Rights and the Decarbonisation of Buildings in Europe'
- [Series of interviews](#): 'Community-led and participatory approaches to climate action in the built environment'



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APPENDIX: LIST OF INTERVIEWS

1. Alejandro Escobar, Director of the Municipal Secretary of Planning (SECPLA)
2. Christian Morales y Arsenio Vallverdu, Members of the Chilean Chamber of Construction in Valparaíso
3. Cristian Moreno, Urban architect of the Port Company of Valparaíso, Unit of Development and Infrastructure
4. Edilia Aburto, President of the senior citizens' club and member of the Social and Community Organizations Council (COSOC) of Valparaíso
5. Fernando Martinez, Regional Director National Human Rights Institution
6. Frida Reyes, member of the Social and Community Organizations Council (COSOC) of Valparaíso, and representative of the 'Cerro Cordillera' neighbourhood association
7. Gonzalo Munizaga, Coordinator of Territorial Planning, Planning and Development Division, Valparaíso Regional Government (GORE)
8. Hernan Ramirez, Regional Ministerial Secretary of the Environment
9. Isaac Alterman, President of neighbourhood association in Playa Ancha, and president of the Communal Union of Neighbourhood Associations of Valparaíso
10. Jose Luis Carvajal, Technical Secretary at Regional Government (GORE) Territorial Planning Commission and at Housing, Territory and Camps Commission, Regional Council
11. Nerina Paz, Head of Plans and Programs, Ministry of Housing and Urban Planning
12. Gabriela Sabadini, Technical Director, Chile Green Building Council (Chile GBC)
13. Alberto Texido, Academic, Universidad de Chile Faculty of Architecture
14. Joaquin Velasco, Architect working in Valparaíso.
15. Raul Araya, Architect, Borde Urbano
16. Patricio Rozas, independent expert in port and trade affairs in Valparaíso/Chile

ENDNOTES

- 1 <https://www.ihrb.org/focus-areas/built-environment/building-for-today-and-the-future/valparaiso-visioning-workshop>
- 2 After a year of operation, the Constitutional Convention concluded its duties and was declared dissolved on 4 July 2022; on the same occasion, the final text of the proposed Political Constitution of the Republic of Chile for 2022 was presented. This text was put to a referendum on 4 September and was rejected by 62% of the voters.
- 3 Similar to the previous process, after the Council's work concluded, the final text was subjected to a public referendum on 17 December 2023, in which it was rejected by 55.76% of the electorate.
- 4 CChC, proyecciones para la Construcción, available at: <https://www.ccs.cl/html/proyecciones2023/2-Nicolas%20Leon.pdf>
- 5 See CChC, El Sector de la Construcción ante el Desafío Climático Global, available at: https://cchc.cl/uploads/archivos/archivos/Fundamenta_45.pdf and Estrategia Nacional de Huella de Carbono en el Sector Construcción, available at: https://participacionciudadana.minvu.gob.cl/sites/default/files/20210611_borrador_enhcsc_formato_consulta_publica.pdf
- 6 The regulation of the built environment in Chile covers several aspects and its regulation covers over 1,600 standards. See <https://www.iconstruccion.cl/listado-nch/>
- 7 Law 20920/2016. Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1090894>
- 8 Law 21455/2022). Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1177286&idParte=10341110&idVersion=2022-06-13>
- 9 Law 21305/2021). Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1177286&idParte=10341110&idVersion=2022-06-13>
- 10 Available at: <https://construye2025.cl/2019/11/26/ministerio-de-obras-publicasconforma-mesa-de-trabajo-de-economia-circular>
- 11 Available at: <https://construye2025.cl/hoja-de-ruta/>
- 12 Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1095541>
- 13 Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1115067>
- 14 Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1163050>
- 15 Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1136693>
- 16 Available at: <https://www.bcn.cl/leychile/navegar?i=215179&f=2003-09-30>
- 17 Available at: <https://www.inn.cl/node/3779>
- 18 Nicaragua, El Salvador, Peru, Bolivia and Ecuador have adopted part of the Model Seismic Code in their own public regulations. This has been achieved through the Permanent Commission of the Seismic Model Code for Latin America and Caribe has 17 participating countries.
- 19 <https://www.certificacionsustentable.cl/tag/region-de-Valparaiso/>
- 20 <https://construye2025.cl/tag/region-de-Valparaiso/>
- 21 BNC. Biblioteca Nacional del Congreso de Chile. Valparaíso Reporte Comunal 2023. Available at: https://www.bcn.cl/siit/reportescomunales/comunas_v.html?anno=2023&idcom=5101
- 22 See PLADECO at <https://municipalidaddeValparaiso.cl/pladeco/>
- 23 The PLADECO is based on 5 pillars: Local Government and Participatory Planning, Sustainable Territorial Development, Gender Social Justice and Common Rights, Integrated Local Economic Development, Climate Change Adaptation and Mitigation. While these display some social considerations that could resonate with human rights, the lack of clear definitions based on international human rights standards means that these pillars lack a foundation and narrative based on rights.
- 24 Techo Chile (2023), Catastro Nacional de Campamentos 22-23, available at: <https://cl.techo.org/catastro/>
- 25 Linked to heritage tourism and lack of capacity to keep highly educated individuals in the city, precisely coming from Valparaíso's wide number of universities, resulting in limited job opportunities.
- 26 The document "Agreement for Valparaíso" reflects consensus and commitments to promote the expansion of port activity within the framework of a new relationship between the port, the city and the region. This was signed by the EPV (Empresa Portuaria de Valparaíso, Valparaíso Port Company), the Municipality of Valparaíso and the Regional Government, and delivered to the President of the Republic Gabriel Boric in an event held at the Valparaíso Passenger Terminal. <https://www.puertovalparaiso.cl/acuerdo-por-valparaiso>
- 27 SECPLA = Secretary of Planning of Valparaíso, Interview 1
- 28 https://sustainableworldports.org/project/valparaiso-port-company-valparaiso_puerto-plus-project/
- 29 <https://www.puertovalparaiso.cl/valparaiso-dialoga>
- 30 Communal Regulatory Plan: https://municipalidaddevalparaiso.cl/prc/?__cf_chlTk=BAUwhM773r5a4dGledb_yg4OUM4DBGUeROQYGIBaZHo-1707937311-0.0-4861

- 31 See Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, on her mission to Chile : (un.org)
- 32 Groups with counter-cultural and political characteristics, such as Ciudadanos por Valparaíso (Citizens for Valparaíso) and broader movements like the Comando en Defensa de la Ciudad Puerto (Command in Defence of the Port City) followed by the Asamblea Ciudadana (Citizen Assembly), demonstrated their ability to be recognized as temporary governance actors. The campaign “No al Mall, Si al Puerto” (No to the Mall, Yes to the Port) successfully united a diverse coalition against the Puerto Baron project, including port and transport workers, politicians, the Chilean Navy, private sector members, local traders, and the Architects Union. They highlighted unreported archaeological findings to the Local Court and the National Monuments Council. Additionally, four activists contacted UNESCO, supported by letters from various organisations and citizens, to highlight the adverse effects of coastal developments, including the Terminal 2 port extension. See Caimanque, R. (2023). The life and death of the ‘Baron mall’: The shifting politics of urban regeneration in Valparaíso. *Environment and Planning C: Politics and Space*, 41(5), 884-902. <https://doi.org/10.1177/23996544231163072>
- 33 UN Treaty Body Database. Results for Chile: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en
- 34 <https://plataformaurbana.cepal.org/en/right-housing-chile>
- 35 A study of 82 large-scale property projects between 1991 and 2017 demonstrates that property companies have developed large-scale, high-density residential projects. Essentially, this business is linked to profit generation through the revaluation of urban land via four strategies: (a) developing projects on lands traditionally seen as low-value, which allows for profit capture through the final sale price of the properties; (b) densifying certain areas of the city through public-private promotion agreements, expressed in various tools and incentives for property development; (c) capturing value by appropriating and utilising the landscape, natural, and/or heritage assets of territories; and (d) property projects that capitalise on their investment by being located near large-scale public investments. See Vergara-Constela, C. and Carroza, N. (2021) ¡Al mirarte de Playa Ancha, lindo puerto! Edificación en altura, renta de suelo y extractivismo urbano en Valparaíso (1991-2017) *Revista de Geografía Norte Grande*. 80: 313-335
- 36 See Smart, S. and Burgos, V. (2018), “Chilean housing policy: a pendant human rights perspective”, *Journal of Property, Planning and Environmental Law*, Vol. 10 No. 3, pp. 187-201. <https://doi.org/10.1108/JPEL-02-2018-0004>.
- 37 Techo Chile (2023), *Catastro Nacional de Campamentos 22-23*, available at: <https://cl.techo.org/catastro/> and Zero Deficit (2023), *Fifth Report of 2023*, available at: <https://deficitcero.cl/biblioteca>. Also, as highlighted by the former Special Rapporteur on Adequate Housing, most of the informal settlements (campamentos), especially in the northern and Valparaíso regions, are made up of migrants who have nowhere else to live in the light of the restrictions they face on receiving housing subsidies. See Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, on her mission to Chile : (un.org)
- 38 Nationally, Valparaíso is most at risk for environmental dangers in informal settlements, with 26.2% of such cases in Chile. Flooding is the main environmental threat to these areas. Additionally, Valparaíso is the region most impacted by fires, representing 23.3% of all cases in the country. See Techo Chile (2023), *Catastro Nacional de Campamentos 22-23*, available at: <https://cl.techo.org/catastro/>
- 39 “Tomas” comes from the Spanish verb “Tomar” or “To take” alluding to the fact that the land has been “taken” by informal settlers.
- 40 See Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, on her mission to Chile : (un.org) par. 54-58. Available at: <https://digitallibrary.un.org/record/1473374?ln=es#record-files-collapse-header>
- 41 Rivera-Vergara, Héctor Claudio, & Campos-Medina, Luis Alfredo. (2019). Masters of Construction. Subaltern protagonists of the process of reconstruction of the hills of Valparaíso in Chile. *Society and Economics*, (37), 114-130. <https://doi.org/10.25100/sye.v0i37.7825>
- 42 <https://www.soychile.cl/Valparaiso/Sociedad/2023/08/31/826081/desempleo-region-valparaiso.html> and INE estadísticas de la región: www.regiones.ine.cl
- 43 See Termometro Laboral Valparaíso, INE and SUSESO
- 44 Interviewee 1 points out that for the opposition to the construction of Terminal 2, public health situations were considered in the tender process. They mention that studies from universities were commissioned and, given the direction of the wind, the construction was going to generate a toxic cloud that would remain over an area for two or three years, which could cause health problems in 20 or 30 years, mainly among workers but also in the general population.
- 45 <https://observatorionacionalapi.sence.cl/dl/boletines-1678208349252.pdf>
- 46 https://www.dt.gob.cl/portal/1629/articles-125201_archivo_01.pdf. Note: The reproduction of neoliberal policies, among others have made unionisation severely decline in Chile. Yet, this is not exclusive of Chile, is a global trend, actually compared to OECD countries, Chile is above average: https://www.oecd-ilibrary.org/employment/data/trade-unions/trade-union-density_data-00371-en
- 47 https://www.dt.gob.cl/portal/1629/articles-101347_recurso_7.pdf This is partly due to the high rate of informality in the construction sector, where informality accounts for 35.8% of the total employed individuals: <https://fundacionsol.cl/blog/estudios-2/post/imce-agosto-octubre-2023-7434>
- 48 https://deficitcero.cl/uploads/biblioteca/GRAN_VALPARAISO.pdf
- 49 www.dignitybydesign.org
- 50 https://www.ihrb.org/uploads/reports/IHRB_Building_for_Today_City_Toolkit.pdf
- 51 <https://bogota.gov.co/bog/pot-2022-2035/>. POT: Plan de Ordenamiento Territorial (Territorial Ordering Plan)

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