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## Unboxing the Black Box of Peruvian Planning

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### ABSTRACT

This paper reviews the social and professional embeddedness of planning, describes its legal framework, and reviews territorial governance and everyday planning transactions. The findings suggest that the social embeddedness of planning is constrained by Peru's persistent inequality challenges. Its planning approach has hardly evolved from modernist models centred in zoning and building codes. Its fragmented and profuse legal framework constitutes a black box for planners and citizens, while territorial governance is subject to the state's low interest and capacity to plan, manage and steer spatial development. These results demand a fundamental revision of the planning system, its approach and governance.

### KEYWORDS

Planning in Latin America; planning system; planning culture; institutional levels; Peru

## Introduction

Latin American cities are widely known for their high levels of socio-spatial segregation that reflect the high levels of inequality that characterise the region. Urbanization processes have rapidly and profoundly transformed the cities since the mid-twentieth century, leading to the intensification of processes of informal and illegal land occupation in peripheral areas. Other informal urban processes – in retail, employment, and public transport sectors – have developed to answer the daily life needs of the poor. Since then, informal urban processes have had a great stake in the urban development of Latin American cities, and an enormous impact in their built environment and morphology. Even if their rate of growth has significantly decreased and poverty levels declined, most cities continue growing through informal processes, and are unable to overcome the large socio-spatial inequalities. This troubled urban condition leads to questions about the role of planning under these conditions.

This paper addresses the case of Peru, a country deeply affected by rapid urbanization and massive informal settlements. Since the 1950s the development of the major Peruvian cities has been deeply uneven, leading to a typical centre-periphery pattern of segregation. Tackling the complex issues linked to informal urbanization while making an effort to make cities more sustainable and inclusive are two formidable tasks for Peruvian planning. Furthermore, planning has to deal with the problems inherent to its own condition, as it is framed by a system with confusing, fragmented and incoherent planning legislation, which constitutes a 'black box' for both practitioners and laymen.

The objective of the paper is to explain Peruvian planning according to a theoretical framework which understands planning as an institution. This can be considered as an attempt to ‘unbox the black box’, exploring the meaning and role of (territorial) planning in a context of high inequality and extensive informal urbanization. An improved understanding of the theoretical underpinnings of planning, as well as an in-depth knowledge of the local processes of urban development, are essential to devise sustainable and inclusive urban and regional strategies.

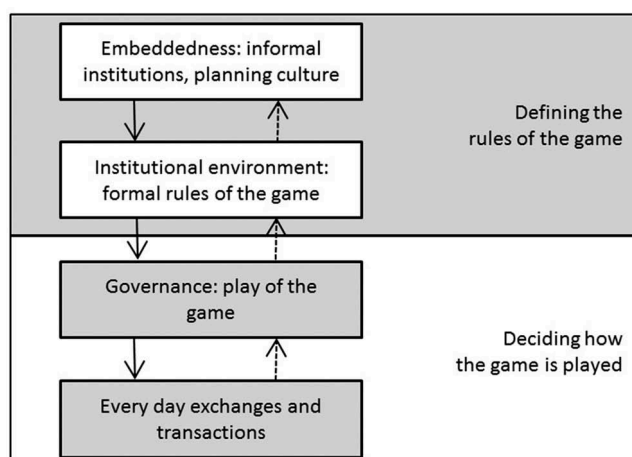
The methods employed to answer the questions include literature review; analyses of international and national agencies’ reports and national policy documents; of the planning legislation; review of newspaper and other media articles; and social media publications of local urban commentators. They included eight interviews with open questions to local urban professionals and academics, which took place in Lima over several years, beginning in 2014. The interviewees were four architects who combine academic work with professional practice in architecture, urban design and planning; and four urban commentators and researchers working in NGO and universities, one of them a specialist in Peruvian urban law. Except for the latter, the questions mainly addressed aspects related to Peruvian planning practice. Interviewees were partly selected based on their acquaintance with the author.

The text is organized into seven sections. The next section explains the theoretical framework to analyse planning as an institution. The following four sections focus on the four institutional levels of planning: its social and the professional embeddedness; the formal planning system; governance; and daily planning transactions. The last section presents the findings and conclusions.

## Conceptualising Planning as an Institution

The theoretical perspective to approach Peruvian planning conceptualizes it as an institution. Institutions are socio-historical constructs broadly defined as a set of formal rules and shared norms that shape action in social, political and economic processes (Sorensen, 2015). The analytical framework follows Williamson’s (2000) approach distinguishing four interconnected institutional levels (Figure 1). The first two levels define the ‘rules of the game’, and the other two determine how the game is played.

The first level, social embeddedness, involves the informal institutions, or shared values and logics which spontaneously guide social interaction ‘such as norms, traditions and social conventions, interpersonal contacts, relationships, and informal networks’ (Rodríguez-Pose & Storper, 2006, p. 1). The second level is the formal institutional level, which includes the constitutional rights, laws, regulations, the rule of law and property rights, and legal instruments that organize the ‘rules of the game’: planning’s legal framework. The next level is governance: how the game is played by the different organizations, the groups of individuals held together by common goals. The lower level consists of the daily transactions and exchanges carried out by those in charge to carry out the tasks. The higher institutional levels impose constraints to the ones below them (represented as full arrows in Figure 1), while the lower levels send feedback to the ones immediately above (dashed arrows). This research mainly focuses on the first three levels.



**Figure 1.** Four institutional levels to analyse planning as an institution (elaborated with data from Williamson, 2000).

## Embeddedness of Peruvian Planning

Planning systems do not only represent the logics and values of one dominant societal group or the agencies in charge of planning and policy-making but are the result of multiple agreements and alliances that embody power relations among the main actors (Servillo & van Den Broeck, 2012). Planning is, therefore, deeply embedded in the values and practices historically rooted in the local society which shapes the first institutional level: the planning culture and its informal institutions. Informal institutions are very path dependent, are context and geography specific, and due to their nature, virtually impossible to measure (Rodríguez-Pose & Storper, 2006). This section describes the social and professional embeddedness of Peruvian planning.

## Social Embeddedness of Peruvian Planning

A country's social embeddedness for planning responds to the extent of societal agreement on the most desirable goals – which should represent the common good – and on the degree of acceptance of the inevitable limitations to its citizens' individual actions in order to achieve those shared goals (Needham, 2007). These two basic requirements are hardly present in Peruvian planning. The legal framework of planning in Peru refers to 'the search of the common good', however, a vision explaining the common goals has been absent due to serious problems identifying common societal values in the Peruvian society. Societal relationships in Peru are characterized by highly asymmetrical power relations which are the result of historical patterns of social and economic exclusion (Figueroa *et al.*, 1996). Such patterns have 'normalized' societal values and practices that exclude a large part of the population from economic and social opportunities, promoting deep inequalities based on racism (Bruce, 2007). Inequalities are reproduced by a series of organizations of the Peruvian society and shape policy, especially development policy. This would explain why the country has not seriously invested in human capital, nor addressed the problems of inequality in its development policies (Drinot, 2006).

Furthermore, societal values in relation to planning have been traditionally weak. State planning was introduced under pressure from the United States through the Alliance for Progress,<sup>1</sup> which conditioned economic aid to the preparation of comprehensive plans for national development. Moreover, societal disregard towards planning also comes from its ideological association with an interventionist perspective, something shared by several groups of the Peruvian society (Alarco, 2016; IEP/CAF, 2017).

Additionally, planning in Peru has not been a political priority for the successive national governments, which have generally held a 'laissez-faire' attitude in urban affairs. During the 1980s, the country was critically affected by deep economic recession, hyperinflation, and wide political insurgence. Under these circumstances, there was a profound neglect of national planning. In the early 1990s, national planning was completely dismantled, because it was considered that priorities should be dictated by the market. In 2001 a national planning agency was created, CEPLAN, but it is still a weak agency, without decision-making power, and at the shadow of the Ministry of Economy and Finance and the National Central Bank, which control financial decision-making (Alarco, 2016).

## **Professional Embeddedness of Peruvian Planning**

### **Origins and Evolution of Planning in Peru**

The first institution in charge of planning related activities in Peru – the *Inspección Técnica de Urbanizaciones* – originated in 1924 to improve the sanitary conditions of poor city residents. It was a dependency of the Director of Public Health of the Ministry of Promotion and Public Works. It carried out urban control mechanisms against unhealthy and substandard living conditions, and established processes for development permits (the first zoning regulations) and for the approval of infrastructure projects for water, sewerage and electricity (Dorich, 1996). This first institution laid the foundations of the Peruvian planning system: a strong focus in building regulation and land administration (Pineda-Zumarán, 2016b).

The emergence of informal settlements at the nearby hills of Lima in the early 1940s became a public concern, raising the awareness of the need of professionals specialized in urban issues. In 1944, the *Instituto de Urbanismo* was created to train architects and public employees in urban planning matters (Dorich, 1996). In 1946, urban planning became a public function, after the Law 10,723, which established the National Office for Planning and Urbanism (ONPU), in charge of 'studying and formulating the regulation and extension plans of the cities and towns of the republic'. It also created the National Council for Urbanism, to 'examine, observe and approve the regulation and extension plans elaborated by the ONPU'.

The spread of urban planning ideas in Peru was strongly influenced by CIAM urbanism and zoning concepts. Fernando Belaúnde – an American-educated architect and congressman who pushed for the establishment of the first planning and housing institutions – greatly contributed to the dissemination of modernist principles in architecture and urbanism as editor of a prominent journal, *El Arquitecto Peruano*, published since 1937 (Kahatt, 2010). Since the early 1940s, José Luis Sert – an important CIAM personality – had contacts with Peruvian architects, who, sponsored by the US, invited him to visit Peru. Eventually, his office – Town Planning Associates (TPA) – was hired to prepare two master plans, for

Chimbote and Lima. Lima's master plan (1948) was a typical blueprint master plan, aimed at stopping land speculation and uncontrolled urban growth, using zoning instruments and aiming to provide affordable housing.

Meanwhile, it was becoming evident that formal planning processes were not able to incorporate the rapid urbanization forces, which were leading to large informal settlements on the periphery of the cities. In 1961, in a radical measure at that time, when marginal settlements were still seen as a social aberration, the Peruvian government passed the Law 13,517 of Marginal Settlements which recognized their legal status. It sought integration of existing informal neighbourhoods into the city, coupling their physical upgrading to their legalization in a process called *saneamiento físico-legal* (physical-legal regularization). This pioneering housing approach would replace conventional housing provision, considered largely unsustainable for the country's limited resources.

The development of social sciences in the post-war era, linked to the advent of Keynesian economics and the rise of democracy and social welfare in western countries (Fainstein, 2005), led to a shift in western planning thought. This modified urban planning from a physical urban design exercise into a social science-oriented technical and rational practice – that focuses on the procedures for plan-making (Taylor, 1999). This approach emphasized the interacting nature of urban processes and the need to tackle all aspects simultaneously in a rational and technical way. It distinguished 'between strategic and longer-term planning on the one hand, and "local" and more short-term planning on the other.' (Taylor, 1999:333). Local planning tended to continue as a physical design activity, but the strategic level definitely broadened the concept of planning. Planning activities pursued the common good – which included statistical and economic analyses to justify planning decisions – and were mainly decided by planning experts.

This approach to planning was promoted by the UN's Economic Commission for Latin America and the Caribbean (ECLAC) since the mid-1950s (Ramos, 2011). After signing the Charter of Punta del Este in 1961, Peru committed to social and economic planning, establishing the National System for Social and Economic Development Planning soon after (Alarco, 2016). National level planning became 'development planning', a centralized public activity with an explicit economic and non-spatial character (Castro-Pozo, 2007).

The Organization of American States (OAS) strongly supported the dissemination of this 'new' planning approach in Latin America. For this goal, OAS sponsored the *Instituto de Planeamiento de Lima* – which changed its name from *Instituto de Urbanismo de Lima* – to organize the Urban and Regional Planning Programme (PIAPUR) to train Latin American architects and planners, in agreement with the University of Yale (Ramos, 2011). This training reinforced the zoning and land-use planning orientation of Peruvian planning, 'through the central role of urban parameters for each land-use in plan implementation. In time, these became the uppermost planning output used in municipalities to manage formal urbanization.' (Pineda-Zumarán, 2016b, p.11).

In the late 1970s, the increased awareness of the unsuccessful implementation of urban development plans, which frequently remained 'on the shelves', and the failure to include participation and citizen engagement in plan-making, led to the gradual demise of the rational-comprehensive approach. Different approaches emerged, replacing comprehensive planning approaches by more local and project-related means. Meanwhile, structural modifications in the political economy since the late 1980s, have gradually shaped a neoliberal



order in the relationships between society and the economy in most countries, profoundly modifying the urban context. Market trends are now dominant in cities and regions, while governments have diminished power to guide urban development. The incorporation of new stakeholders in planning processes has produced a shift from government to governance practices. Planners have received new tasks as communicators and promoters of collaborative planning schemes, balancing competing interests from different stakeholders.

The impact of neoliberal thinking has been outstanding in Peru, which carried out a radical structural reform process in the early 1990s, within the frame of ‘a neoliberal model that is remarkable for its reach and resilience’ (Eaton, 2015, p.127). The reform dismantled national planning agencies and provided new laws with the specific goal to promote private sector investment in processes of urban development (Castro-Pozo, 2007). The new legal framework for planning allowed the privatization of some important planning tasks, and also included new arenas for citizen participation.

In the 2000s, new planning styles have developed a stronger focus on space and place, especially in European countries, pushing planning to become more spatial, strategic and proactive. Spatial planning reconciles the substantive and procedural aspects of planning, recognizing diversity, pluralism and the complexity inherent to cities. This ‘implies the design of shared futures, and the development and promotion of common assets. Moreover, all of this requires accountability within a time and budgetary framework and the creation of awareness for the systems of power’ (Albrechts, 2004:743). It also requires stakeholders to be more actively involved in the planning process, sharing interests, ambitions, and knowledge.

In Peru, the return to democracy in 2000 brought about many changes. Planning at national level was re-introduced in 2001 – labelled as strategic planning (*planeamiento estratégico*) – when a new national planning agency was established, CEPLAN. Moreover, the process of environmental planning (*ordenamiento territorial*) was incorporated into the planning system in 2003, accompanied by a swift process of decentralization, which created new regions with elected governments. For this goal, the constitution was reformed and new legislation was approved.

Despite the ‘strategic’ label assigned to national planning, its approach has little similarities with (European) spatial planning approaches, as it simply lacks the spatial, integrative and coordinating components of strategic spatial planning. An effort towards a territorial approach to planning has been expressed in policy circles since the establishment of CEPLAN (Villarán, 2004), however, it has been absent in planning practice. Wishing to become part of OECD, Peru has engaged in an OECD Country Programme since December 2014. The programme has produced two planning-related policy reviews, on public governance (OECD, 2016b) and territorial matters (OECD, 2016a). Following their directives, Peru has intensified its interest in a territorial approach (CEPLAN, 2016; IEP/CAF, 2017).

### **The Peruvian Approach to Planning**

The planning notions established during the earlier periods have strongly shaped the Peruvian planning approach in the 2010s. The more recent political shifts have led to important modifications of the planning legislation to benefit the private sector; to the introduction of *ordenamiento territorial* in the planning system; and to a process of decentralization towards the regions. However, there have been few changes in the way



that planning is conducted and practiced in Peruvian municipalities. It is still focused on plan making and the tasks related to land-use planning, framed under a static, legalistic and procedural view of planning (Pineda-Zumarán, 2016a). Without a strategic approach, plans do not achieve concrete results of their proposed aims and objectives.

The strong focus on regulation and land-use control, zoning instruments and urban codes that characterize Peruvian planning are not exceptional in Latin American countries (Irazábal, 2009). The existence of profuse legislation of binding laws and regulations, comes from the very features of the Peruvian legal system, which provides the frameworks for the operation of the planning system. It is a typical characteristic of legal systems stemming from the Napoleonic legal family, which Peru inherited from the centuries-long Spanish rule, and in which laws have a codified character.

A serious predicament of planning in Peru is the condition of planning education and of research, which lacks a proper connection with, and knowledge about, recent theoretical shifts in planning. Most planning practitioners are architects, whose training does not include courses on planning and urbanization, social sciences, and scientific methods. Architecture education generally disregards the Peruvian urban context, marked by a strong level of urban informality. Planning education is only offered at graduate level. Pineda-Zumarán (2018) has studied the situation of planning education and research in Peru, concluding that 'Professional training in planning in Peru can be regarded as virtually non-existent, thus placing it within the group of southern countries with underdeveloped planning education systems.' (2018, p.1111).

In Peru, architects generally learn about planning in practice. Without theoretical knowledge of the planning discipline, and of the complicated, incoherent and dispersed legal framework, planning remains a black box. The same happens with research on planning. Urban research in Peru has been mostly directed to issues related to informal settlements, while planning topics have been neglected. Doctoral education in planning is not offered in the country, while the low priority granted to planning makes it an unlikely topic for national research funding (Pineda-Zumarán, 2018).

The design orientation of the Peruvian planning education shapes planners' orientation towards physical (land-use) planning, urban design and urban projects as a basis for intervention in urban development. This influences Peruvian planning, centred on zoning parameters and building indices, and in which planning by projects becomes the most important field of action. This approach is inevitably associated to the urbanism tradition of spatial planning, typical of South European countries, characterized by its preference towards urban design and townscape projects, addressed through rigid zoning and building codes. Further, it is also known for its profusion of laws and regulations and its low political priority or general public support (CEC, 1997).

## **The Rules of the Planning Game: The Peruvian Planning System**

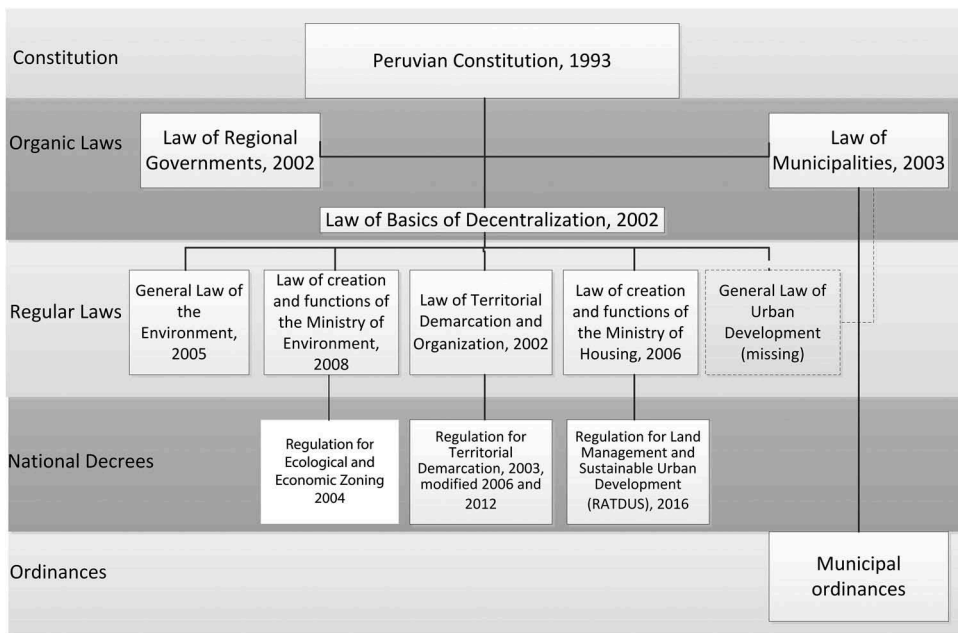
The 'rules of the game' for planning are determined by the legal provisions which describe the constitutional rights, land and building rights, and the organization of the Peruvian planning system at each government level. Peru has a unitary and centralized government, in which most of the power is held by the national government. Planning is a constitutional mandate for municipalities at both provincial and district level. But it

is competence of the three levels of government: national, regional and local. There are 25 regions – the province of Lima has a special status as a region – 196 provinces and 1874 districts (INEI, 2018).

There exists a profuse legislation that deals with planning competences, functions and type of plans. Most of it has been modified since the 1990s, embedding it with neoliberal principles (Castro-Pozo, 2007), beginning with the constitution, whose article 60 strongly restricts government participation in the economy (Eaton, 2015). Figure 2 shows the main legislation dealing with planning, whilst the many ordinances and other regulations of more technical and administrative nature are not included.

The planning framework is organized in a hierarchical system of plans at national, regional and municipal level (provincial and district), in three planning processes: (1) strategic planning (*planeamiento estratégico*); (2) territorial planning (*acondicionamiento territorial*); and (3) environmental planning (*ordenamiento territorial*). To comply with the legislation, each administrative level has to prepare a set of instruments. Table 1 shows the most important instruments for each process in each administrative level.

At the regional level, governments' competences in strategic planning (1) are to formulate and approve 'concerted regional development plans (PDRC), with an eight-year horizon. They should take into account the national development plan (PEDN) and the sectoral strategic plans (PESEMs) prepared by each ministry (OECD, 2016b). PDRC should be formulated with the participation of municipalities and the civil society, and 'in harmony' with the local development plans. However, the legislation does not mention the necessary procedures to ensure conformance (Castro-Pozo, 2007).



**Figure 2.** Main laws and regulations related to planning (elaborated with data from Ministerio de Vivienda, 2011).

**Table 1.** Main planning instruments in the Peruvian legislation.

	Regional level	Municipal level	
		Provincial level	District level
(1) <b>Strategic planning</b> ( <i>Planeamiento estratégico</i> )	Concerted Regional Development Plan ( <i>Plan Regional de Desarrollo Concertado</i> , PRDC)	Concerted Development Plan ( <i>Plan de Desarrollo Concertado</i> , PDC)	Concerted Development Plan ( <i>Plan de Desarrollo Concertado</i> , PDC)
	Participatory Budget (PP)	Participatory Budget	Participatory Budget
(1) <b>Territorial planning</b> ( <i>Acondicionamiento territorial</i> )		Territorial Conditioning Plan ( <i>Plan de Acondicionamiento Territorial</i> , PAT)	District Urban Plan ( <i>Plan Urbano Distrital</i> )
		Urban Development Plan ( <i>Plan de Desarrollo Urbano</i> , PDU)	
(1) <b>Environmental planning</b> ( <i>Ordenamiento territorial</i> )	Ecologic Economic Zoning ( <i>Zonificación Económica Ecológica</i> , ZEE)	Ecologic Economic Zoning ( <i>Zonificación Económica Ecológica</i> , ZEE)	
		<i>Plan de Ordenamiento Territorial</i> , (POT)	

Regional governments also have competence in environmental planning (3) but not in territorial planning (2) which is the exclusive competence of local governments.

According to the Law of Municipalities, local governments have to formulate and approve two types of plans: *local development plans* (*planes de desarrollo local*)(1) and *territorial plans* (*planes de acondicionamiento territorial*) (2). The former address the local development and the local economy, and have a guiding character for investment, allocation and execution of municipal resources. It has two mandatory instruments for local governments: the *Plan de Desarrollo Concertado* (PDC) (Concerted Development Plan), and the Participatory Budget (PP). The projects they propose – generally infrastructure projects – have to be approved by the system of allocation of public investments, *Invierte.pe*. to get the required resources.

The legal framework for territorial planning (2) is described in the Organic Law of Municipalities (2003); the Law of the Organization and Functions of the Ministry of Housing (2002); and the Law of Subdivisions and Building Construction (2007), and especially the Regulation for Territorial Planning and Sustainable Urban Development (RATDUS), from 2016. RATDUS describes ‘the technical procedures, criteria and parameters for the formulation, approval, implementation and modification of the instruments for urban planning and urban management’ (article 2).<sup>2</sup> Confirming the technical and procedural planning bias of the Peruvian approach to planning, article 4 defines territorial planning (2) as a technical-administrative process by which local governments guide the rational occupation and use of the territory and the physical – spatial organization of human activities.

The main ‘technical-normative’ instruments for territorial planning are the ‘territorial conditioning plan’ (*Plan de Acondicionamiento Territorial*) (PAT), formulated at provincial level, and the ‘urban development plan’ (*Plan de Desarrollo Urbano*) (PDU),

formulated according to a classification of urban centres by size. PAT addresses the integral physical planning of urban and rural areas, river basins and coastal spaces of the province. PDU guides and regulates the territorial management and sustainable urban development of urban centres. Both constitute the physical-spatial components of the concerted development plan (PDC). Both plan proposals should be framed in the PDC, and prepared in conformance with the *Plan de Ordenamiento Territorial* (POT) and other national and regional instruments. Further, they should conform and coordinate with plans of the neighbouring territories. However, RATDUS does not mention the procedures to ensure conformance or coordination, and ‘it lacks a series of theoretical and technical definitions to frame the instruments and guide their application’ (IEP/CAF, 2017, p.13).

The most important instrument for urban management is zoning, defined in RATDUS as the technical normative instrument that contains the set of urban technical standards for the regulation of use and occupation of land in the field of action and/or intervention of the PDU. Zoning regulates the application of land development and building rights regarding the use and occupation assigned to them, specified in zoning plans; zoning regulations (urban and architectural parameters for each zone); and the ‘usage index’ for the location of urban activities. The strong emphasis in zoning aspects shows that despite the profound modifications of the planning legal framework after the 1990s, planning procedures remain with a strong orientation towards land-use management.

New mechanisms were introduced, as ‘inclusive zoning’, for the inclusion of a percentage of social housing within projects, in return for relaxing building parameters for height or density; and transferable additional building rights (DAET), or the transfer of building rights from properties located in a protected zone, to properties located along primary roads or in areas assigned for future development in the PDU. But again, RATDUS does not specify their regulation, so they remain on paper.

Environmental planning (3) was incorporated into the general planning system in 2004,<sup>3</sup> establishing competences for governments at regional and provincial level. The Environment Law defines it as a technical-political process oriented towards the definition of environmental criteria and indicators that determine the allocation of land uses and the organized occupation of the territory. Its main instruments are the *Zonificación Económica Ecológica* (ZEE) and POT, which focus on the management of natural resources and biological diversity. According to RATDUS, ZEE contributes to the formulation of the PAT, but it is not an indispensable requirement for its approval.

The Peruvian planning legislation has significant omissions, as it lacks explicit mechanisms for monitoring and evaluating plan implementation; of instruments for land expropriation in cases of public interest; of adequate norms for urban design for different contexts and climatic regions; and of redistributive instruments to generate resources for more inclusive urban development. The lack of redistributive planning principles is associated to the deep-seated market principles of the Peruvian economic model (IEP/CAF, 2017).

In short, the legal framework for planning has serious limitations due to its fragmentation in three systems with an own set of laws and regulations. The huge number of legal provisions sometimes contradict and many times overlap with each other, leading to a very limited understanding of their legal scope and power (OECD, 2016b). Furthermore, the legislation uses many different terms for planning, without defining them or explaining the differences.

Laws and regulations ambiguously mention the hierarchy and conformance among instruments, without specifying the corresponding mechanisms and procedures; or introduce new planning mechanisms without the corresponding legal regulations. Multiple ordinances issued by different local governments in the same urban metropolitan area further complicate the situation. The result is a confusing, fragmented and incoherent planning system which can be considered a black box which few can completely grasp. This difficult condition reinforces the concentration of the planning practice on the procedures for land-use management.

## Playing the Planning Game: Governance

The third institutional level is governance, defined here as the way authority is exercised in a place, more specifically, by the processes by which organizations – governments and stakeholders – carry out the coordination, management and steering of public affairs (Kaufmann *et al.*, 2000). This section addresses three important aspects of territorial governance: (i) the state's competence for planning (how the planning game is played); (ii) conformance of the planning arena (who is admitted to play); and (iii) trust and accountability in planning (respect of the rules of the game).

### State's Capacity to Organize the Planning Game

OECD's multi-dimensional review of Peru (2015) concluded that the government's poor leadership, coordination and implementation capabilities hinder the country's progress. 'Peru lags behind benchmark countries in its capacity to co-ordinate public policies effectively' (OECD, 2016b, p.21). More specifically, the review on public governance stated that strategic planning (and decision-making) in Peru does not systematically generate and use evidence and analysis, or link budgeting to planning with multi-year frames (OECD, 2016b). Sectoral policies are mainly designed top-down, and vertical and horizontal coordination is limited, especially in relation to the framework for the allocation of public investments (OECD, 2016a). The legislation requires a large number of plans and instruments for each sector, whose lack of integration and even contradiction results in an 'appalling cacophony' of instruments, which constitutes a waste of resources (Dourojeanni, 2016).

For example, housing policies have as their main aim to lower the housing deficit and do not coordinate with the concerned local governments (Riofrío, 2010). Sectoral policies widely neglect spatial considerations, while economic considerations take the lead: cost-benefit analyses guide resource allocations. Referring to strategic planning, Pineda-Zumarán states that:

*The local economic planning system is not spatial and does not have conceptual and operational links with local urban policies and city planning directions. In fact, according to its legal framework, it only needs to be informed by general demographics and economic data, but not by spatial data or urban plans provisions. To a large extent, hence, it has become a mechanism that acts as an urban planning framework but without any spatial considerations (2016a, p.7).*

The condition of vertical coordination is similar. The legislation establishes a hierarchy of provincial municipalities over the districts but does not establish the necessary coordination mechanisms. Regional development plans, urban plans and local plans are formulated independently, without conforming with the higher planning levels due to the absence of integrated territorial visions or strategic approaches. In most cases, provincial municipalities make planning decisions without consulting the involved districts (Riofrío, 2010). Furthermore, public investments are approved within a system that does not require projects to be part of a plan, proposal or urban project of wider scope (OECD, 2016a).

Peru's regional planning experience with special economic zones has been cited as an example of a development 'strategy of waste' (Rodríguez-Pose & Wilkie, 2018), despite the generous income and tax exemptions they offered to investors. Reasons for their failure include their establishment in areas without sufficient economic and socio-economic dynamism; a strong mismatch between the economic activities prioritized by central government authorities and the regional assets; pointlessly high levels of administrative bureaucracy; and a very fragmented regulatory framework.

More importantly, Peruvian regional and local governments are ill-equipped to plan, much less steer, territorial development. This is not only a matter of financial resources. During the 2000s, a period of high economic growth and increased tax revenues of the central government, the incapacity of subnational and local governments to plan and implement public works – which in 2007 spent less than half of their annual budgets on public works – led the government to devise new mechanisms to allow private firms to direct a portion of their income tax towards the execution of public works. Works for taxes (*Obras por impuestos*) are disconnected from planning processes, allowing private firms 'to directly spend revenues on projects of their own choosing in lieu of tax payments' (Eaton, 2015, p.139).

Most local governments are unable to comply with the planning instruments required by law. In 2017, only 23 of the 196 provinces had an approved PAT (*Plan de Acondicionamiento Territorial*), while only 233 of the 1874 districts had adopted an urban development plan (Ministerio de Vivienda, 2017). A study of 30 Peruvian cities (all 25 regional capitals plus five economically emergent cities) (Zuchetti & Freundt, 2019) reported that only seven of them had all the instruments required by the planning legislation, while five cities did not have any. The latter included Metropolitan Lima, which simply extended the validity of its Metropolitan Development Plan 1990–2010 (PLANMET) indefinitely, with an ordinance from 2013.

In many cases, even when plans have been adopted, they are prepared by private planning consultants, or central government agents who tend to produce plans without a local vision and lacking economic sustainability (IEP/CAF, 2017). In other cases, plans are prepared according to a template to fulfil the minimal statutory requirements. Even the so-called strategic plans are basically a list of desirable projects, without prioritization, budgets or mechanism for control and evaluation (Villarán, 2004; IEP/CAP, 2017), a criticism even valid for plans at the national level (Alarco, 2016; Dourojeanni, 2016).



## Planning Arenas

The institutional shift from government to governance opened up the planning process to a larger group of urban actors. Public participation is now widely recognized as a necessary condition for effective planning interventions. During the 1970s and 1980s, a period of exceptional growth of informal settlements, Peru enjoyed a short-lived period of democratization characterized by social movements, especially women's, and community action in informal areas. The military government promoted the positive connotation of informal settlements, leading to 'making informal settlers into dignified bearers of rights, and not transgressors' (Stiglich & Lerner, 2019, p.178). Two exceptional informal settlements were created and sponsored by the government – Villa El Salvador in 1971 – and by Lima's metropolitan government – Huaycán in 1984 – as self-managed urban communities, linked to the government's experiment on social ownership. Further, a new and progressive constitution and Municipalities Law were issued.

But the rise of Shining Path and the neo-liberal reforms of the 1990s deeply modified the democratic winds and the political circumstances. New planning legislation replaced the previous one, generously treating foreign capital as the universal remedy for improving the local economy. Special regulatory zoning – originally conceived for urban renewal areas – now allows the intervention of profit-seeking national and international firms in the planning and development of cities (Stiglich, 2012). Special regulatory zones, the tax mechanisms and the new set of planning-related laws and regulations mentioned in the previous section have completely transformed the actors' position in planning arenas, making private investors privileged actors at the city level, with power to plan and steer urban development at their will.

The state is still a primary actor, as it establishes the rules of the planning game, although it privileges market interests. The 1993 constitution 'eliminated the right to housing, established preferences towards the market economy and opened the possibility to privatize services and even public spaces in favour of their economic profit by private entities through concessions, even without the necessary legal framework' (Ministerio de Vivienda, 2006, p.52). Moreover, the state granted exceptional advantages to private developers through housing sector policies (Calderón, 2009) and local planning policies (Stiglich, 2012), that have led to the commercialization of urban development.

Local governments are in charge of most planning tasks, but due to the centralized and authoritarian political culture, important decisions are imposed by high-ranking politicians – the president, regional governors, ministers and mayors – who often modify planning objectives, change land use, or create ad-hoc planning mechanisms and ordinances at their own whim (Dourojeanni, 2016), in many cases to benefit commercial interests and themselves at the same time (see section 6). Examples abound of major infrastructure projects individually decided by presidents and mayors who want to be remembered by these projects, or hope to get fast political dividends.

NGOs became important urban stakeholders, performing relevant planning tasks in some peripheral districts, especially after the crisis of the 1980s. Likewise, international donor agencies have significantly influenced national planning agendas and goals. In



successive eras, they have promoted decentralization processes; citizen participation; environmental planning; the provision of property titles to informal settlers; the incorporation of ‘best practice’ examples – Chile’s housing policies, Curitiba and Bogota BRT model; Porto Alegre’s participatory budgeting – in national plans and policies; and more recently, strategic planning approaches (Angotti & Irazábal, 2017).

Citizen participation in formal planning procedures was institutionalized in the Law of Municipalities (2003). It requires local governments to elaborate concerted development plans and participatory budgets, at regional and local levels, engaging civil society in their preparation, in order to propose projects. Other participation arenas include consultations; neighbourhood assemblies; neighbourhood boards; working round tables; and participative workshops (IEP/CAF, 2017). However, they ‘do not guarantee a substantial intervention of the population in the processes of planning, management and design of cities. They mostly only recognize citizens as passive subjects with the capacity to issue opinions or express their will, but not as agents of change capable of participating throughout decision-making processes’ (IEP/CAF, 2017, p.10).

The most direct mechanism for participation, the participatory budget, mainly funds small-scale urban infrastructure projects. An empirical study in vulnerable neighbourhoods of Lima concluded that, due to the disconnection (of strategic planning) with territorial planning strategies, the outcomes of such demand-driven public investments in low-income areas are small-scale, fragmented, and poorly prioritized projects, which do not improve the quality of life of the supposed beneficiaries (Espinoza & Fort, 2017).

### ***Respect of the Rules of the Game***

The division of Peruvian cities in ‘formal’ and ‘informal’ areas may give the impression that the former follows the planning rules, while the latter disrespects them. ‘Formal’ areas may seem more orderly to the eyes, but in their development, urban plans and regulations have been many times ignored, modified or over-ridden through under-the-counter arrangements among developers, home-owners and city authorities. More recently, the peripheral expansion through informal processes has become a generalized commercial practice, in which local governments legitimize informal occupations modifying land use regulations to zones considered risk areas, or of environmental or heritage protection (Cabrera *et al.*, 2011; Vilela & Moschella, 2017; Stiglich, 2017). Behind recent peripheral land invasions, there are organized mafias colluded with local authorities. Land trafficking has been steadily growing in Peru, as it generates great profits to criminal organizations (Vera, 2018).

In this context, it is not a surprise that Peruvian citizens have a generalized distrust of democratic institutions. ‘Trust in institutions is a key challenge in Peru’ (OECD, 2015, p.167). Citizens have the lowest levels of trust in the judiciary, parliament, and political parties in Latin America (Latinobarómetro, 2017): 81% of them expresses that the country is governed for the benefit of few powerful groups, while 82% expressed no trust in the judiciary. This situation is explained by the weak institutional framework (OECD, 2015), but also by the general incapacity of the Peruvian state to confront the serious problems of poverty, corruption, inequality and violation of human rights; as well as to carry out basic tasks, such as collecting taxes, building infrastructure, and applying redistributive programmes. Under the perception of neglect, unfairness, and corruption of the political system, citizens conclude that all state institutions and politicians deserve no trust (Levitski, cited in Bril-Mascarenhas, 2012).

## Everyday Planning Transactions

The lower institutional level is constituted by the multiple everyday transactions associated with compliance to planning procedures and regulations. These are mostly executed at the municipal level, where the most widely used planning instruments and procedures – zoning parameters and usage indices – are applied (Pineda-Zumarán, 2016b). As mentioned in the previous section, under-the-counter arrangements among different stakeholders have been a common occurrence at different administrative levels.

At world level, the transactions of public agencies involved in both the planning and the construction sectors are plagued by bribery as reported by Transparency International (Chioldelli & Moroni, 2015). Corruption in construction projects, especially mega-projects, is a well-known universal occurrence. Contexts of high inequality stimulate corruption and criminal practices, as individuals who see their economic and social progress blocked via the legal channels, tend to resort to corruption to overcome the barriers of the unequal social order (Contreras, 2013). This is also the case in Peru, where regional and local governments also display high levels of corruption, promoted by recurrent impunity. A large number of mayors and regional governors have been prosecuted for corruption charges, though some of them have been re-elected.

Two recent examples illustrate the magnitude and persistence of corruption in local government and the construction sector. In 2014, the mayor of Chiclayo, Roberto Torres, was jailed and accused of leading a criminal network that carried out corruption practices in different types of transactions of the provincial government, in connivance with construction companies (El Comercio, 2014). His successor, David Cornejo, was jailed in November 2018, accused of exactly the same: of running a criminal organization, which would have been charging tolls in exchange for granting licenses (Aurazo, 2018).

## Conclusion

The findings of this first attempt to explain Peruvian planning reviewing its main institutional levels showed that the social embeddedness of planning is constrained by Peru's persistent inequality challenges, and the low political priority granted to planning. Planning's professional embeddedness is strongly influenced by the poor conditions of planning education and research, by which the Peruvian planning approach has hardly evolved from early modernist planning models centred in strict zoning and building codes.

The review of the Peruvian planning framework has confirmed its black box character, fruit of a complicated, incoherent and profuse legal framework, difficult to understand and follow by planners and citizens. The neoliberal reforms have considerably changed the legislation to institute private investments as the greater good, but the framework and planning approach remain the same. Data from the interviews and reports reviewing different aspects of governance reveal the low capacity of state agents to plan, manage and steer spatial development in the territory; the privileged position of private investors in the planning arena; and the low levels of respect to the planning rules by most stakeholders: local governments, private developers and citizens. Although it has not been the specific focus of this study, the lower level seems plagued by high levels of corruption.

The deep socio-spatial segregation of Peruvian cities is not the product of the absence of planning or of its unintended consequences but the result of successive planning decisions, or

omissions, resulting from multiple agreements and alliances which reproduce the unequal power relations of the Peruvian society. Planning in Peru has promoted social and spatial exclusion, and prioritized the benefit of the few, as in many other parts of the world (Watson, 2009). This is not exceptional in Latin America, whose societies are affected by a long history of inequality and social segregation. Being part of the problem, planning needs a fundamental revision in order to play a meaningful role (UN-Habitat, 2009).

This exploration of the role of planning in a context of high inequality and extensive informal urbanization was not intended as an assessment of planning's problems and predicaments. But since planning is a political issue, its circumstances make it impossible not to mention them. Not all has been negative, however. Besides the democratic upsurges of the 1970s and 1980s, there have been interesting initiatives in some secondary cities that would deserve academic attention. For example, in Trujillo, the successive election of mayors from the same political party has contributed to the continuation of plans and planning policies. In Arequipa, its traditional regional pride has contributed to relatively successful planning outcomes. There are also auspicious signs of change driven by the new generation of architects and planners – some of which have studied abroad – who have successfully promoted and carried out interventions towards more sustainable and inclusive cities.

The results of this study are evidently preliminary, developed with limited means, and in the understanding that they require further research, especially in critical issues as the planning education, the planning system, its approach and governance. A serious attempt to overcome Peru's persistent social and economic inequalities, and related institutional challenges should necessarily include improving government capacity, the education of planners, the participation of the civil society, and transparency and accountability.

## Notes

1. Signed at Conference of Punta del Este in 1961, the Alliance for Progress was a sort of Marshall Plan for Latin America, aimed at accelerating economic development of the region, to avoid the expansion of the (Cuban) communist ideology. It required countries to establish democratic governments, more equitable income distribution and land reform, and the establishment of national planning agencies.
2. This implies that territorial planning consists of processes of urban planning (*planificación urbana*), to prepare PATs, and urban management (*gestión urbana*) to prepare PDUs. However, the definition of urban planning is never mentioned in the regulation.
3. Important reasons behind its incorporation were growing concerns about socio-environmental conflicts related to the impact of the extraction of raw materials in the country. However, in view of its failure to reduce territorial conflicts, the government created a new agency in 2017, the Office of Territorial Governance within the Presidency of the Board of Ministers (PCM). The new legislation gives PCM the main authority in processes of territorial development, decentralization, dialogue and social agreement and territorial demarcation.

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