

PRIVATIZED “COSTA VERDE”: THE INEFFECTIVENESS OF URBAN PLANNING TO GUIDE THE DEVELOPMENT OF LIMA’S COASTLINE AS A PUBLIC SPACE

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Abstract:

Lima has a strip of cliffs on its coastline, named Costa Verde, which stretches through 15 km from north to south. Below the cliffs, there is a strip of beaches, mostly artificially developed during the 1960s, when the highway that runs along the coastline was built.

The Master Plan for the Development of the Costa Verde, enacted in 1995, was aimed at regulating urban development in the coastline area of Lima. However, this planning instrument has become ineffective and, during the last two decades, several private leisure facilities have been built on the beaches, as well as real estate projects on the cliffs. This has endangered the preservation of the natural landscape. On the other hand, the interventions of the local authorities on this space, focused on the consolidation and expansion of the road infrastructure that runs along the coastline, have emphasized the freeway nature of the Costa Verde.

As a consequence of these interventions, the coastal border of Lima has not been able to develop as a metropolitan public space, giving place, instead, to processes of privatization of the area along with its consolidation as a car transit fast track. This article proposal explores the critical aspects of the Costa Verde Development Master Plan, and raises the need to have in place new instruments that emphasize the function of Lima’s coastline as a public space and the protection of its natural landscape.

INTRODUCTION

The Development Master Plan of the Costa Verde de Lima, which has been in force since 1995, has sought to structure the urban development of Lima's coastline areas, and to establish a governance mechanism to coordinate actions in this metropolitan area in order to develop it as a city-wide public space.

However, these purposes have not been fulfilled and the Master Plan has become a fundamentally ineffective management instrument. The strip border of Lima has not been able to develop, in a sustainable way, as a metropolitan public space, taking place instead trends of privatization of the area along with its consolidation as a car transit fast track which in turn have had negative environmental and social impacts.

Taking this context into account, this paper seeks to develop a critical assessment of the shortcomings of the implementation of the Master Plan for Lima's coastline, and, more broadly, of the governance and urban policy with regard to this area. It will be argued that these shortcomings have had as a consequence the inability to fully develop the potential of Lima's coastline as a metropolitan-wide urban common, and have in turn encouraged its continuous encroachment through processes of privatization.

This paper will display the following structure. In first place, a synthesis of the general problematic of the ineffectiveness of urban planning and land use regulation in Peru and the problems of governance caused by the fragmentation of planning functions and competences among local governments will be outlined. Subsequently, the Development Master Plan of the Costa Verde will be analyzed, describing its initial content and summarizing its evolution and amendments since its enactment. Taking this context into account, the paper will reflect on the ineffectiveness of the Costa Verde Master Plan to develop Lima's coastline as an urban common, despite its potential as a metropolitan public space, and to prevent the privatization processes which have been taking place over it. Finally, the paper raises the need to have in place new planning instruments and governance mechanisms that emphasize the function of Lima's coastline as a public space and the protection of its natural landscape.

SHORTCOMINGS OF URBAN PLANNING IN LIMA AND PERU

Although Lima has had urban development plans in place since 1949, these instruments have proved ineffective in guiding its urban development. Two factors have compromised the effectiveness of urban planning: the predominantly informal nature of the urbanization of Lima and

of Peruvian cities in general, since the middle of the century, and the pressures exerted by private real estate developers.

This dynamic has been exacerbated since the 1990s, with the enactment of neoliberal economic policies in Peru, which have led to a progressive easing of urban regulations and a vision of planning focused on maximizing the lucrative uses of land by real estate developers (Stiglich, 2012). In turn, there has been a strong tendency towards the privatization of public spaces, which has generally gone hand in hand with the persistence or deepening of patterns of socio-spatial segregation (Vega Centeno, 2017).

In addition to the above mentioned dynamic of un-regulated urban development, Lima exhibits a highly fragmented metropolitan governance, which hinders consistent urban planning (Bensa, 2017). This fragmentation is related to the fact that the political-administrative structure of Peru provides the existence of two levels of local government: provincial and district municipalities. Both levels of government have been assigned land use-related competences, drafting planning instruments both at the provincial and district level; and regulating the building parameters through metropolitan and district ordinances. Meanwhile, the issuing of building and development licenses has been mainly assigned to district municipalities.

The distribution of competences between district and provincial municipalities has, in the case of Lima, significant implications in the urban sphere, taking into account that the municipal territory of the Metropolitan Municipality of Lima comprises 43 district municipalities. This situation contributes to the districts having different criteria of action in urban issues, which have prevented Lima from having a coherent urban planning.

This setting gets further complicated by the fact that the Peruvian national government has kept a set of key competences and functions over Lima's metropolitan area, despite the decentralization process which has taken place in Peru since 2002 (Bensa, 2017). In this situation, the actions of the national government which impact over Lima have not always been coordinated with the local government.¹

Having outlined the critical aspects of urban planning and metropolitan governance in Lima, the analysis of a specific planning instrument, the Costa Verde Development Master Plan, will be carried out.

¹ This dynamic can be clearly perceived in the case of the proposed Lima Cruise Terminal, a private development project in the Costa Verde area. This project has been supported by the Peruvian national government despite the objections to it by the Metropolitan Municipality of Lima, which is the level of government that, according to the existing legal framework, should approve the project.

ASSESSING THE 1995 MASTER PLAN FOR THE DEVELOPMENT OF THE COSTA VERDE

Background

Lima's Costa Verde, which stretches through approximately 15 km, comprises the strip of Lima's coastal areas which have cliffs. It comprises both the cliffs and the area adjacent to them and the beaches on the seafront, most of which were reclaimed from the sea during the late 1960s and early 1970s, when a motorway on the seafront was built called the Beaches' Circuit². This motorway, originally, was conceived as an access to the beach area below the cliffs, which was conceived as a common leisure space for Lima's population.



Figure 1. Panoramic view of Lima's Costa Verde.

(Source: Fairlie, 2015)

The first attempts of establishing land use regulations for these Lima's coastal areas took place in 1977, when the Regulation of Land Uses in the Costa Verde of Metropolitan Lima was enacted, by Supreme Resolution N ° 230-77-VC-1100, issued by the Ministry of Housing. **Article 1.3.** of the above mentioned Regulation provided that the entire surface of the Costa Verde should be a Public Leisure Area. This entailed the prohibition of building commercial and housing units within the area.

Subsequently, the 1990 Metropolitan Development Plan of Lima and Callao, changed the general land use status of the Costa Verde into a Special Regulatory Zone, and, more specifically, declared it a Metropolitan Leisure Area. This change of zoning was highly consequential, insofar as, according to the Peruvian urban planning legal framework, declaring an urban area as a Special Regulatory Zone enables the drafting of a Partial Plan for it, which may depart significantly from the more strict provisions of other zoning categories³. Thus, the declaration of the Costa Verde as a

² Named *Circuito de playas* in Spanish.

³ Stiglich (2012) points out that, originally, the zoning category of Special Regulatory Area had been under Lima's 1967 Metropolitan Master Plan in order to introduce some land use regulation into the informal urban settlements or

Special Regulatory Zone laid the foundations for the subsequent Costa Verde Development Master Plan.

In 1994, Law N° 26306 was enacted, establishing the Costa Verde Project Authority (Autoridad del Proyecto Costa Verde – APCV), a board composed by representatives of the Metropolitan Municipality of Lima and the district municipalities adjacent to the cliffs in charge of coordinating urban planning activities on the cliffs area. The scope of this institutional framework was developed in 1995 by Supreme Decree N° 01-95-MTC, which issued the Regulations of the APCV.

Law N° 26306 also transferred to the district municipalities ownership of land that had not been adjudicated to private parties and that was not part of the intangible 50 meters strip which runs from the maximum tide line, reversing the decision adopted by the national government in 1982 to acknowledge the property of the Metropolitan Municipality of Lima over the public lands of the Costa Verde. This "distritalization" of the Costa Verde's lands enabled the district municipalities to dispose of such public lands, promoting their privatization.

Finally, Law 26306 provided, in its **article 2**, that a Development Master Plan for the Costa Verde would be enacted, and put the APCV in charge of its drafting, approval and oversight of its provisions. This Plan was enacted in November 1995, through APCV's Council Agreement N° 79.

Provisions of the Master Plan

The Master Plan for the Development of the Costa Verde contains “the set of guidelines and general rules aimed at promoting and guiding the Development of the Costa Verde, to which every action carried out by the public or private sector must be subject to within the totality of the Costa Verde's territory.” (APCV, 1995). The normative scope of the Master Plan is developed in specific Regulations regarding land and sea use; urban development; construction; and environmental issues.

The provisions of the Costa Verde's Master plan are legally binding, according to **article 3** of Supreme Decree N° 01-95-MTC (Regulations of the APCV), which states that any authorization issued by district municipalities over the area in which the Plan is in place must conform to the Master Plan. In that regard, any real state intervention over Costa Verde's area should fulfill the following minimum requirements:

- Having a prior declaration of approval by the APCV, according to **article 8.1.** of the Regulations of the APCV.

shantytowns, which had been growing without any urban planning. Thus, the Special Regulatory Zone allowed more flexible land use regulations than other zoning categories.

- Having an Environmental Impact Assessment approved by the APCV, as stipulated by **article 33** of the same Regulation.

The most relevant provisions of the Master Plan with regard to urban planning are its land use regulations. Regarding them, the Master Plan classified the Costa Verde into the following 3 sectors (APCV, 1995):

- **Sector A:** Comprises the area between the highest tide lane and the Promenade. Its width will be of at least 50 meters. It includes both currently existent beaches and those planned for future development.

- **Sector B:** Comprises the area between the promenade and the Beaches' Circuit motorway.

- **Sector C:** Goes from the motorway to the upper part of the cliffs.

Furthermore, the Master Plan provides that there shall be non-buildable areas within the Costa Verde. These, according to the Plan, are the following (APCV, 1995):

- Sand and stone beaches, including those currently existing as well as the beach surface that might be reclaimed to the sea in the future.

- Parks and squares.

- Cliff Areas of geotechnical risk. Constructions could be allowed, in case that specific studies proved that there would be no negative impact on the land and buildings located on the upper platform of the cliffs (however, since 2010 all new constructions on the cliff areas have been banned).

- The existing and planned roads, the seaside promenade and pedestrian crossings.

- The intangible strip of 50 meters that starts on the highest sea tide, which should be of unrestricted public use, according to **article 21** of the Regulation of Law N° 26306.

Within the buildable area, the Master Plan makes the following classification of land uses (APCV, 1995):

- **Touristic Area 1:** coastline.

- **Touristic Area 2:** cliffs.

- **Service Area:** parking lots, sports facilities and beach services.

- **Public Leisure Area:** parks and beaches

- **Landscaping Area:** reserved for road infrastructure, landscaping and geotechnical risk related interventions.

It should be noted that the Master Plan regards the whole of **Sector A** of the Costa Verde (ie, the beach area) as a Public Leisure Area. In that regard, **article 3.1** of its Land Use Regulations states that this area cannot be devoted to any different use than beaches, water and nautical sports, only being allowed to establish facilities which are related to these activities. Despite the above mentioned, the ban of building in **Sector A** of the Costa Verde has been often infringed.

Analyzing the provisions of the Costa Verde's 1995 Master Plan, it can be noted that there was not a real aim among policymakers to promote Lima's seaside as a public space or metropolitan-level common. Quite contrary, the Plan was aimed at promoting private real estate development in the area (Stiglich, 2012), giving it legal safeguard. The limitations over development contained in the 1995 Master Plan merely sought to "channel" private investments, and not to protect the seaside as a common that should be protected from dispossession.

In the following lines, focused on the Costa Verde Master Plan implementation, it will be argued how the Plan has either favored or been ineffective toward patterns of dispossession of Lima's seafront as an urban common.

THE MASTER PLAN IN ACTION – IMPACTS OVER THE COSTA VERDE AND SHORTCOMINGS

The first initiative under the Plan: development of the Larcomar shopping mall (1995-1998)

The first relevant initiative carried out in Lima's Costa Verde after the passage of the Master Plan was the construction of Larcomar shopping mall, located on the upper part of the cliff of the district of Miraflores.

This real estate project had been already submitted for its approval to the municipality of Miraflores at the beginning of 1995, before the Master Plan entered in force. The real state project was approved by both the municipality of Miraflores and the APCV and opened in 1998.

The construction of the Larcomar shopping mall involved the privatization of a public space: the Salazar Park. The shopping mall was built under the park's surface, occupying a significant proportion of it with commercial areas and underground parking lots. Moreover, the landscape and the activities at the park spaces that were left by the shopping mall became highly distorted, as commerce and tourism became prevalent in the surroundings. Thus, to a great degree, an urban common was lost and replaced by a private commercial facility.



Figure 2. Aerial photography of Larcomar shopping mall

(Source: Zeballos, 2007)

Furthermore, the fact that the construction of Larcomar Shopping Mall (and the transformation of most of Salazar Park into commercial space) was carried out precisely when the Costa Verde Master Plan was passed sheds light on the underlying motivations of the planning instrument, showing that it was essentially aimed at promoting private investment (and the concomitant privatization of urban commons) in Lima's coastline areas. It should be further noted that, until the enactment of the Plan in 1995, real estate projects like the Larcomar shopping mall would had not be allowed under the preexisting legal framework⁴.

Notwithstanding this assessment, subsequent real estate operations on the Costa Verde Area have been carried out without even having APCVs approval, as would be seen later through this paper.

Ordinance N° 998-2007: New urban vision for the Costa Verde (2007)

In 2006, the Metropolitan Municipality of Lima contracted studies to carry out amendments to the Costa Verde's Master Plan. The study which was carried out as a result contained, in turn, the following proposals (Rodríguez, 2015):

- Displacing the trace of the Beaches' Circuit motorway to increase the distance separating it from the cliffs, in order to establish a buffer zone between them, where commercial and housing units could be developed.

⁴ In addition, the construction of Larcomar shopping mall would had been illegal under the current legal framework, insofar that, since 2010, there's a complete ban of building over Lima's cliffs.

- Reducing the speed limit at the Beaches' Circuit motorway, in order to ease pedestrian displacements.
- Building a promenade next to the edge of the beaches.
- Increasing green areas at the cliffs area.



Figure 3. “New urban vision for the Costa Verde”

(Source: Zubiato, 2010)

The New Urban Vision for the Costa Verde was enshrined in Ordinance N° 998-MML, enacted by the metropolitan municipality of Lima in 2007 and ratified in Agreement N° 863 of the APCV. According to the new planning instrument, the Master Plan would be amended in order to change the trace of the Beaches' Circuit so it would run closer to the seaside. The un-developed land between the motorway and the cliffs that would appear as a result of this intervention would fall under the designations of Touristic Areas 1 and 2, which would allow developing commercial and touristic activities, along with housing units.

However, the proposal was finally not implemented due to lack of financial resources of the Municipality of Lima⁵ (Rodríguez, 2015).

Costa Verde Structuring Plan (2009)

In 2009, through Agreement N° 911-2009 of the APCV, the Structuring Plan of the Costa Verde 2009-2025 was passed. This new planning instrument was aimed at further developing certain specific provisions of the Master Plan.

The Structuring Plan proposed a different approach to interventions in the Costa Verde, which should be less centered in promoting private real estate investment or building road infrastructure.

⁵ The proposed measures would have had a cost of about \$USD 300 million, an amount of money which was nearly the annual budget of the Municipality of Lima at that time.

Instead, the Structuring Plan placed a greater emphasis on developing public spaces and the landscape values of the area.

As in the proposal of 2007, the Structuring Plan provided for the construction of a pedestrian promenade in front of the beaches, and, in addition, it proposed the construction of stairs and pedestrian bridges, which would greatly increase pedestrian accessibility from the upper side of the cliffs into the beachside. Within the promenade, several public facilities would be established.

In addition, the Structuring Plan criticized the fact that the Costa Verde had assumed, predominantly, the role of an urban highway, and, in order to adopt a less car-centric approach, proposed limiting the space for car-transit and to dedicate, instead, two lanes for buses and cyclists.



Figure 4. Vision set forth in the Costa Verde Structuring Plan

(Source: Rodríguez, 2015)

Although the Costa Verde Structuring Plan has been in place since 2009, very few of the interventions which it put forward have been carried out.

The fact that this planning instrument hasn't been implemented is quite telling. In contrast with other planning instruments issued up to date for Lima's Costa Verde, the Structuring Plan did take into account the communal nature of that space, instead of promoting private development and the construction of road infrastructures. In that regard, it may be argued that, while the public interventions that promote the role of the Costa Verde as an urban highway and private investment within it (and the progressive privatization of this space) have been mostly successful (as in the case of Larcomar shopping mall), the provisions of the urban planning which have sought to preserve or promote the Costa Verde as a public space and landscape have generally been of very limited impact.

Ordinance N° 1414-MML: complete ban over constructions on the cliffs over the Costa Verde (2010)

In 2010, through Ordinance N° 1414-MML the Metropolitan Council of Lima declared intangible the cliffs of the Costa Verde, designating them a Landscaping Area and banning any further real estate development over them.

The ban was in response to the irregular construction of 4 apartment buildings carried out in the cliffs of the district of Barranco from 2003 to 2010 (Poole Fuller, 2018; Fariña, 2018). The real estate developers didn't submit any Environmental Assessment to the APCV, and their projects hadn't even been approved by the authority, as was mandated under Law N° 26306. Moreover, the real estate developer hadn't even requested a building license to the district municipality of Barranco⁶ (Poole Fuller, 2018).



Figure 5. Illegal real estate development on the cliffs of the district of Barranco

(Source: *Diario La República*, 2014)

The intangibility of the cliffs of the Costa Verde can be regarded as the main amendment to the Master Plan of this area, since it came in force in 1995 (Poole Fuller, 2018). It's quite significant that, unlike the ban over constructions at the beach area (which has been very often infringed), the ban on real estate development on the cliffs area has been enforced up to date. Moreover, it can be further argued that this ban has been only relevant exception to the trend of public interventions over the Costa Verde favoring its privatization during the last few decades.

Notwithstanding, after the passage of Ordinance N° 1414-MML there was a nearly successful attempt of breaching the ban on constructions over the cliffs.

The tourism chain Hyatt had planned to build an 18 stories hotel on the cliffs, below Larcomar shopping mall. In 2011, despite the fact that the project was already against the existing

⁶ The developers took advantage of the highly permissive regulation of administrative silence under Peruvian land use Law (which allows granting “automatic” construction licenses in case the local authorities haven't issued within one month a response to the developers' request) and filed lawsuits in order to carry out un-authorized constructions through court injunctions (Poole Fuller, 2018).

regulations, the municipality of Miraflores (district where the hotel would be located) argued that the hotel should be built nevertheless, since its construction had already been authorized in 1995, along with Larcomar shopping mall. However, it should be noted that the license which authorized the construction gave the developers a 10 year term to build the hotel, which therefore had expired in 2005 (Stiglich, 2012).



Figure 6. Graphic proposal of the Hyatt hotel located on the cliff of the Costa Verde
(Source: Rodríguez, 2015)

Despite facing serious criticisms with regard to the lawfulness of the project, and the geological risks that a building of such magnitude would pose on the cliff slope, in 2012 the APCV approved the construction of the Hyatt hotel. However, up to date the construction of the hotel hasn't been started by the developers due to financial constraints⁷.

As in the case with Larcomar shopping mall, in this case the APCV intervention favored once more private interests over the protection of the Costa Verde as a metropolitan common. Furthermore, by the time the APCV issued its decision about the Hyatt hotel (2012) constructions in the cliff area were already illegal, and the legal reasoning of the developers regarding having acquired construction rights since 1995 was highly dubious (insofar their construction license had expired in 2005). Therefore, and although the proposed Hyatt hotel hasn't been built up to date, this case displays the weakness of urban planning instruments and land use regulation in Lima when significant business interests come to play.

Infrastructure projects in the Costa Verde undermining Master Plan provisions

Over the last few years, the Municipality of Lima itself has carried out interventions over the Costa Verde, related to the extension of road infrastructure and the installation of deficiently

⁷ In 2018 Hyatt opened its first hotel in Lima in San Isidro (currently the city's central business district) and the company seems to have already lost interest in developing a hotel in the Costa Verde cliff area.

designed public facilities, which have run against the Master Plan provisions and contributed to further undermining Lima’s seafront landscape and public space values.

In 2015, the Municipality of Lima expanded the highway running through the Costa Verde from 4 to 6 lanes, despite citizen’s protests. That same year, the municipality of Lima also built an elevated pedestrian promenade and bike path (1.50 m. above surface level) with a questionable design: it’s barely 700 m. long and 3 m. wide, and completely disconnected from the existing pedestrian and cycling networks. The installation of such public facilities, which has contributed to further worsen the degradation of the sea landscape, runs against the provisions of the 2009 Costa Verde Structuring Plan. Despite this, the APCV did not take any actions.



Figure 7. Sports facilities built by the Metropolitan Municipality of Lima in 2015, obstructing the view of the seaside (Source: *Diario El País*, 2015)

More recently, between September 2018 and June 2019, the Municipality of Lima carried out the construction of the Armendariz Viaduct, road infrastructure project intended to ease the traffic flows between the districts of Barranco and Miraflores. While its positive impact in reducing traffic is rather dubious, it has contributed to a further degradation of Lima’s seafront landscape.

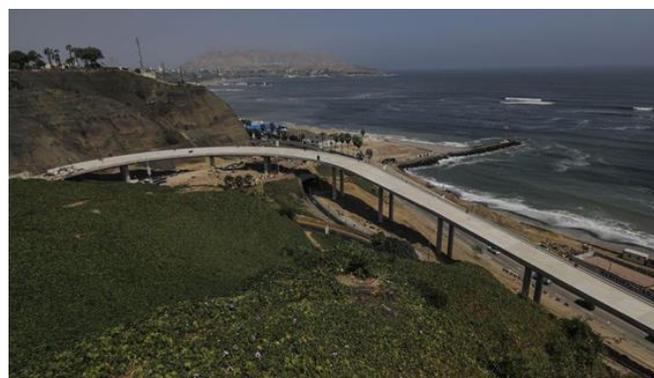


Figure 8. The Armendáriz Viaduct under construction

(Source: *Diario Perú 21*, 2019)

The construction of the Armendariz viaduct further reinforces the role of the Costa Verde as a space of car transit flows, while not taking into account the negative impact this has over the landscape and the underdevelopment of its public spaces⁸.

Illegal development of private facilities in the beachside area

While the metropolitan municipality has been building infrastructure in the area without taking into account the Costa Verde Master Plan, district level local governments with jurisdiction over parts of the seaside have greatly contributed to the privatization of public spaces by granting licenses to several private businesses and facilities (such as restaurants, nightclubs and yacht clubs) in the beachside area (decisions that often might have involved acts of corruption), despite the fact that the Master Plan and Law N° 26306 Regulations expressly prohibit doing so, given the fact that the seaside and beaches have been designated as an intangible public leisure area.



Figure 9. Photo released on social media by Augusto Rey, metropolitan councilor of Lima from 2015 to 2019, showing the proliferation of buildings and private commercial facilities on the Costa Verde between 1984 and 2016

(Source: Rey, 2016)

The APCV, despite having legal authority to reject interventions over the area, has been unable to prevent the district municipalities from allowing commercial establishments infringing the Master Plan's provisions. Moreover, most of the private development on the Costa Verde's beaches has taken place after the passage of the 1995 Master Plan, and has been related, to a strong degree, to the transfer, since 1994, of the property over Lima's seaside public land from Lima's metropolitan government to the district-level local governments of the area.

⁸ In addition, it should be noted that no dedicated lanes for buses or cyclists nor a pedestrian bridge were included in the project, which evidences the lack of interest in improving non-motorized accessibility to Lima's coastline.

Latest conflict over the Costa Verde Master Plan: Lima's cruise terminal project

The most recent controversies surrounding the land use of Lima's seafront have arisen in relation to plans by private investors to build there Peru's first cruise terminal.

The project was first proposed in 2017. Besides a cruise terminal, it would include a marina for yachts, an underground shopping mall and a 35 stories hotel built over a pier. The developers have stated that they plan having the marina and cruise terminal built by 2021. It should be noted that this project would take place along with a larger urban renewal, related to the construction, in the urban area immediately adjacent to the upper cliffs, of a large office, retail and hotel complex, which will have a strong impact over the surrounding urban fabric.



Figure 9. Graphic proposal of the cruise terminal on Lima's seaside.

Source: Conservamos por naturaleza, 2018.

Several objections might be put forward to this latest real estate project on the Costa Verde.

From a legal and planning perspective, the construction of a cruise terminal in the area would contravene the provisions of the Master Plan, insofar that most of the surface of the cruise terminal corresponds to the Public Leisure Area of the Costa Verde (Sector A) in which touristic developments are not allowed⁹ (Conservamos por Naturaleza, 2018).

⁹ In addition, **art. 21** of the Regulation of Law N° 26306 states that the strip of 50 meters that starts on the highest sea tide should be of unrestricted public use.

Besides the legal objections that may be put forward, there are concerns that the construction of a large scale pier, as required by a cruise terminal, may bring about significant changes in the seaside morphology, eroding and thus diminishing significantly the surface of beaches south of the terminal, which attract most beachgoers within the Costa Verde during summertime (Conservamos por Naturaleza, 2018). It's also expected that the construction of the pier may produce significant changes in the tides of the south side of the Costa Verde seaside, which will affect surfing sport activities which are practiced in the area¹⁰. This means that the cruise terminal would further diminish and erode the existing common spaces within the Costa Verde beyond the land in which it would be built.

The APCV has stated that the cruise terminal project runs afoul of the Costa Verde Master Plan and that, therefore, it shouldn't be approved. The Metropolitan Municipality of Lima (which heads the APCV) has also stated its opposition. However, the Peruvian national government has been exerting pressure in favor of the private investors. In that regard, the National Ports Authority, an agency which depends of the Peruvian Ministry of Transportation and Communications, has approved the project, which has also been actively endorsed by the Ministry of Foreign Trade and Tourism. Despite opposition by the APCV, investors are confident that support by the National government may enable them to develop their project, circumventing the agencies which are formally entrusted with overseeing compliance with the Costa Verde's Master Plan.

The cruise terminal project on Lima's Costa Verde and the controversy which it has spread, evidences, once more, the governance difficulties surrounding Lima's coastline, due to the intervention of different levels of government (district, metropolitan and national) which have contradictory interests and agendas over the area. In turn, the project evidences that real estate investors (as in the case of Larcomar shopping mall and the Hyatt hotel before) continue exercising considerable pressure over the Costa Verde land uses, and continue shaping its development, even when their actions contradict the existing planning instrument's provisions.

Within this dynamic, public interventions which promote private real estate development, are justified through a public discourse (which has been dominant since the neoliberal reforms of the 1990s) about the need of promoting private investment in order to boost the Peruvian economy¹¹, which tends to minimize the role of the State, leaves aside non market-related concerns

¹⁰ The waves of the beaches *Punta Roquitas*, *Pampilla* and *Makaba*, located in the south side of the Costa Verde seaside, are legally protected under Law N° 27780, which bans, in its **art. 3**, performing any activity that may affect officially registered wave formation areas.

¹¹ Besides the official discourse, corruption has played a significant role in the interventions of all levels of government favoring certain corporate interests, as has been made visible by the Lava Jato scandal, a transnational investigation which

(social, environmental) and favors the increasing privatization of diverse common resources. In the specific case of the Costa Verde, this policy orientation keeps contributing to the increasing dispossession of communal spaces on Lima's seaside.

CONCLUSIONS

The 1995 Master Plan for the Development of the Costa Verde formally expired in 2010. However, no new planning instrument for the area has been approved up to date and, instead, the term of the planning instrument has just been extended indefinitely. Notwithstanding, the Master Plan has displayed significant shortcoming on its conception and, even more, in its implementation, which evidence the need to re-think territorial planning for Lima's seafront.

The, still in force, Lima's Costa Verde Master Plan stated that it intended to balance the promotion of commercial and real estate activities in the area (activities which it actually legalized) with that of public spaces, as well as the protection of the landscape and the natural environment. However, the Plan has become mostly ineffective, and the interests of real estate developers have prevailed most times, at the expense of considerations over public space, landscape and environmental protection. In practice, the Costa Verde's Master Plan has only worked insofar as it provided a legal framework which promoted private investments in the area. In that regard, recent urban planning of Lima's seaside (as well as the non-compliance of it) has worked as an instrument of dispossession of a metropolitan common.

In practice, Lima's Costa Verde has become an urban highway, with a significant proportion of its beaches privatized by leisure establishments. It displays low quality public facilities which have been built with very little planning and degraded public spaces which are poorly integrated with the rest of the city. The lack of adequate planning for the area has resulted in the loss of the possibility of Lima having a high quality public space on its seaside.

Governance problems are among the main causes of the ineffectiveness of the Costa Verde Master Plan and the institutions tasked with overseeing its compliance. The transfer carried out by the national government during the 1990s of the public land in Lima's coastline from the metropolitan municipality to the district-level local governments of the area has led to a strong fragmentation of the exercise of land use authority. This, in turn, has led to irregular decisions issued by the area's district municipalities which have favored real estate investors and promoted

involves Brazilian and Peruvian construction companies which developing a scheme of paying bribes to politicians and State officials in exchange for public contracts. Currently, several top level Peruvian politicians and state officials (including former presidents and mayor of Lima) are being prosecuted in relation to the Lava Jato case.

With regard to the undue influence of corporate influences over the Peruvian state see Durand (2005) and, specifically with regard to the Lava Jato case, Durand (2018).

processes of privatization and landscape degradation of Lima's seaside. In this context, the APCV is an agency which displays a strong lack of power and resources, which has displayed a strong lack of capacity to minimally coordinate and harmonize the interventions of the different levels of public administration which exercise authority over Lima's coastline.

In order to deal with the above mentioned situation, reforms of the institutional arrangements in place for Lima's coastline are needed. Since the Costa Verde's problematic displays a metropolitan scope, both the planning and management of the area should also have a genuinely metropolitan character, which transcends the administrative fragmentation that the existence of several district municipalities over the area presupposes. Furthermore, an improved governance framework for the area should also prevent interventions by the national government which may contradict metropolitan policies, such as has been observed in certain instances.

Along with reforms to the institutional framework, a new planning instrument for Lima's seaside is needed. Along with stricter land use regulations and effective enforcement mechanisms, a change of emphasis in planning for the area is needed. Instead of the developmentalist and market-oriented policy set which imbues the 1995 Costa Verde's Master Plan, any new territorial planning instruments for Lima seaside should emphasize the promotion of public space and the protection of what remains of natural landscape over the attraction of real estate investments and the development of road infrastructures that have brought about a high level of privatization and environmental degradation to Lima's coastlines over the last few decades.

Thus, ideally, future planning for Lima's coastline area should regard it, in first place, as a metropolitan common to be enjoyed, potentially, by any of the Peruvian capital's residents, and therefore, prioritize interventions which may protect it from further encroachment by private investors and car-oriented infrastructure, while attempting to reverse, if possible, the negative trends of dispossession which the latter dynamics have brought about in the Costa Verde area.

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