

From Harlem to Havana: Sustainable Urban Development

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I.	INTRODUCTION	783
II.	A TALE OF TWO CITIES.....	785
	A. <i>Harlem</i>	785
	B. <i>Havana</i>	787
III.	REDEVELOPING IN THE SHADOW OF SUSTAINABILITY.....	789
IV.	SUSTAINABLE DEVELOPMENT AND ITS TENSIONS.....	792
	A. <i>Havana</i>	793
	B. <i>Harlem</i>	796
V.	BRINGING ACCOUNTABILITY TO SUSTAINABLE DEVELOPMENT	799
VI.	CONCLUSION	804

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

—World Commission on Environment and Development¹

I. INTRODUCTION

Consider two remarkable places: Harlem, New York and Old Havana, Cuba. These are two different neighborhoods, cities, countries, political systems, economies, and cultures. Yet these two neighborhoods are bound together by a common phenomenon unlimited by geography or differences in political and economic systems. The global prosperity of the last two decades has created historic opportunities to usher in development and revitalization efforts in neglected urban areas across the world.² Governments, along with the private sector, have moved capital back to cities or neighborhoods that became endangered from years of disinvestment, lack of economic opportunities, and inadequate access to

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1. WORLD COMM'N ON ENV'T & DEV., OUR COMMON FUTURE 43 (1987) [hereinafter WCED].

2. See generally NEIL SMITH, THE NEW URBAN FRONTIER: GENTRIFICATION AND THE REVANCHIST CITY 34-40 (1996) (discussing the history of gentrification).

essential public services. This movement of capital back to the city in many cases has fueled a remarkable period of growth, bringing in new businesses, new industry, and increasing the value of housing. However, urban revitalization efforts almost always come with unavoidable costs and tradeoffs, as growth ushers in changes in the economic, social, and cultural status quo.

This Article compares the strikingly similar redevelopment trajectories in Harlem and Havana and the interplay of environmental, economic, and social values in their development decisions and activities. These values are embodied in the concept of “sustainable development,” now a mainstay in the current lexicon of international and national development principles. If sustainable development means anything, it means the integration and balancing of the “three Es”—Economy, Ecology, and Equity—into development decisions and actions.³ Sustainability promises a development calculus that balances these three values, essentially asking us not to sacrifice any one of the Es.⁴ As the President’s Council on Sustainable Development articulates: “economic growth, environmental protection and social equity should be interdependent, mutually reinforcing goals.”⁵ By balancing and integrating the need for economic growth with the need for environmental preservation/conservation, and inter- and intragenerational equity in decision making, sustainability cautions for moderation in the pace and scale of redevelopment efforts.

3. *Agenda 21*, U.N. Conference on Environment and Development ¶ 8.4, U.N. Doc. A/CONF.151.6 (1992), available at <http://www.un.org/esa/sustdev/agenda21.htm> [hereinafter *Agenda 21*] (summing up the goals of sustainable development as follows: “development that is economically efficient, socially equitable, and responsible and environmentally sound.”); see also *U.N. City Summit Habitat Agenda*, U.N. Educational, Scientific and Cultural Organization, ch. 1, at 1, U.N. Doc. A/CONF.16516.1 (1996) (“There is a sense of great opportunity and hope that a new world can be built, in which economic development, social development and environmental protection as interdependent and mutually reinforcing components of sustainable development can be realized through solidarity and cooperation within and between countries.”); PRESIDENT’S COUNCIL ON SUSTAINABLE DEV., *SUSTAINABLE AMERICA: A NEW CONSENSUS FOR PROSPERITY, OPPORTUNITY AND A HEALTHY ENVIRONMENT FOR THE FUTURE* (1996), available at http://clinton2.nara.gov/PCSD/Publications/TF_Reports/amer_def.html [hereinafter PCSD] (“A sustainable United States will have a growing economy that provides equitable opportunities for satisfying livelihoods and a safe, healthy, high quality of life for current and future generations. Our nation will protect its environment, its natural resource base, and the functions and viability of natural systems on which all life depends.”); REG’L ENVTL. CTR. FOR CENT. & E. EUR., *CHARACTERISTICS OF A SUSTAINABLE CITY*, available at <http://www.rec.org/REC/Programs/SustainableCities/Characteristics.html> (last visited Jan. 23, 2003); SALFORD UNIV., *WHAT IS SUSTAINABLE URBAN DEVELOPMENT*, at <http://www.surveying.salford.ac.uk/bqtoolkit/tkpages/sustainable.html> (July 2001).

4. See PCSD, *supra* note 3, http://clinton2.nara.gov/PCSD/Publications/TF_Deports/amer-chap1.html.

5. *Id.*

This Article explores whether the concept of “sustainable development” provides a useful framework for guiding development activities in cities across the globe. Using Harlem and Havana as case studies to analyze this question, this Article illustrates how the three “E” values in sustainable development are fundamentally in tension with one another. These tensions are difficult to resolve, this Article argues, without making significant trade-offs between these values, forcing them to compete with each other in development decision making. This is not at all surprising given that the popularity of the “sustainability” concept stems from its “malleability, as it combines elements that appeal to both environmental and business interests.”⁶ This malleability has arguably worked to moderate the worst impulses of unrestrained profit-seeking growth.⁷ Yet, on the other hand, it is this very malleability that renders sustainable development a questionable planning and development tool. This Article concludes with a recommendation to build a value of accountability into the principle of sustainable development. Accountability means that trade-offs between the three E values are consistent with the democratic, deliberative processes within the communities that must live with the impact of those trade-offs.

II. A TALE OF TWO CITIES

A. *Harlem*

Harlem, a New York City neighborhood, has a rich social, cultural, and economic history that has paved the way for its recent period of revitalization. In the late nineteenth century, Harlem was considered a “mixed-middle- and working-class area” comprised of “five- to six-story tenements along the north-south avenues, studded with town houses and brownstones on the cross-town streets.”⁸ The overabundant construction at the turn of the century created a glut of available housing, which left landlords and owners with vacant apartments.⁹ It was at this time that “white landlords, owners, and real estate companies took the unprecedented (and for them desperate) move of opening up their

6. Robert V. Percival, *Global Environmental Accountability: The Missing Link in The Pursuit of Sustainable Development*, in *THE MORAL AUSTERITY OF ENVIRONMENTAL DECISION MAKING: SUSTAINABILITY, DEMOCRACY AND NORMATIVE ARGUMENTS IN POLICY AND LAW* 194, 195 (John Martin Gilroy & Joe Bowersox eds., 2002).

7. *Id.* at 196-97.

8. SMITH, *supra* note 2, at 142.

9. See GILBERT OSOFSKY, *HARLEM: THE MAKING OF A GHETTO: NEGRO NEW YORK, 1890-1930* 90-1 (Elephant Paperbacks 1996); see also SMITH, *supra* note 2, at 142.

recently built apartments and houses to black tenancy.”¹⁰ Migration from the Caribbean and the South accelerated during World War I, and into the 1920s’ period known as the “Harlem Renaissance.”¹¹ The Harlem Renaissance marked a time when Harlem was the center for black intellectual life in the United States.¹² Instead of being synonymous with crime, drugs, and urban plight, the area was then better known for the writings of Langston Hughes and Zora Neal Hurston and the music of Duke Ellington and Louis Armstrong.¹³ The stock market crash of 1929 helped bring the end of the Harlem Renaissance, and soon the neighborhood began to fall apart.¹⁴

Riots during the 1960s and 1970s, combined with the AIDS and crack epidemics of the 1980s, hit the area hard.¹⁵ As conditions worsened in the neighborhood, many landlords began to neglect their properties, either abandoning them altogether or allowing them to fall into advanced states of disrepair.¹⁶ With this abandonment, the city became the “reluctant owner of the second largest stock of publicly owned housing in the nation.”¹⁷

In the late 1980s the city partnered with a coalition of churches called the Harlem Congregations for Community Improvement (HCCI) to attempt to revitalize Harlem.¹⁸ This group of forty ministers from rival Harlem churches was backed by Harlem politicians who wanted to join with the city to take Harlem back from the negligent landlords.¹⁹ By the mid-1990s, however, Mayor Rudolph Giuliani insisted that the City “get out of the landlord business” even if it meant unloading buildings to private developers.²⁰ At first, the majority of buyers were groups like the HCCI, the Abyssinian Development Corporation (ADC), the Abyssinian Baptist Church’s development arm, and other Harlem church coalitions that bought the properties as a means of improving the community.²¹ However, Harlem’s designation as an Upper Manhattan Empowerment

10. OSOFSKY, *supra* note 9, at 90-91.

11. See Micheal Grunwald, *Harlem Finally Rides the Economy’s ‘A’ Train*, WASH. POST, May 5, 1999, at A1.

12. See SMITH, *supra* note 2, at 142.

13. See Grunwald, *supra* note 11.

14. Christina Farnsworth, *Hip Hop Happy: Few Places Have Suffered Harlem’s Highs and Lows*, BUILDER MAG., Sept. 1, 2002, at 63.

15. See Grunwald, *supra* note 11.

16. See Rivka Gewirtz Little, *The New Harlem*, VILLAGE VOICE, Sept. 24, 2002, at 51.

17. Farnsworth, *supra* note 14, at 63.

18. See Gewirtz Little, *supra* note 16.

19. See *id.* They ultimately created the “Bradford Plan,” which spawned 1800 low-income housing units in city-owned buildings. See *id.*

20. *Id.*

21. See *id.*

Zone (UMEZ) in 1994 sparked a real estate boom as private developers took advantage of discounted prices and Federal tax incentives to buy city-owned lots and buildings.²²

The focus of development in Harlem has been to bring big businesses and economic capital to Harlem.²³ The UMEZ, which is the major catalyst for this economic surge, encourages private investment by using public funds and tax incentives.²⁴ The UMEZ, along with the Metropolitan Economic Revitalization Fund (MERF) and the New York City Partnership (NYCP), have provided low interest loans and tax subsidies to businesses that are willing to invest in Harlem.²⁵ The idea behind these incentives is that these benefits will encourage businesses to come to the area, which will in turn stimulate the local economy and trickle down to Harlem residents.²⁶ The UMEZ has invested \$11 million in the \$65 million “Harlem USA” shopping mall project, \$2 million in a \$23 million multiplex on 125th Street, Harlem’s major commercial avenue, and \$15 million in a 500,000 square foot, four-story retail shopping complex in East Harlem, that will be anchored by mega-stores Costco and Home Depot.²⁷ The UMEZ board also approved \$2.7 million for the construction of a seventy-three-room boutique hotel with a 3000 square foot restaurant and conference facilities on 125th Street.²⁸ In addition to these projects, hundreds more, spearheaded by the ADC and other Harlem church coalitions, are in the works.²⁹ It is this sudden influx of capital, this flurry of development and construction, that has led to Harlem’s “revitalization.”

B. Havana

Havana’s rich history is also vividly on display in the midst of its recent revitalization efforts, particularly in its core neighborhood, “La

22. *See id.*

23. *See id.*

24. *See id.*

25. *See id.*

26. Audrey G. McFarlane, *Race, Space and Place: The Geography of Economic Development*, 36 SAN DIEGO L. REV. 295, 323 (1999) (“The theory was, and continues to be, that the best and most efficient remedy for poverty and unemployment is to stimulate and attract business activity through deregulation, thereby reducing unemployment and providing a tax base for inner cities.”).

27. *See* Grunwald, *supra* note 11.

28. Gewirtz Little, *supra* note 16, at 51-52.

29. *Id.* For instance, the ADC is developing a multimillion-dollar mall with mega-developer Forest City Ratner that will house a Marshall’s, a bank, and an H&M clothing store. *See id.* Ironically, the mall will be built on the spot that was once slotted for the “Harlem International Trade Center.” Defying the wishes of hundreds of local businesses, Rev. Calvin Butts, head of the ADC, voted against the trade center in favor of the mall. *Id.*

Havana Vieja” (Old Havana).³⁰ After the Seven Years’ War in the 1700s, Havana’s commerce expanded and its agricultural industry began to develop and flourish.³¹ In the late 1700s and early 1800s, as Havana’s population increased exponentially, aristocrats moved out of the city center, Old Havana, “abandoning their baroque places for” other parts of the city.³² They left behind thousands of buildings and places linked to the city’s unique culture, commerce, and religion.³³ During the ensuing two centuries, Havana’s “sophisticated past was evident in the abundance of fine colonial buildings, the sprinkling of art nouveau houses, the art deco structures and modernist designs with a tropical twist.”³⁴ However, in the years following the 1959 Cuban Revolution, Havana’s development “screeched to a halt,” leaving the city “sitting in isolated splendor” like “Sleeping Beauty’s castle” for over forty years.³⁵

The loss of Soviet subsidies after the collapse of the Soviet bloc in 1989 devastated Cuba’s economy and its ability to maintain its historical legacy, particularly the buildings in Old Havana.³⁶ Cuba’s already weak economy plummeted after the Soviet collapse—between 1989 and 1993 the country’s GDP declined by thirty-five percent.³⁷ This time of extreme economic crisis is known in Cuba as the “*el periodo especial*,” or the Special Period.³⁸ The Special Period was a time of readjustment. Devoid of Soviet aid, Cuba’s makeshift economy collapsed.³⁹ Imports disappeared, industries folded, and shortages of all kinds were commonplace. In an effort to stimulate the economy, Cuba adopted austerity measures such as increasing domestic food production, stimulating exports that generated hard currency flows, and attracting tourism and foreign investment.⁴⁰ The decline in economic activity during the Special Period consequently caused a decline in

30. See PHILIP PETERS, LEXINGTON INSTITUTE, RESCUING OLD HAVANA 1 (2001), available at <http://www.lexingtoninstitute.org/cuba/research.htm>.

31. See *id.* at 3.

32. Cathleen McGuigan, *Saving Havana*, NEWSWEEK INT’L, July 1, 2002, available at <http://www.msnbc.com/news/771124.asp> (quoting Mario Coyula, a Cuban planner and architect).

33. See *id.*

34. *Id.*

35. *Id.*

36. PETERS, *supra* note 30, at 6 (“With the economy contracting by one third, the state had more immediate priorities than historical preservation.”).

37. Alexia Elejalde-Ruiz, *Life in Cuba*, July 2001, *The Newshour with Jim Lehrer*, available at http://www.pbs.org/newshour/bb/latin_america/cuba/life.html.

38. Sergio Diaz-Briquets & Jorge F. Pérez-López, *The Special Period and the Environment*, in 5 CUBA IN TRANSITION 281, 281 (1995).

39. See *id.*

40. See *id.*

environmental degradation as well as preservationist efforts to restore the city's rich architectural history.⁴¹

Fortunately, in 1982, the declaration of Old Havana and its fortifications as a United Nations World Heritage site opened the way for preservation funding provided by the UN's World Heritage Fund.⁴² In order to administer the preservation effort, the government expanded the powers of the Office of the Historian of the City of Havana (OHC) to include the "high-priority task of restoring and conserving Old Havana."⁴³ The OHC governs tourism development in Old Havana, as well as the planning of restoration efforts, the control of land use in the entire zone, the operation of businesses, and the authority to enter contracts, to import and export, and to buy and sell freely in the Cuban domestic market.⁴⁴ The OHC uses the money from the United Nations, as well as donations from a variety of other sources including foreign governments (for example, Italy has made a significant contribution to the conservation effort),⁴⁵ to fund the restoration effort, generate tourism, and provide services to the community. The law granting OHC its authority views these goals as "equal priority and sees them as complementary."⁴⁶ The restoration of Old Havana has spawned a flourishing tourism industry. In 2000, the OHC generated more than \$60 million in tourist business revenue;⁴⁷ in 2001 it earned \$70 million, of which \$21 million was reinvested in additional restoration.⁴⁸

III. REDEVELOPING IN THE SHADOW OF SUSTAINABILITY

The redevelopment in Harlem and Old Havana is not being pursued purely for development's sake. By all indications these urban revitalization efforts are geared towards multifaceted ends. As is evident in both places, capital influx has provided opportunities to preserve important cultural histories (and the associated artifacts and structures), develop new economies, and create economic and social opportunities

41. *See id.*

42. PETERS, *supra* note 30, at 8 (stating that ninety percent of the buildings in the area of the old, walled city were judged to have historical or architectural value: 144 constructed in the 16th and 17th centuries, 200 in the 18th, 463 in the 19th, and 101 from 1901 to 1935).

43. *Id.* at 7.

44. *Id.* at 8 ("The law granted OHC authority that no other local entity in Cuba enjoys [O]nly in Havana does the restoration agency have the authority to develop and operate its own chain of businesses.").

45. *Italy to Help Havana's Old Buildings*, ASSOCIATED PRESS, Aug. 20, 1999, available at <http://64.21.33.164/CNews/y99/ago99/23e4.htm>.

46. PETERS, *supra* note 30, at 8.

47. *Id.* at 7.

48. *See* McGuigan, *supra* note 32.

that will benefit both current and future generations. In other words, redevelopment is being pursued along an ostensibly “sustainable” path. This goal is reflected, for instance, in Law No. 81, Cuba’s environmental legal framework. In seeking sustainable development of tourism, Cuba attempts, through the infusion of global capital, to “harmonize the efficient use of aesthetic, recreational, scientific, cultural and or other potential natural resource value . . . with the protection of those resources” and the “guarantee that [those resources] can provide equal or superior benefits for future generations.”⁴⁹ In the end, the sustainable development of tourism will contribute to “raising the quality of human life” for all Cubans.⁵⁰

The goals that Cuba articulates correspond to the three “E”s of sustainability—economic growth, ecological protection, and equity.⁵¹ Economic growth (and prosperity) is chiefly concerned with efficiency and competitiveness in creating economic activity and opportunity for people living within, or near, natural and developed environments. The ecology principle is primarily concerned with protecting existing environmental resources (both in the natural and “built” world), including the preservation of historical sites and the development of environmental resources and assets for future use. The equity principle is twofold; one part refers to intergenerational equity—the notion that the development needs of future generations must not be disadvantaged by the actions we take today.⁵² The other part is social, or intragenerational, equity—the notion that even the most vulnerable people in society should have a satisfactory quality of life, particularly with respect to access to resources and development opportunities.⁵³

The three Es of sustainability are operationalized both in Cuba’s and the United States’ environmental laws, most particularly in impact assessment requirements. Much like impact assessment laws in the United States,⁵⁴ Cuba’s law requires the state environmental agency to consider and balance environmental impacts with social and economic

49. Ley del Medio Ambiente, LEY NO. 81 [Environmental Law, LAW NO. 81], art. 139 (1997) (Cuba), *translated in* CUBAN ENVIRONMENTAL LAW 53 (Jerry Speir ed., 1999).

50. *Id.*

51. *See Agenda 21, supra* note 3, ¶ 8.4; WCED *supra* note 1, at 43.

52. *See Agenda 21, supra* note 3, ¶ 8.7.

53. WCED, *supra* note 1, at 43. The Brundtland Commission identified this component as a “process in which the exploitation of resources [and] the direction of investments . . . are all in harmony and enhance both current and future potential to meet human needs and aspirations.” *Id.* at 46.

54. *See, e.g.*, N.Y. COMP. CODES R. & REGS. tit. 6, §§ 617.1-.20 (2002) (encompassing the rules and regulations of the New York State Environmental Quality Review Act).

factors in development decisions.⁵⁵ Akin to many states in the United States, Cuba also has a landmarks and historic preservation law which allows the designation of national landmarks and guides the preparation of plans for the conservation of designated sites (through repairs, alterations, and restoration).⁵⁶ These laws protect the social, economic, political, and architectural history of a site by preventing indiscriminate renovation and alterations of landmarked properties.⁵⁷

The sustainable development norm is clearly interwoven into the fabric of environmental laws in both Cuba and the United States. Both nations require that decision makers consider social, economic, environmental, and cultural factors when making development decisions. However, this “balancing” process reveals the tensions that typically characterize efforts to conduct development activities in a sustainable manner.

55. Article 24 of Cuba’s Law No. 81 requires that activities that may have a significant impact on the environment secure an environmental license through the state agency, CITMA. Ley del Medio Ambiente, LEY NO. 81 [Environmental Law, LAW NO. 81], art. 24 (1997) (Cuba), *translated in* CUBAN ENVIRONMENTAL LAW, *supra* note 49, at 32. Article 28 requires that an environmental impact assessment (EIA) be submitted to CITMA to determine if a particular activity or action requires a license. LEY NO. 81, art. 28. This process includes examining how construction and development projects and activities “may harm the population, community and other projects for social or environmental development.” *See* Reglamento del Proceso de Evaluación de Impacto Ambiental, Resolución No. 77/99 [Environmental Impact Assessment Regulations, RESOLUTION No. 77/99] (1999) (Cuba).

56. *Compare* Ley de Protección al Patrimonio Cultural, LEY NO. 1 (1977) (Cuba) *and* Ley de Los Monumentos Nacionales y Locales, LEY NO. 2 (1977) (Cuba) *with* N.Y. CITY ADMIN. CODE tit. 25, 25-301 to 25-321 (2001) (New York City’s Landmarks Preservation Law).

57. Article 142 of Cuba’s Law No. 81 sums up the goal of such preservationist efforts: “[T]he Cultural Heritage, to the extent that it is defined, established, and regulated by applicable legislation in association with its natural surroundings, will be subject to preventative and corrective measures in order to save or protect cultural assets threatened by projects or activities that could lead to their deterioration or destruction.” LEY NO. 81, art. 142. This includes the following:

- a) urban expansion or renovation projects which should protect not only registered monuments but also their neighboring historical surrounding;
- b) modification or restoration of buildings;
- c) highway construction or repair;
- d) construction of dams and the laying of electrical transmission or communication lines;
- e) laying liquid or gas pipe lines;
- f) the location and construction of urban, recreational, sport, and tourist centers;
- g) placement of publicity posters.

Id.; *see also* N.Y. CITY ADMIN. CODE tit. 25, 25-301(b) (encompassing New York City’s Historical Preservation Law).

IV. SUSTAINABLE DEVELOPMENT AND ITS TENSIONS

As a normative matter, sustainability counsels us to preserve an environmental⁵⁸ legacy and to make decisions about which resources are worth saving and at what cost. Inevitable trade-offs must be made between preservation of the environment, attending to the acute social needs of the present generation, and ensuring economic opportunity and growth into the future. Yet, it is exactly the tension—indeed, the collision—among these values that characterizes some of the most vexing issues surrounding economic development in general, and urban revitalization efforts in particular.⁵⁹

As a concept, sustainability remains uncertain regarding which value(s) or goal(s) form the core of its moral and ethical compass. That is, while “sustainable” most certainly modifies “development” this modification begs the question: sustainable *when*, and *for whom*? Sustainability is a balancing act which cautions decision makers against the extremes of development and environmental choices, leaving a wide middle ground available to tinker with the equities of development. It leaves to decision makers the hard questions and difficult trade-offs. What is the right balance between distributing resources (and burdens) within present society (among people differently situated vis-à-vis those resources) versus distributing resources (and burdens) between present and future generations? To ask this more directly, “is [the] poverty of those alive today of greater concern than the prospects of people coming after us” or vice versa?⁶⁰ Should the costs of coping with environmental changes (in the pursuit of economic development) be borne by the poor who live in the developing environment or by those exploiting the environment for economic profit?⁶¹ Sustainability has no normative principle that mediates or resolves these competing present and future

58. The term “environmental” is used in its broadest sense, to include the natural, built, and cultural environment.

59. As one commentator has noted:

[T]he term “sustainable development” is not merely vague—a masker of failed consensus—the way key terms in the U.S. Constitution are vague and require case by case elaboration. “Sustainable development” functions to gloss over not only failed consensus, but a latent collision course. The chasm is less a failure of language . . . than a poignant tussle between, roughly, Rich and Poor.

Christopher D. Stone, *Deciphering “Sustainable Development”*, 69 CHL.-KENT L. REV. 977, 978 (1994).

60. Klaus Bosselman, *Justice and the Environment: Building Blocks for a Theory of Environmental Justice*, in ENVIRONMENTAL JUSTICE AND MARKET MECHANISMS: KEY CHALLENGES FOR ENVIRONMENTAL LAW AND POLICY 43 (Klaus Bosselman & Benjamin J. Richardson eds., 1999).

61. *Id.*

interests. Sustainability simply becomes the funnel through which these interests must pass and, in so passing, they are left to fight it out on their own. The result is often that one of the Es of sustainability can dominate the others at the end of the day, depending on the relative strength of proponents of each “E” factor.

Consider, for instance, how trade-offs between the three Es are made in the context of development decisions in Old Havana and Harlem. In Havana, the massive investment of capital being poured into preservation of its built environment, particularly structures with historical and cultural significance, is believed to be the path to increasing the welfare of present and future generations. Such restoration is a necessary prerequisite to attract tourism, the profits of which will accrue to the government and be used to fund further restoration and attract more capital, which can then be used to help the masses. Yet, at the same time, there is a concern that development efforts to boost tourism are being pursued at the expense of attending to longstanding social problems, namely housing shortages and poor housing conditions.

In Harlem, the push for corporate investment and economic revitalization has attracted new businesses and greater value to the housing market.⁶² However, in the midst of this increasing economic prosperity, the very residents and businesses which have given the community its character, and make up its history, are being pushed out by escalating rents and the decreasing availability of affordable housing.⁶³ In addition, there is a concern that the demand for new retail space is ultimately leading to the destruction of some of Harlem’s historic cultural landmarks.⁶⁴

A. Havana

Havana is home to 2.2 million people who live in only 540,000 dwellings.⁶⁵ It is estimated that “more than fifty percent of these dwellings are in average to poor condition.”⁶⁶ More than 20,000 people in Havana seek refuge in shelters and nearly 100,000 people live in

62. See Gewirtz Little, *supra* note 16, at 51.

63. See Alan J. Wax & Tania Padgett, *Things Are Looking Uptown*, *NEWSDAY*, Aug. 5, 2002, at D1.

64. See Adam Gopnick, *Saving Paradise: The Preservationist, the Pastor, and the Night Club in Harlem*, *NEW YORKER*, Apr. 22, 2002, at 76.

65. Ginger Thompson, *Cuban Housing a Tight Squeeze; Many Complain Prime Land Targeted for Tourists*, *CHI. TRIB.*, Aug. 16, 1998, at 3.

66. *Id.*

housing that is considered unsafe and dangerous.⁶⁷ It is not unusual for several generations of one family to live together in a single house or apartment.⁶⁸ It is not uncommon to see divorced couples living together, with their new spouses, in the same one-room apartment with a hanging sheet as the only source of privacy.⁶⁹ Not only is housing scarce in Havana, the majority of dwellings are in an advanced and dangerous state of disrepair.⁷⁰ Because of extreme overcrowding—its location and opportunities to earn dollars have drawn residents to the city—“it is impossible within any reasonable building code, to rehabilitate those dwellings and then have all current residents move back in.”⁷¹

OHC’s restoration efforts have thus focused on restoring residential and commercial buildings for their potential to produce revenue, chiefly from tourism.⁷² Restoration projects “concentrate heavily in the northeast corner of Habana Vieja [Old Havana], around Plaza de Armas, Plaza de San Francisco, the cruise ship terminal, and Plaza Vieja.”⁷³ The buildings in this area have been painstakingly restored, inside and out.⁷⁴ Apartment buildings have been gutted and remodeled, creating luxury apartments where dilapidated tenements once stood. These new and restored buildings are very economically valuable, because they are rented to foreigners and tourists.⁷⁵ Once a building has been designated for restoration, its residents are relocated to temporary homes, or shelters, outside of Old Havana.⁷⁶ Some residents are fortunate enough to return to their homes in Old Havana.⁷⁷ Many residents, however, are put in shelters or other subpar housing arrangements in Habana del Este or other suburban enclaves.⁷⁸ The case of Noelvis Mederas is an illustrative example of the experiences of many

67. *Id.*

68. *Id.*

69. *See id.* Salvador Gomila, Vice President of Cuba’s National Housing Institute, said, “Housing is probably the most critical problem in Havana . . . you can just drive down any street and see it.” *Id.*

70. *Id.* Most new housing construction in Cuba occurred in the 1970s. *Id.* However, the great majority of dwellings in Havana are from before the 1959 revolution. Housing in areas such as La Habana Vieja is, in fact, centuries old. *See id.*

71. PETERS, *supra* note 30, at 9.

72. *See id.*

73. Joseph L. Scarpaci, Jr., *Winner and Losers in Restoring Old Havana*, in 10 CUBA IN TRANSITION 289, 291 (2000).

74. *See id.* at 293.

75. *See id.* at 296. (“Foreigners will rent the apartments from Habaguanex (the restoration company owned and operated by the OHC) and will pay in dollars, not pesos.”)

76. PETERS, *supra* note 30, at 13. The more fortunate are relocated to a complex of buildings set up in Alamar, a remote community several miles east of Havana Bay. *See* Thompson, *supra* note 65.

77. PETERS, *supra* note 30, at 12.

78. Thompson, *supra* note 65, at 3.

Havana residents.⁷⁹ In 1997, Mederas lost her home to the government's effort to attract foreigners.⁸⁰ She had a two-bedroom apartment on Avenida Prado in Old Havana.⁸¹ Told that her building was too unstable to be occupied, she, her husband, and their two small children were moved to an abandoned high school that was converted into a shelter.⁸² Although Mederas implored government officials to let her return to the home she inherited from her parents, the OHC ultimately informed her that she could not return to her home because it was no longer hers.⁸³ The building had been turned over to Fenix, a real estate company that was going to restore it for offices and apartments for tourists.⁸⁴ She was told that the OHC eventually planned on building housing for Mederas and others who were moved out of Old Havana.⁸⁵ More than a year later Mederas and her family were still living in an abandoned high school and still waiting for their replacement housing.⁸⁶

This type of displacement further intensifies the sharp disparity between the resources and housing options available for Cubans and those available for tourists and foreigners with dollars to spend.⁸⁷ An official from the OHC explained the rationale behind this trade-off: "Housing is a very serious problem that we will solve in the medium to long term . . . but in the short term we have brought benefits to all the people of Old Havana."⁸⁸ When asked about Mederas' case, Rafael Rojas Hurtado, a director in the OHC, explained that what happened to Mederas is rare, but "a necessary evil," because her property at 310 Prado was a "cash cow."⁸⁹ He further argued that:

You have to look at the long term. If these things are not done now and if we do not earn money now, how are we going to be able to finish all our renovations? Ultimately, the renovations are good not only for the Cuban government. They are good for everyone.⁹⁰

79. *See id.*

80. *See id.*

81. *See id.*

82. *See id.*

83. *See id.*

84. *See id.*

85. *See id.*

86. *See id.*

87. *See id.*

88. PETERS, *supra* note 30, at 9. In a poll conducted by the OHC itself, "47% [of the residents of Old Havana polled] said they did not yet benefit personally from OHC's works in the neighborhood, but 85% viewed [the restoration efforts] as positive." *Id.*

89. Thompson, *supra* note 65.

90. *See id.*

B. Harlem

Harlem's "revitalization" has also led to displacement of residents and businesses indigenous to the community, as gentrification takes hold.⁹¹ The influx of chain stores is slowly pushing small, local stores out of business. Nearly 80% of local businesses in Harlem rent on a month-to-month basis, which makes them especially susceptible to rising property values.⁹² Over the past decade, commercial rents along 125th Street have climbed from \$60 per square foot to as much as \$100.⁹³ Paulette Gay, the owner of The Scarf Lady boutique on Lennox Avenue is afraid she will get "priced out of Harlem."⁹⁴ Though she got her storefront four years ago with the help of the Department of Housing Preservation and Development, the agency has not given her a long-term lease, so she is vulnerable to rapidly escalating rents.⁹⁵ In the eyes of many members of the community, UMEZ has aided this exodus by loaning money to "megastores," even though its Business Resource and Investment Service Center (BRISC) is intended to help locally owned small businesses.⁹⁶ James Simmons, the Chief Investment Officer of UMEZ, admits that the proliferation of big corporations and chain stores has led to "the displacement of those businesses that are indigenous prior to this renaissance," but adds that the UMEZ is "trying to accommodate [these displaced businesses] by creating ancillary, lower-rent corridors" along other avenues in Harlem which may ultimately benefit from the increased traffic generated by the larger stores.⁹⁷

As developers begin to buy up land in Harlem, residential property values are also rising sharply, which leads to escalating rents.⁹⁸ Affordable housing, therefore, has also become a serious issue in the

91. Ruth Glass et al., *Introduction to LONDON: ASPECTS OF CHANGE*, at xiii, xviii-xix (Centre for Urban Studies ed., 1964). Sociologist Ruth Glass coined the term "gentrification" in 1964. She defined this term while researching the recurring pattern occurring in London at the time, whereby many of the working class quarters of London were being invaded by the middle and upper classes. She found that once this process begins "it goes on rapidly until all or most of the original working class occupiers are displaced and the whole social character of the district is changed." *Id.*

92. Julie Moran Alterio & Christopher Mele, *Revitalized Harlem Grapples with Changes*, J. NEWS, June 2, 2002, available at http://www.thejournal/news.com/shocks/us_062002.html.

93. See Wax & Padgett, *supra* note 63.

94. See *id.*

95. See *id.*

96. Grunwald, *supra* note 11 (citing one small business owner saying, "The community businesses have been left out from day one. They [the UMEZ] give loans to megastores, but not to us . . ."); Alaya Johnson, *Harlem Gentrification Affects Residents, Businesses*, COLUM. DAILY SPECTATOR, May 17, 2002, available at <http://www.columbiaspectator.com>.

97. Wax & Padgett, *supra* note 63.

98. See Gewirtz Little, *supra* note 16, at 51.

new, revitalized Harlem.⁹⁹ The increased rents are causing more and more Harlem residents to lose their apartments.¹⁰⁰ In addition to tenants simply being unable to pay their rents, many landlords, who want to sell their properties to the highest bidder, are harassing tenants and offering them money to leave rent stabilized apartments.¹⁰¹ It is quite common for people like Lamont Yarbrough, a twenty-eight-year-old resident of central Harlem, to be sent a letter by their landlords (in his case, St. Luke AME Church) forcing them to vacate their apartments in search of higher paying tenants or more profitable land uses.¹⁰²

Although the push for economic revitalization has led to the development of a significant number of buildings slated as “affordable housing,” many people raise the question: *affordable for whom?* The recently built Lafayette Theatre Townhouses are a middle-income development subsidized by the New York City Department of Housing Preservation and Development.¹⁰³ These apartments are intended to be “affordable housing” for families with incomes up to \$70,950 a year.¹⁰⁴ However, the salary requirements for middle-income housing are based on the median area income for New York City, which is \$42,000.¹⁰⁵ This, however, is more than double the median income in central Harlem, which in 1998 was \$17,200.¹⁰⁶ Some statistics indicate that rent and mortgage for moderate-income housing can be as high as 165% of the area median income.¹⁰⁷ Therefore there is an abundance of “middle income” housing sprouting all over Harlem, but a shortage of “middle income” Harlem residents to fill the vacancies.¹⁰⁸ These apartments are simply not affordable for the majority of Harlem residents.¹⁰⁹

99. See *id.* One-bedroom rentals in her area, which would have once been considered expensive at \$500 are now renting for as much as \$1500. *Id.*

100. See Johnson, *supra* note 96.

101. Tom DeMott of the West Harlem Coalition, a group of tenant advocates says that the potential returns of dispensing of rent stabilized tenants in favor of higher income ones are high because apartments that rent for \$300 can be renovated and rented for more than \$2000. See *id.*

102. Douglas Montero, *Bubba's Neighbors Are Getting the Harlem Heave Ho*, N.Y. POST, June 10, 2002, at 22. The church, which plans on developing the location, is refusing to help relocate Yarbrough and the five other tenants they are forcing out. *Id.*

103. See Press Release, New York City Department of Housing Preservation & Development, Affordable New Homes Coming to Central Harlem (June 9, 2000), available at <http://www.nyc.gov/html/hpd/html/archive/lafayette-pr.html>.

104. *Id.*

105. See Gewirtz Little, *supra* note 16, at 51-52.

106. See Patrick Cole, *Harlem Fears Reversal of Economic Gains After Attack*, BLOOMBERG NEWS, Dec. 3, 2001.

107. See Gewirtz Little, *supra* note 16, at 52.

108. See *id.*

109. See *id.*

Most developers who are involved in building “middle income” housing in Harlem have received subsidies and have been given twenty-year tax incentives to make rents and mortgages lower.¹¹⁰ So why build “middle income” housing when there are few local Harlemites who fit the classification? The city’s housing preservation department believes that it is not worth sinking low-income subsidies into a community where housing can easily sell at market rate because “[i]n a world of finite resources, government is intended to spur a private market where it is not working on its own.”¹¹¹ Ibo Balton, Housing Preservation Department (HPD) Director of Manhattan Planning seems to imply that subsidies should be directed towards less profitable neighborhoods, saying subsidies “perhaps should be directed to the outer boroughs like Brooklyn or the Bronx that are more in need.”¹¹² Some Harlem residents take a contrary view. They do not deny the need for economic revitalization, but wonder why it must come at the “expense of tenants who can’t afford the new community?”¹¹³

Additionally, even though UMEZ has allotted \$20 million of its \$300 million fund to a tourism initiative that intends to preserve historic buildings in order to boost the Heritage Tourism industry,¹¹⁴ many Harlem buildings do not receive landmark protection, but are torn down in the name of economic development.¹¹⁵ Although Harlem is one of the oldest parts of Manhattan, with some of its most striking architecture and historic buildings, only eleven percent of Manhattan’s 10,728 landmarked buildings are located in Harlem.¹¹⁶ While the historic Apollo Theater was designated a federal, state, and city landmark in 1983 and was subsequently restored and renovated, there are a great number of historic

110. For example, Renaissance Plaza, a co-op apartment complex located at the intersection of 116th Street and Lenox Avenue, that includes a 60,000 square foot ground floor shopping center and a 10,000 square foot interior courtyard, uses public subsidies to make the apartments “affordable” to the community. The units are sold to purchasers with gross incomes between \$25,488 and \$140,500. Farnsworth, *supra* note 14, at 64. Even the lowest qualifying income bracket of just over \$25,000 doesn’t come near the \$17,200 median income for central Harlem. See Cole, *supra* note 106.

111. Gewirtz Little, *supra* note 16, at 51-52.

112. *Id.*

113. *Id.* (quoting Lydia Smith, owner of Efurú, a 120th Street brownstone guest house).

114. Press Release, Upper Manhattan Empowerment Zone Development Corp., New York Empowerment Zone Adds 20 million to Kickoff Upper Manhattan Tourism Initiative and Develop Office, Retail Space (July 13, 1998), *available at* http://www.umez.org/pr_jul13_1998.htm.

115. See Judith Matloff, *Neighborhood Report: Harlem*, N.Y. TIMES, Apr. 14, 2002, Sec.14, P.4, Col. 3.

116. See *id.*

Harlem landmarks that have not had the same good fortune.¹¹⁷ Preservationists fear that many more landmarks will be lost to neglect or to developers who want to tear them down to build more profitable properties.¹¹⁸

The Abyssinian Baptist Church and its development arm, the ADC, are major developers in Harlem that have allegedly “amassed, but not protected, property in the name of local economic improvement.”¹¹⁹ When asked about tearing down a Harlem landmark to construct a high school and an International House of Pancakes (IHOP), Reverend Calvin Butts of Abyssinian replied:

Our goal here today is economic revitalization . . . you hear some people say they want to save Harlem . . . but you know what wise men say. They say, Money on the wood makes the game go good. And so I need the money to save Harlem. . . . Save our legacy now? That’s really what we’re doing here. We’re saving our children now, and that’s our legacy. That’s our Harlem inheritance.¹²⁰

V. BRINGING ACCOUNTABILITY TO SUSTAINABLE DEVELOPMENT

In both Havana and Harlem, decision makers are making clear trade-offs between long-term economic prosperity, environmental preservation, and distribution of resources (e.g., housing) within, and among, generations. These trade-offs are made differently in Harlem and Havana, with environmental preservation being employed to further long-term economic prosperity in one case, but being sacrificed somewhat for long-term economic prosperity in the other case. Yet development choices in both places can arguably be considered “sustainable” even though the most economically and socially vulnerable populations in the present generation are paying the short-term price for long-term gains in aggregate wealth.

117. The Apollo Theatre Foundation Website, at <http://www.theblackmarket.com/ProfilesInBlack/Apollo.htm> (last visited Mar. 5, 2003).

118. See Matloff, *supra* note 115.

119. *Id.* Abyssinian is currently planning to demolish “Small’s Paradise,” at 135th and 7th Avenue, one of the only African American owned nightclubs during the Harlem Renaissance, in order to build the Thurgood Marshall Academy, a select public middle and high school and an International House of Pancakes. Gopnick, *supra* note 64, at 77-78. Preservationists attempted to get emergency landmark status from Community Board 10 to help save Small’s Paradise as well as three other historic sights owned by the ADC: The Loew’s Victoria Theatre (1918) at 235 West 125th Street, the Renaissance Ballroom and Casino (1921-23) at 2341 Adam Clayton Powell Blvd., built by followers of Marcus Garvey and the location of major Harlem social functions, and the former YMCA Complex (1921) at West 137 and Adam Clayton Powell Blvd., which was a favorite meeting place of young members of the Harlem Renaissance. *Id.*

120. Gopnick, *supra* note 64, at 84.

These trade-offs are made possible by the commodification of “place” in Harlem and Havana, in which many social relations are subject to an exchange relation.¹²¹ In other words, “[f]rom an economic standpoint, there is no difference between ‘place’ and ‘location’; nor is there a difference from the perspective of urban planning, which sees both neighborhood stores and chain units as cases of ‘retail use.’”¹²² Once the ecological, environmental, and social equity values are treated as fungible or commodified, they can be exchanged or traded off easily with each other. From there, it is easy to justify these trade-offs in utilitarian terms within the confines of the concept of sustainable development. Indeed, in both Harlem and Havana the key decision makers and agents of economic development invoke a version of the “lifting all boats” rationale¹²³ for the trade-offs being made. This is a strictly utilitarian argument—the notion that eventually increasing aggregate social welfare in the community justifies the inequitable short-term costs necessary to achieve these welfare gains.

Sustainable development’s abstract but constrained balancing act can thus yield results at odds with its own substantive commitments. That is, even though sustainable development principles demand the integration of social, economic, and environmental values, in practice one of these values can easily dominate over the others. Given the strength and dominance of global economics, we can expect social (especially intragenerational equity) and environmental values to consistently suffer at the hands of private investment decisions.¹²⁴ But the

121. See generally JOHN R. LOGAN & HARVEY L. MOLOTCH, *URBAN FORTUNES: THE POLITICAL ECONOMY OF PLACE* (1987) (discussing commodification, which refers to processes through which social relations are reduced to an exchange relation).

122. Joel Pollak, *The Tasty and the Economy of Place*, at <http://journey.digitalspace.net/tasty.html> (last visited Mar. 5, 2003).

123. McFarlane, *supra* note 26, at 304. This is the notion that “everyone is better off from the pursuit of economic development because citizens will be employed, state and local government will have an increased tax base with which to promote the general [public’s] health, safety and welfare.” *Id.*

124. Others have observed the transformation of global economics in the 1980s and ’90s by “neoliberalism,” a process of socialization accompanied by certain normative precepts—precepts such as: “every value is a preference; no person’s preference is to count more than anyone else’s; preferences are generated within the individual; preferences are made effective by money in markets; the greatest satisfaction of preferences in the aggregate is the aim of public policies,” among others. Nicholas Low & Brendan Gleeson, *Ecosocialization and Environmental Justice*, in 8 *ENVIRONMENTAL JUSTICE: DISCOURSES IN INTERNATIONAL POLITICAL ECONOMY ENERGY AND ENVIRONMENTAL POLICY* 205 (John Byrne et al. eds., Transaction Publishers 2002); see also McFarlane, *supra* note 26, at 323 (noting the influence of neo-liberal thought on national economic development policy in the 1980s which favored “facilitating capital mobility and cutting community programs that might distort private investment decisions”) (quoting Susan E.

fault lies not in the substantive commitments of sustainability—the three “E” values—but rather in its failure to specify a means of securing those commitments in particular communities. That is, while sustainable development stands for a set of normative commitments, they are not commitments that can be realized in the abstract. Rather, these commitments must be rooted in particular societies, communities, cultures, and “places” which then must perpetuate them and project them into the future.¹²⁵ If sustainable development is to become more than an empty funnel through which the most powerful actors can exercise their preferences and nominally balance competing values, then it must say more about the way in which its substantive commitments ought to be balanced against one another.

Sustainable development needs an accountability value concerned with the agents of change or development in a particular place. As Audrey McFarlane has aptly observed, economic development, as currently practiced, is a highly privatized process that is often tailored not to the communities in which development occurs (particularly those that are economically and socially vulnerable), but instead, to the taste of the global economic elite.¹²⁶ Sustainability counsels us to take seriously the social and economic needs of those in the present generation and to integrate those needs with economic growth and environmental protection goals.¹²⁷

The best way to take the needs of communities, and their diverse constituencies, seriously is to include them seriously in redevelopment decisions.¹²⁸ Development cannot be sustainable unless it is accountable to those who must live with the costs and benefits of development decisions.¹²⁹ Thus, the difficult task facing sustainable development is “developing community processes by which democratic communities can, through the voices of their members, explore their common values and their differences and choose which places and traditions will be saved, achieving as much consensus as possible and continuing debate to resolve differences.”¹³⁰

Clarke & Gary L. Gaile, *Local Politics in a Global Era: Thinking Locally, Acting Globally*, 551 ANNALS AM. ACAD. POL. & SOC. SCI. 28, 33 (1997)) (emphasis omitted).

125. Byran Norton, *Sustainability: Descriptive or Performative?*, in THE MORAL AUSTERITY OF ENVIRONMENTAL DECISION MAKING: SUSTAINABILITY, DEMOCRACY AND NORMATIVE ARGUMENT IN POLICY AND LAW 51, 60-61 (Joe Martin Gilroy & Joe Bowersox eds., 2002).

126. See McFarlane, *supra* note 26, at 350-51.

127. See *id.*

128. See Norton, *supra* note 125, at 60.

129. See *id.*

130. *Id.*

One might argue that democratic, community-based processes are already built into the structure of development decision making, pursuant to environmental impact assessment laws in Cuba and New York. As stated above, these laws place scrutiny on most large-scale development activity to determine what type of environmental and social impacts a particular development decision will have. In doing so, New York and Cuba promise some degree of public involvement in the assessment process. In New York, an environmental impact statement (EIS) is prepared by the state agency, state approved entity, or the developer, and is made available to the public through informational meetings, written notice, or other means which facilitate public comment.¹³¹ In Cuba, the public comment period for an EIS is a “dynamic, flexible and interactive” process that attempts to transform social actors into real participants in the assessment process.¹³²

The question is whether these community input processes have been effective in bringing a range of community voices and values into development decisions. Unfortunately, such processes are not set up structurally to achieve meaningful community input. Community or public input is reactive in these processes, not proactive. The privatized nature of development decisions means that the community is brought in halfway through the process, after the plan for development is well underway. Only after an EIA or EIS has been prepared by the developer or the state agency can the public comment on the social, economic, cultural, and environmental impacts. At this point, however, the balance has already been struck, the trade-offs made, and the chances of the development project being significantly altered are limited.¹³³ This is

131. In New York, either the lead government agency or the proponent of the project can perform the EIS. See N.Y. COMP. CODES R. & REGS. tit. 6, §§ 617.1-.20 (2002). In Cuba, EIAs can only be performed by state authorized entities or institutes. See Ley del Medio Ambiente, LEY No. 81 [Environmental Law, LAW No. 81], arts. 27-33 (1997) (Cuba), translated in CUBAN ENVIRONMENTAL LAW, *supra* note 49, at 32-34.

132. GUÍAS PARA LA REALIZACIÓN DE LAS SOLICITUDES DE LICENCIA AMBIENTAL Y LOS ESTUDIOS DE IMPACTO AMBIENTAL, CICA 19-37 (2001).

133. In New York, for example, when an EIS is prepared and an assessment of impacts and mitigation alternatives has been performed by the agency (or developer), courts generally defer to these findings. It is rare for a court to disturb the lead agency findings, regardless of the quality of the EIS and its substantive failures. Michael B. Gerrard, *The Dynamics of Secrecy in the Environmental Impact Statement Process*, 2 N.Y.U. ENVTL. L.J. 279, 290 (1993). “Projects that are represented by experienced legal counsel and by consultants willing to write anything in an EIS regardless of its accuracy, will successfully withstand legal challenges, so long as the procedural “i”s are dotted and the “t”s are crossed—even if one or more significant adverse environmental impacts goes virtually unanalyzed in the EIS or unmitigated in the [assessment] findings process.” John W. Caffry, *The Substantive Reach of SEQRA: Aesthetics, Findings, and Non-Enforcement of SEQRA’S Substantive Mandate*, 65 ALB. L. REV. 393, 417 (2001).

very different from the type of proactive and collaborative process that accountability requires. Accountability must begin at the outset of the planning process as a proactive identification and balancing of the needs, concerns, and values of the community.

What might this accountability look like? As a matter of principle, accountability should be concerned with how two factors manifest themselves in development decision-making processes. The first factor concerns the quality of participation among members of a community affected by development decisions. The second factor concerns the representativeness of individual participation within those communities. Quality of participation really speaks to the question of resources to participate in decision-making processes, particularly those heavily dependent upon technical expertise and influence in such processes. The resource issue requires being attentive to leveling the playing field so that participants can deliberate effectively on technical and other issues over which experts or professionals may be inclined to exercise dominance.

Representativeness simply requires that decision-making structures are set up to create incentives for the broadest and deepest representation of the community as possible. This is easier in theory than in practice, but becomes crucial in communities where there are sharp disparities in socioeconomic status and in which there are a diversity of social and economic interests.

As a matter of practice, accountability can be realized in collaborative decision-making structures built on deliberation, community representation, and equitable participation. Examples of these types of community-based decision-making structures are being employed across the United States to plan and manage land use and natural resource development. These structures can take the form of ad hoc working groups and more formalized advisory committees where community participants deliberate with local and national officials to identify community concerns, establish priorities, and design and implement solutions to a broad spectrum of issues faced within a specific community.¹³⁴ Recent years have seen the emergence of local groups that

134. Sheila Foster, *Environmental Justice in an Age of Devolved Collaboration*, 26 HARV. ENVTL. L. REV. 459, 474-80 (2002) (discussing examples of successful “ad hoc” local collaborative groups such as “watershed initiatives” and “forestry partnerships” and more structured “community advisory groups”); *see also* WILLIAM A. SHUTKIN, *THE LAND THAT COULD BE: ENVIRONMENTALISM AND DEMOCRACY IN THE TWENTY-FIRST CENTURY* (2000); JULIA M. WONDOLLECK & STEVEN L. YAFFEE, *MAKING COLLABORATION WORK: LESSONS FROM INNOVATION IN NATURAL RESOURCE MANAGEMENT* (2000); Stephen M. Nickelsburg, Note, *Mere Volunteers? The Promise and Limits of Community-Based Environmental Protection*, 84 VA. L. REV. 1371 (1998).

have successfully developed and implemented detailed plans to protect vulnerable natural resources, such as watersheds and forests, and to allow local interests to utilize these resources in ways that promote the economic and social sustainability of surrounding communities. Other working groups are set up by environmental agencies to deliberate on the redevelopment and cleanup of abandoned, contaminated land in urban areas. They strive to identify the environmental, social, and economic impact of particular land uses (and clean-up decisions), and often to impose conditions and monitoring requirements on regulated private entities to ensure compliance with the community's values. Regardless of the form, evolving local collaborative efforts demonstrate the possibilities of participation in development planning that is built upon common environmental, social, and economic values in a community, connectedness to a "place," and social capital (credibility, trust, and respect) among its participants.¹³⁵

VI. CONCLUSION

Walking around Harlem and Havana, the possibilities for tremendous economic change are obvious and unfolding rapidly. The casual visitor senses the excitement that invariably accompanies this change, but also cannot escape the sense of trepidation about what such development ultimately means for these places that hold so much history and culture. Almost everyone is in favor of development that is "sustainable," even if we are not sure exactly what it looks, or feels, like.

To say that sustainability involves a series of trade-offs between values that we all agree with, to varying degrees, will come as no surprise to most people either. Nevertheless, so long as sustainable development remains an abstract set of values to be traded off by unnamed decision makers, it will fail to live up to its potential as a guiding principle in development decisions. Somehow its "feet," so to speak, need to touch the ground and be capable of concrete application in those places and contexts in need of a framework for development in an increasingly prosperous, globalized world.

An accountability value can ground sustainability in places and communities, provided we think carefully about how we attain

135. See Nickelsburg, *supra* note 134, at 1393-95 (explaining that "[i]t is unclear exactly how these factors operate—whether they merely reduce the transaction costs of misperception and mistrust, or whether they underlie a realignment of stakeholder interests that enables completely new bargaining solutions to arise"). *But see* Foster, *supra* note 134, at 484-98 (cautioning that problems of representation and social capital in certain disenfranchised and vulnerable communities may undermine collaborative decision-making processes).

accountability in places that have complex social, political, and economic terrains. Like the value of sustainability itself, it is this very complexity that makes accountability challenging to think about, and worthy of bringing to life in a meaningful way, for places like Havana and Harlem.