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## COMPARATIVE URBAN STUDIES PROJECT AND BRAZIL INSTITUTE

While unable to solve all of a country's problems, progressive urban policy can be an effective tool to address poverty and inequality. Brazil, a country notorious for its spatially segregated cities and concentration of money and power, not only offers important lessons for improving the quality of life of city dwellers through urban policy and planning but also illustrates how such instruments can backfire or cause unintended consequences. On May 17, 2007, the Comparative Urban Studies Project and the Brazil Institute of the Woodrow Wilson Center cosponsored a conference on urban development in Brazil, focusing on how participatory requirements in Brazil's urban law have reshaped the city. Director of the Brazil Institute *Paulo Sotero* set out the terms of the debate, acknowledging the salience of democracy at the local level—where citizens have been directly affected by these policies, and a new role for the ne

cratic planning. For them, MPs represented a nationalistic and authoritarian style of planning that democratic planning was supposed to replace. Caldeira's findings show that to a significant extent the progressive reformation of cities MPs has complicated the fight for social justice.

Within the section on urban policy in the Constitution, Caldeira mentioned two noteworthy articles that have transformed the character of urban policy in Brazil by subordinating property rights to the collective interest. Article 182 establishes that urban property has a social function while article 183 creates *usucapião urbano* (akin to adverse possession). Article 182 establishes the principle of the social function and creates instruments for the state to tax or force the utilization of properties that are not inhabited and therefore do not fulfill the social function. *Usucapião urbano* creates

*Estatuto da Cidade*, São Paulo's MP stipulates that the planning, implementation, and control of urban policy be done in a participatory manner and through active engagement and partnership with the third sector, non-governmental entities of civil society. São Paulo's citizenry have actively participated in more than thirty public hearings to debate the process of formulation of the MP, its zoning codes and regional plans. However, Caldeira found that while popular participation in urban policy planning enforced the *principle* of social justice, in practice, popular participation actually contested social justice.

Three main coalitions articulated their demands in these participatory debates. The *Frente pela Cidadania* (Front for Citizenship) represented powerful real estate developers; the *Frente Popular pelo Plano Diretor* (Popular Front for the Master Plan) represented popular movements, consultants, and university-based researchers; and, the *Movimento Defenda São Paulo* (Defend São Paulo Movement) represented the interests of affluent



social groups have placed on legalizing and formalizing ZEIS through participatory governance is a positive gain as the state now acknowledges the existence of *favelas*. To acknowledge their existence means also to acknowledge their needs for infrastructure and social services. While the standards applied to such neighborhoods are unfortunately not on par with the standards that apply to wealthier neighborhoods, as Caldeira pointed out, the fact that standards now actually exist is nonetheless an improvement.

Second, ZEIS are now treated as integral parts of greater São Paulo, and concerns of their residents related to quality of life trump city planning for physical infrastructure. With the formalization of illegal neighborhoods, the parameters are set for sustainable growth with an eye to the needs and wants of the low-income residents. In the 1960s and 1970s, *favelas* were often demolished and residents displaced in the name of rational planning and in order to accommodate upper-class residences. Now, ZEIS are treated more like actual neighborhoods and urban policy heeds the quality of life of all citizens, not just those with resources and strategic influence. Much remains to be done to tackle issues of urban inequality and poverty; however, Arieira concluded, these new trends in urban policy and planning bring benefits and are here to stay.

Such success is less evident in Rio de Janeiro, according to *Bryan McCann*, associate professor of history at Georgetown University. As with many other urban policy initiatives, Rio's *Estatuto da Cidade* has not performed as planned. Even the best of laws are insufficient at engendering social change without the necessary political transition. For instance, *solo criado* was designed to restrict the right of owners to construct multi-level units on their property through tax disincentives. The objective was to promote social justice: tax the wealthy (those able to build high-rises) and use

the resulting revenue on government services for the poor. However, in reality, the law has led to an increase in the number of low-density, upper-class properties in Rio de Janeiro: an unintended consequence predicted by the scholar Martin Smolka. Similar to what Caldeira witnessed in São Paulo, progressive urban policies in Rio have led to surprising transformations as well as sub-optimal developments.

Regarding *usucapião urbano*, mitigating circumstances have prevented *cariocas*—residents of Rio de Janeiro—with informal or illegal living arrangements from legitimizing ownership of their residences, even though many qualify. Although guaranteed by the 1988 constitution and strengthened by the 2001 *Estatuto da Cidade*, the law has been used sparingly to formalize the 30 percent of housing in Rio de Janeiro considered informal. This lies in sharp contrast to the case of São Paulo, where the instrument has successfully established uncontested titles of ownership to people who bought their land but could not get their deeds either because they bought the land from swindlers or because there are irregularities in the subdivision of lots. Informal urban dwellers in Rio are not taking advantage of the opportunity to legalize their residence, McCann explained, because neighborhood associations have an incentive to retain informality and thus prevent residents from pursuing titling. Organizations linked to the drug trade and the mafia benefit from informality because they are able to take advantage of the

# COMPARATIVE URBAN STUDIES PROJECT AND BRAZIL INSTITUTE

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The **BRAZIL INSTITUTE** was created out of the conviction that Brazil and the U.S.–Brazilian relationship deserve greater attention within the Washington policy community. Brazil's population, size, and economy, as well as its unique position as a regional leader and global player, justify this attention. In keeping with the Center's mission to bridge the worlds of scholarship and policymaking, the Brazil Institute sponsors activities on a broad range of key policy issues designed to create a Brazil "presence" in Washington.

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