

Rethinking the fight for urban reform in Brazil (and Latin America)

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At the time the new Brazilian constitution was being enacted (1987), after the end of the military dictatorship, social movements came together to form the National Forum for Urban Reform (FNRU), with the purpose of providing a common platform for their fragmentary claims, including public participation in land use decisions and planning policies as well as a newly defined right to the city. This Constitution was vague when addressing the enforcement of the social function of property, and enforcement was postponed until a specific law was passed to regulate it: the City Statute (Federal Law n.10.257/2002), which was enacted 13 years after the 1988 Constitution. In turn, the City Statute displaced the enforcement of its mechanisms onto master plans, in compliance with the Constitution. Most of the master plans drafted after 2001 resulted in vague and general texts that deferred the enforcement of the City Statute's mechanisms to municipal laws. However, to this date, these municipal

laws have not been effective. Although social movements - and also urban planners and lawyers - have celebrated the achievement of a legal framework that restrains property rights, the resistance to its implementation shows that the fight has barely started. Since the enactment of the Constitution and the City Statute, it is possible to recognize the high resistance to the application urban reform platform in Brazil. The law interferes with interests that form an essential part of the Brazilian society. Real property has always been connected to political and economic power. The rule of law is also subject to power relations. At the same time, the City Statute is an inherently difficult law to implement. Besides, City Councils have difficulties on making favorable decisions on the implementation of public instruments aimed at limiting the increase of property prices in urban areas. The law is the result of a long struggle and serves as a reference for social movements that have put many of their hopes for achieving the right to housing and the right to the city into the law's success. The urban reform platform has to date had a larger impact on the discourse of planners and lawyers than on policies of urban inclusion. The excitement the City Statute engendered when it was passed captivated many social movements that had been prioritizing the fight in the legal arena. Looking back, it is possible to say that the FNRU platform has overestimated the importance of the law in the urban struggle. The essential legal provisions achieved by the FNRU in Brazil were not sufficient to fight the structural problems of a historically unequal society in which people's rights, such as their 'right to the city', are not yet assured for the majority of the population. Despite the importance of the legacy of the urban reform agenda, it is necessary to recognize its limits and the constraints for its practical application. Furthermore, the current context of global crisis imposes new challenges for the urban agenda. It seems to be time to rethink the importance of the political dimension of the urban agenda in Brazil. Time to look back and recognize the important moments when the urban agenda has had real achievements in terms of urban inclusion. Achievements that seem to have been conquered through the reinforcement of urban programs that were implemented paradoxically with limited financial resources. For instance, municipal governments in Brazil have had a special importance in setting up an important urban practice during the 80's and 90's, regarding slum upgrading, discussing municipal budgets, and

developing innovative educational, health and social assistance policies – at a time, when the federal level barely financed urban municipal programs. The gains in the political agenda seem to have set an important legacy that can inspire us in recovering the political agenda in the urban fight. This session aims at regarding these victories as the real goal for fighting the right to the city in Brazil, within the Latin American context. The communications will be based on the perspectives of the academia, the municipal and federal governments, as well as the point of view of a social movement on the necessary challenges to be faced in order to deepen the political dimension of the so called urban reform in Brazil.