

“Right to the City” and insurgent practices: insights from two decades of the Right to the City law in Brazil

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In this paper we focus on the experience of Brazil with the Right to the City movement, whose claims were institutionalized in 2001 through the legal mechanism “Statute of the City”, and on the federal campaign for municipalities to develop democratic master plans. Following more than a decade of struggle since the 1980s, Brazilian citizens have created programs to secure inclusive cities where poor inhabitants can assert and enjoy their right to be in the cities and in their neighborhoods. Using studies of insurgent urban movements and emergent scholarship on insurgent planning, we reflect on the Brazilian experience to highlight the limitations of a rights-based approach to achieving inclusive cities and neighborhoods. We also examine the ways in which legislative protection for disadvantaged urban inhabitants can coexist with, and sometimes reinforce, market-based dispossession of the urban poor. Even when insurgent movements succeed in formalizing citizens’ rights to the city whereby institutions provide programs, laws, regulations, and mechanisms for protecting and asserting citizens’ rights (as the Brazilian legislation has done), such formal recognitions will fall short in securing inclusive planning and will sometimes embolden market practices that exclude the poor from urban development. Our perspective challenges the often commonly used argument that elitist developments persist *despite* the adoption of a progressive rights discourse. We argue that, in some instances, it is precisely a more progressive perspective that has allowed the implementation of exclusionary practices. This claim is pursued by exploring the struggles of informal settlements residents in Bom Jardim, a peripheral neighborhood of Fortaleza.

Bom Jardim offers an insightful case study for examining the contradictory processes of rights-based inclusion and material exclusion. The neighborhood is ideal for grounding our theoretical observations because it has been the subject of both inclusionary planning mechanisms (such as Social Interest Zones ZEIS and participatory budget) and planned investments. Nevertheless, the material living conditions of the residents have not improved, and hence insurgent practices by their active community-based organizations continue to hold the State accountable. Bom Jardim residents have no access to sewers, drainage systems, or open spaces; also, there is no basic urban geographical data such as street addresses for many of the settlements, thus making basic planning activities such as land-use control nearly impossible. Yet the new progressive planning agenda of Fortaleza's master Plan propose public investments that do not prioritize these structural urban problems. Bom Jardim has been subject to piecemeal interventions that has been only able to boost property values thus nurturing social vulnerability of its residents.

The case of Bom Jardim provides evidence that the persistence of exclusionary planning practices occurs precisely because of inclusionary discourses. That is, planners' adoption of the Right-to-the-City discourse has served the elitist interest of the State in three ways: (1) by relying on public-private partnerships to finance urban development in a context of a severely weak municipal State; (2) by adopting a participatory discourse that allows a continuance of clientelistic practices, because residents are not able to relate the meeting of immediate needs to the transformation of their conditions of exploitation; and (3) by concealing exclusion when the State's change in attitude from criminalizing informality to accepting it even while, in the name of upgrading informal settlements, it invests in projects that in fact disproportionately displace the poor and serve the real estate interests.

State planning in Brazil has formally acknowledged the incapacity of modern plans to include the urban disadvantaged groups. However, State-sanctioned spaces of participation have been insufficient to transform an abstract notion of rights into planning policies that are able to channel scarce urban investments to meet the needs of vulnerable groups. In light of these contradictory processes, some of the community-based movements studied have started to withdraw from participatory planning forums

and have engaged in resistance and insurgent practices. They have not always engaged in direct political confrontation—since they depend on State to get their services—but they have adopted a political attitude of selective cooperation with the State. They have used invited participatory spaces and also invented new decision-making arenas (Miraftab, 2006, 2009), suggesting that, in order to achieve counter-hegemonic outcomes, there is a need for structures of pressure outside the formal planning mechanisms. In this context the movement’s practices can be understood as carefully undertaken planning activities independent of the actors’ formal planning education or status. We conclude our paper by stressing that to keep these rights effective (i.e., not high-jacked for the interests of the elite), we need strong insurgent movements to keep planning mechanisms of the State and private sectors checked.