

URBANISM, DIGNITY AND THE RIGHT TO THE CITY, IN THE ERA OF PPPS OF LARGE URBAN PROJECTS

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ABSTRACT

This work is the result of a research for the theoretical framework of a doctoral thesis, developed in the Graduate Program in Architecture and Urbanism of the Federal University of Bahia, in order to promote a discussion on the Right to the City. An exploratory research is carried out based on a bibliographic survey, which includes scientific articles and books that deal with the theme under discussion here. The discussion has been taking place for decades, since the period of struggle for Urban Reform in Brazil. The objective is to discuss the instruments of urban policy, relating the issue of the Right to the City and the role of the State as a mediator of a process where there are several actors, but which, together with the private sector, social movements and civil society organizations, constitutes one of the main agents of (re)production of urban policy, as well as their effectiveness and the processes of urban planning and management, in the sense of the social function of urban property, in the face of large urban projects, often gestated with PPPs.

Keywords: Right to the City. Urban Policy. Urban land surplus.

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INTRODUCTION

This text was produced in the discipline Advanced Seminars II, of the Graduate Program in Architecture and Urbanism, at UFBA-Federal University of Bahia. An exploratory research is carried out based on a bibliographic survey, which includes scientific articles and books that deal with the theme under discussion here.

The "Right to the City" is identified as demands for infrastructure improvements in poor neighborhoods, directed mainly to the public authorities, in recent decades in Brazilian cities and part of the discourses of social movements, which seek to implement and consolidate Brazilian urban policy (TAVOLARI, 2016). To put into effect this "Right to the City" there are the instruments of urban policy, related to a series of principles and objectives, but which would be related to a greater principle, which would be the "dignity of living in the city". The discussion around this has been going on for decades, since the period of struggle for Urban Reform. The objective is to discuss the Urban Land Surplus Value, relating the issue of the right to the city and the role of the State as a mediator of a process in which it, together with the private sector, social movements, and civil society organizations, are the main agents of (re)production of urban space (CORREA, 1995). It also seeks to discuss the role of the State through urban planning and management instruments, which are articulated with large urban projects and as instruments of urban policy act in this sense in favor of the social function of urban property.

An exploratory research is carried out here based on a bibliographic survey, which includes scientific articles and books that deal with the theme under discussion here. The discussion around this Right to the City has been taking place for decades, since the period of struggle for Urban Reform in Brazil. The objective is to discuss the instruments of urban policy, relating the issue of the Right to the City and the role of the State as a mediator of a process where there are several actors, but which, together with the private sector, social movements and civil society organizations, is the main agents of (re)production of urban space. It seeks to discuss the role of the State through urban planning and management instruments, which are articulated with large urban projects and as instruments of urban policy act in this sense in favor of the social function of urban property, at times when large urban projects with PPPs are gestated.

METHODOLOGY

An exploratory research is carried out here based on a bibliographic survey, with a bibliographic review that includes scientific articles and books that deal with the theme



under discussion here, around Urbanism, the Right to the City and Urban Policy, in the face of large urban projects.

RESULTS AND DISCUSSION

THE PRODUCTION OF THE CITY, HUMAN DIGNITY AND THE RIGHT TO THE CITY

When it comes to urban space, it must be understood that there is a process of socio-spatial segregation in the cities of emerging countries, and also the space of the city as a space for the reproduction of capital and where conflicts occur for the so-called right to the city, it is important to understand how this knowledge behaves at a time when the State opens up more and more by implementing actions where private and non-public interests often prevail (HARVEY, 2011; LEFEVRE, 2001).

There is a dialectical relationship between "science" and political force as a dialogue. The so-called "Right to the City" tries to assert itself as an appeal from various sources (from women, the elderly, workers, those who want better education, etc.), but above all as a right to urban life (LEFEVRE, 2001). The urban space is then discussed as a meeting place, with the priority of use value over exchange value (commodity). The right to the city manifests itself as a superior form of rights: the right to freedom, industrialization, socialization, habitat and habitation, the right to appropriation... not property (LEVEVRE, 2001). Has this notion of the "right to the city" been distorted over time? Would it be the right to this city that is there? Another question would be: the right to the city, and/or the right to dignity in the lives of those who live in it...? It is a more complex issue, when it comes to dignity (considering "living" with dignity in the city) raising a reflection based on Becchi (2013), as he discusses, as a principle, human dignity, since the end of the century. And thus traces a philosophical path that would be this human dignity (BECCHI, 2013). In Becchi's view, dignity would be a position occupied by the human being in the cosmos, and/or by another, in public life, as advocated by the Romans in ancient times (BECCHI, 2013). It can have a universal meaning and another that would be particular, deriving from the services that some individuals provide and others do not (a function they occupy for the benefit of society) (BECCHI, 2013). Would there be freedom and dignity for those who live in the city? Do urban services bring them closer to dignified conditions? This dignity could not refer only to the abstract person in the legal sphere, but as a concrete subject in the socioeconomic aspect (subsistence) (BECCHI, 2013). What city can be worth living in?

This "city", as Hans (JONAS, 2006) approaches it, as a human work, a space that emerged for the human being to surround himself and not expand. However, this city expanded under mercantilist interests and logics. The human being changes nature for his purposes, and he is among those who generate his permanence and what he modifies (JONAS, 2006). It is the complete domain of human responsibility (JONAS, 2006). It (the city) would be a social artifact where human beings relate to each other, and deal with each other, and intelligence would be associated with morality. This "intelligence" would be used to transform the city into something profitable for the few and undignified for the majority who seek to live in it. How to face this issue?

There is a history of growth in Brazilian cities with accentuated social inequalities and concentration of income for decades (SOUZA, 2001). The result of this process is a scenario of spatial segregation, which is reflected in the physical aspect by the contrasts between what can be considered a "formal city" – which has areas with a good supply of infrastructure, regulated by the real estate market and, generally, under urban legislation in terms of building and land use issues – and, the other, the "informal city" - of irregular allotments and clandestine invasions of public and private lands, which has been occupied by the low-income population, due to the impossibility of access to the formal real estate market and the low effectiveness of social housing policies (PEREIRA, 2008).

Urbanism that presents itself as a science, area of knowledge or supposed science, which seeks to order urban space, would be an experimental utopia. It is worth bringing here a reflection by Souza (2001), as well as Bardet (1990), that Urbanism would not be a science, and that it can bring scientific and non-scientific approaches (technical-artistic-normative). However, Souza (2001, p. 95) points out that not all knowledge in urban planning is, or could be, exclusively scientific, nor could scientific knowledge be considered superior to other types of knowledge.

How can this so-called scientific knowledge, or supposed science, contribute to realities of accentuated socio-spatial segregation that has been worsening in cities in emerging countries, such as Brazilian cities such as Salvador, Fortaleza, Rio de Janeiro, which have been the object of large projects arising from mega-events in recent years? What have the instruments of urban policy been able to serve, regarding the question of the social function of property in democratic and participatory urban management?

PRODUCING AGENTS OF THE CITY AND URBAN LAND SURPLUS VALUE

According to several studies carried out (CASTELLS, 1983; SMOLKA, 2014; HARVEY, 2008), the urbanization process in Latin American cities is linked to a strong pressure for the supply of land with infrastructure and services, which results in significant increases in land values, which are unevenly distributed among landowners and other agents involved (public authorities, developers, construction companies, etc.) (CORRÊA, 1995). Cities develop influenced by factors and interests of certain social agents: the State, civil society organizations, bus companies, the construction industry, real estate, the automobile industry, etc., which form a complex network of organization (VASCONCELLOS, 2001). Such agents interfere in the urban space, according to their specific interests and needs, and are influenced by the urban transport system, as well as influencing it.

Corrêa (1995, p. 11-12), points out which are the agents of the production of urban space, how they act and under what dynamics:

The capitalist urban space - fragmented, articulated, reflexive, social conditioning, full of symbols and a field of struggles - is a social product, the result of actions accumulated over time, and engendered by agents who produce and consume space. They are concrete social agents, and not an invisible market or random processes acting on an abstract space. The action of these agents is complex, deriving from the dynamics of capital accumulation, the changing needs for the reproduction of production relations, and the class conflicts that emerge from it. The complexity of the action of social agents includes practices that lead to a constant process of spatial reorganization that is carried out through the incorporation of new areas into the urban space, densification of infrastructure and change, coercive or not, of the social and economic content of certain areas of the city. It is necessary to consider, however, that with each transformation of the urban space, it remains simultaneously fragmented and articulated, a reflection and social conditioning, even though the spatial forms and their functions have changed (...)

The social agents that produce the city would be, according to Corrêa (1995, p. 12): "the landowners; real estate developers; the State and the excluded social groups". Each of them would act within a legal framework that regulates such action in the production of urban space in cities, and would reflect, in a non-neutral way, the dominant interest of one of the agents of production of urban space listed by him (CORRÊA, 1995).

Fernandes (2013), when addressing the issue of the State as a regulator of the free market, ponders that it acts precisely because the market would not be self-regulating. It highlights that in order for there to be favourable urban conditions, facing the problems of general interest in the urban territory, there would be (at least) two classic public positions: to rely on the market to solve problems and that the market regulates itself through price fixing, or for the State to intervene directly to solve or mitigate the existence and consequences of problems of general interest in the city.

Both options would be possible, however, practically in all Western countries the existence of regulatory frameworks for the urban phenomenon that interfere in the regulation of urban land would have been observed (FERNANDES, 2013). In these regulatory frameworks would be the laws for the planning of land use and occupation, the



master plans for urban development, in addition to all the legislation that regulates the instruments of urban policy, taxes, etc., for example.

There are factors that are considered as "common denominators", which are present there, and it could unite the first three agents mentioned, in favor of their profit purposes, such as land rent, although there may be differentiation between their strategies, and even conflicts, which may vary over time (CORRÊA, 1995). Such agents could be articulated, directly or indirectly, in large corporations. The urban space would then be an instrument for the production of space in accordance with the interests of dominant capital, based on the possession and control of the use of urban land (CORRÊA, 1995).

In the urban space of developing countries, as in Latin American cities, the urbanization process is the result of a social dynamic that favors population concentration in cities, socio-spatial segregation, the logic of consumption, privileging certain economic groups (CASTELLS, 1983). It turns out that Brazilian cities and developing countries have grown at a rapid pace of urbanization, towards peripheral areas, due to several factors, such as rural-city migration, in search of opportunities, services, etc.

According to Harvey (2008), the contemporary city is composed of an environment built by a large set of physical structures that are intended to sustain the development process. This environment is not static and is subject to a continuous process of construction and destruction, which is part of highly complex economic processes, along with the processes of internal and external migration of people.

Therefore, the city transforms as these processes occur. This results in a complex spatial system formed by public and private areas, which are configured as spaces of production or reproduction, spaces mediated by the space destined for circulation (VASCONCELLOS, 2001). It must be considered, according to Harvey (2008, p.02) that the urbanization process is a class phenomenon, because:

The surplus is extracted from somewhere and someone, while control over its distribution rests in a few hands. This general situation persists under capitalism, of course, but since urbanization depends on the mobilization of surplus, a close connection emerges between the development of capitalism and urbanization. Capitalists have to produce surplus to obtain surplus value; This, in turn, must be reinvested in order to increase surplus value. The result of continuous reinvestment is the expansion of surplus production at a compound rate – hence the logical curve (money, product, and population) linked to the history of capital accumulation, parallel to that of the growth of urbanization under capitalism.

Harvey (2008) points out this process of accumulation of urban land surplus value that is the result of public and private investments in urban space. In his work Capital, Piketty (2014) seeks to understand the mechanisms of operation of capital, during 03



centuries in several countries in his work. The rate of return on capital may exceed production in the 21st century. As occurred in the century. There would be means to control capitalism and ensure that the general interests of the population can prevail over private interests. The issue of wealth distribution leads to conflicts of political dimensions. In this same work, he points out that for Ricardo and Marx, the issue of appropriation and concentration of income was in two social groups, for Ricardo in the landowners and for Marx in the industrialists (PIKETTY, 2014).

Ricardo defended the proposal of an increasing tax on territorial income, in the face of the increase in demands for land, with an increase in population. It would be a control over a price system. It was based on the principle of scarcity, just like Malthus and Young (PIKETTY, 2014). Thus, some prices tend to have high values, which can destabilize politics, the economy and social arrangements (PIKETTY, 2014). The principle of scarcity could not be neglected, if one were to consider, for example, urban land, where imbalances in land rent are observed (PIKETTY, 2014).

Regarding the State's performance, Mascaro (2013) discusses the ways in which the State acts in the face of neoliberalism. It considers the State itself as a capitalist phenomenon and discusses the understanding of the State and politics, highlighting the need to understand its relational, structural, historical, dynamic and contradictory position within the totality of social reproduction (MASCARO, 2013). The State is not a neutral apparatus. It would be (MASCARO, 2013, p. 15):

apparatus necessary for capitalist reproduction, ensuring the exchange of commodities and the exploitation of labor power in wage form. The legal institutions that are consolidated through the state apparatus – the subject of law and the guarantee of the contract and the autonomy of will, for example – enable the existence of mechanisms separate from the exploiters and exploited themselves.

It is then the State that is an important agent in the regulation or not of the process of urban land surplus value (and in its other aspects). As for the political form, Mascaro (2013, p. 42) points out that:

The political phenomenon in capitalism is not limited to the State, but is condensed in it. The state is the material core of the capitalist political form. The government is the powerful and leading nucleus of the State and the public administration is its bureaucratic body. Government and administration are the organs of state policy. In this grouping, all political institutions are usually immediately considered phenomena due only to their derivation from the State.

This political form is considered "autonomous and conforming to the legal form within the limits in which such action does not affect the general reproduction of capital"



(MASCARO, 2013, p.47). This legal form would be the norms... legal instruments (MASCARO, 2013).

URBAN SOCIO-SPATIAL SEGREGATION, URBAN INSTRUMENTS AND THEIR DILEMMAS OF APPLICATION IN BRAZIL

While Brazilian cities have grown in a disorderly and accelerated way, urban problems have also grown, and a process of social exclusion and spatial segregation has been consolidated, and as cities increase their population, they are increasingly expanding to peripheral areas, to more distant places without infrastructure. and degraded central areas, or environmentally fragile areas, which are occupied, either by invading public and private land in central areas, or by occupying old properties in historic areas, new investments are required by the government in infrastructure and services. Other central areas, valued, are densifying and verticalizing without, however, having infrastructure and services compatible with demand, this is true for transport and sanitation, for example (CAMPOS, FILHO, 2004). Other irreguara areas, in the peripheries, are segregated, without access to infrastructure, services and opportunities (CORRÊA. 1995; VILLAÇA, 2001).

The concept of segregation would have emerged with the Chicago School, which was the result of an ecological process in the face of a competition that would generate spaces of domination of different social groups (CORRÊA. 1995). Socio-spatial segregation would correspond to spatial separation, in different areas of the urban territory, being associated with historical, cultural and economic aspects (CORRÊA, 1995). As a result, with a focus on income, there would be a division of social classes in the urban territory and accentuated socioeconomic inequalities. Villaça (2001, p. 141) considers, in relation to segregation, that:

segregation is a process according to which different classes or social strata tend to be increasingly concentrated in different *general regions* or *groups of neighborhoods* in the metropolis". and that there are segregations of various types that occur in Brazilian metropolises, mainly referring to classes and ethnicities or nationalities.

Lojkine (1981, *apud* VILLAÇA, 2001), considers, in relation to segregation, associated with income and land tenure and land prices, that:

Segregation is a manifestation of urban land rent, a phenomenon 'produced by the mechanisms of land price formation, which in turn are determined (...) by the new social and spatial division of labor'. This idea refers to a very broad concept and manifestation of segregation: that which divides the metropolis into center and periphery.

Socio-spatial segregation in the face of accessibility conditions is considered, according to Villaça (2001) as the most important "use value" for urban land, although each and every land has it to a greater or lesser degree.

It is notable that there is a complexity in the interrelationship between characteristics of urban land use and transport (CAMPOS FILHO, 2003; VILLAÇA, 2001; VASCONCELLOS, 2001; ARRUDA and SILVA, 2003). This is one of the questions that has been widely studied by several researchers in the area of urban planning and management, urbanism and transport planning. The transport system and the planning of land use and occupation are intrinsically linked, as the distribution of land use affects the demand for travel, and investments in the transport system affect land use decisions (VASCONCELLOS, 2001; CAMPOS FILHO, 2003; VILLAÇA, 2001; ARRUDA and SILVA, 2003). Many large urban projects that contemplate large transport or urban mobility projects have been thought of and implemented in cities as transformers of urban space, bringing positive and negative impacts, most of which are PPPs - public-private partnerships.

It is also important to highlight that there are criticisms of the development model centered on the logic of traditional transport planning (predicting demand to provide more infrastructure) and urban development models that brought urban sprawl and isolated activities in the urban space of cities, being the result of these traditional models of transport planning, based on the supply of transport infrastructure (VASCONCELLOS, 2001; CAMPOS FILHO, 2003). The application of this logic has brought several reflections on the quality of life of the population living in cities, such as: greater distances to be traveled, with: distant peripheries and without connectivity; greater daily commutes; greater use of individual motorized transport; inefficiency and lack of quality of public transport, congestion, pollution and environmental degradation, in addition to socio-spatial segregation. There is a need for an integrated planning between transport and urban land use and occupation, and also with housing, environment...

It is worth mentioning the illustrious professor Milton Santos on the issue of fixed and flows (SANTOS, 1996). The fixed elements, fixed in each place, allow actions that modify the place itself, new or renewed flows that recreate environmental conditions and social conditions, and redefine each place. Flows are a direct or indirect result of actions and cross or install themselves in the fixed ones, modifying their meaning and value, at the same time that they are also modified (SANTOS, 1996,). Fixeds and flows together, interacting, express geographical reality and it is in this way that they jointly appear as a possible object for Geography. It has been like this at all times, but nowadays the fixed flows are increasingly artificial and more fixed to the ground and the flows are increasingly

diverse, wider, more numerous, faster (SANTOS, 1996). Santos (1996) points out that we would have a system of objects synonymous with a set of productive forces and a system of actions that would give us a set of social relations of production. But it is worth remembering that the simplistic interpretation of the dialectical relationship between productive forces and relations of production has long ceased to be fully valid (SANTOS, 1996). There is a more complex dialectic here, and not just a dualistic one.

Milton Santos points out, when analyzing the systems of objects in the territory (objects that can be: transport infrastructures, equipment, buildings, squares, etc.) and actions (which other authors can call "agency"), that (SANTOS, 1996, p. 78):

(...) Over time, new objects appear, at each moment the population of objects is characterized as a set of different ages. The second way of interpreting this phrase comes from the fact that the same object, over time, varies in meaning (...) (...)There is an alteration in the value of the object, even if it is materially the same, because the web of relations in which it is inserted operates its metamorphosis, making it substantially different. (...)

(...) each new moment, it is necessary to grasp what is most characteristic of the new system of objects and of the new system of actions. The groups formed by new objects and new actions tend to be more productive and constitute, in a given place, hegemonic situations. The new systems of objects are placed at the disposal of the most powerful social forces, when they are not deliberately produced for their exercise. New actions may take place on old objects, but their effectiveness is thus limited. (...)

Villaça (2001) and Derycke (1971) point out the relationship between land valuation and transport, accessibility to certain places in the city, which implies effects on the urban structure and organization of the territory. The different points of the urban space have different accessibilities to the entire city and this interferes with the price of land, in a process that translates into the planning of the urban territory itself (VILLACA, 2001). It is important to highlight a comprehensive view of the issue of urban mobility and urban accessibility, when macro accessibility is defined, which would represent the ease of reaching a given travel destination from its origin (VASCONCELLOS, 2001). These accessibility conditions are related to potential urban socio-spatial segregation, being a factor that affects the quality of urban life, and can be influenced by investments in mobility, when structuring projects of urban space are defined and implemented (VILLACA, 2001). There are situations, however, in which the urban action or intervention of the public power may cause devaluation of the land ("minus-valias"), or even that it is the objective of the State to reinvest the resources from the recovery of surplus value, in the initially favored region, and not in another, in order to bring the benefits to that community (FERNANDES, 2003).



Regarding the issue of macro accessibility, it is worth mentioning that it would be guided by equity and integration, since equity would be related to social inclusion in the face of ease or difficulties in accessibility, which can accentuate disparities in the urban space (KNEIB *et. alli*, 2017; CASTELLS, 2006; CORRÊA, 1995; DERYCKE, 1971). The conditions and possibility of displacement for low-income people and for those who are spatially segregated do not allow for equity and also the fact that distances are longer in peripheral areas and displacements are less frequent, which would be capable of interfering, negatively, with regard to opportunities (VILLAÇA, 2001; VASCONCELLOS, 2001).

As for the value of the land, it should be noted, according to Villaça (2001) that the value of the space would be different from the value of the elements that constitute it. The space produced has value, and its price is a monetary expression. Villaça (2001) points out that Marx considers, in his work "Capital", that the value of the land would be attributed to two functions: a) that of an instrument of production (ore and land for agricultural production, for example) and b) passive support of means of production (mills, machines), circulation (warehouse, banks) or consumption (housing). A third (considered by Lojkine), which considers the other two functions insufficient, according to the same author would be the ability to agglomerate, socially combining means of production and means of production. It highlights the use value, which has to do with the location of the property in the urban space. What would be associated with this capacity to agglomerate would be a value of use produced (VILLAÇA, 2001). This use value would be related to urban land surplus value and real estate speculation. According to Corrêa (1995, p.14):

Land speculation, which generates the price of the increase in the price of land, has a double effect on their activities. On the one hand, it burdens the costs of expansion, insofar as it presupposes large and cheap land. On the other hand, the rise in the price of real estate, resulting from the rise in the price of land, affects the wages of labour-power.

Corrêa (1995) considers that land ownership and its control by the dominant classes, interested in the exchange value, rather than the use value of real estate, promotes a form of (re)organization of urban space, where there is residential segregation (which would be socio-spatial segregation) (CORREA, 1995). The pressures that landowners have before the State, especially the municipal government, are within the scope of what is defined in the legislation on land use and occupation and zoning. There are properties that have benefited from public investments, especially in terms of road infrastructure (CORREA, 1995; DERYCKE, 1971). It is also noteworthy the role of real estate developers in the

production of housing in capitalist society with the role of cushioning capital crises, being investments. This action causes: high land prices and increased status of neighborhoods in some areas; accessibility, efficiency and safety of means of transport; natural or socially produced amenities; depletion of land for construction and the physical conditions of the properties previously produced (CORREA, 1995; DERYCKE, 1971).

DILEMMAS OF THE "RIGHT TO THE CITY"

Castells (2001) will understand urbanization from the reproduction of the workforce, the struggle of social movements for housing. The interest aroused by the right to the city is seen as a "*revival*" of an author who, despite his place as a pioneer (Lefevre), had been practically forgotten, read for a long time only in restricted and uninfluential academic circles. It would then be a case of asking what has changed in this interval of more than thirty years for the book's ideas to be debated with intensity both in academia and in the public sphere. But this way of reading deals with the reception of *Le Droit à la Ville* from a very specific point of view: that of North American and European academics who began to give importance to the Right to the City as well as of organized social movements in various countries. With a plurality of meanings, it came to be interpreted as a lack of conceptual precision – the Right to the City would have become an "empty signifier" (vague) – which would have caused the loss of its critical potential.

One question would be to define what the "Right to the City" would be..., returning to Lefevre's reading. In *Le Droit à la Ville*, Lefebvre states that "the right to the city is affirmed [*s'annonce*] as an appeal, as a demand" (moral demand based on principles of justice) (TAVOLARI, 2006). It would be understood as a human right of another type because it is collective, inalienable and would allow the city to be transformed according to the desires of the heart, which would challenge the capitalist system. It would be included in a list of human rights that would expand the Declaration of 1789 and lay the groundwork for a new social contract. In this register, the social function of property and popular participation are interpreted as the content of the right to the city (TAVOLARI, 2016).

URBAN POLICY IN BRAZILIAN CITIES SINCE THE END OF THE TWENTIETH CENTURY AND THE BEGINNING OF THE TWENTY-FIRST CENTURY

The urban environment of Latin American cities is increasingly marked by fewer possibilities of decision of local power in the face of reality, in a neoliberal context, where market forces have been acting with more and more decision-making power, regarding the processes and planning of land use and occupation (MATTOS, 2016). The processes of

planning and management of the use and occupation of the land (at least in a part of the city) take place in such a way that they can guarantee not only greater conditions of fluidity for neoliberal capital, but also more freedom in its actions in the process of "territorial planning" (MATTOS, 2016). In this way, a relationship that would exist between the public and private spheres, increasingly marked by PPPs, is put into crisis. Such conditions allow a greater space for real estate and financial capital to operate, according to its urban income needs, within what is called the "hegemonic city project", being a factor of urban development of greater weight in decisions in the process of urban planning and management and with greater power transforming the territory (MATTOS, 2016). In view of this, there are problems in understanding the nature of changes in urban forms and structures, as well as problems related to the mechanisms (or instruments) that would be most appropriate for intervention and management in the territory, where successive restructuring processes occur (MATTOS, 2016).

After many decades of discussion, the Brazilian Urban Policy was built with the advent of the Federal Constitution of 1988 in its articles 182 and 183. This policy was regulated years later, after a series of more discussions, with the period of struggle for Urban Reform, by the Statute of the City Federal Law No. 10.257/2001 (BRASIL, 2001). Since it was sanctioned and came into force, the City Statute has been an important beacon of Brazilian Urban Policy. Its application began to be analyzed, its results and implementation difficulties. The applicability of urban policy instruments in municipal master plans, or urban development master plans, has thus been the object of study. Many Brazilian municipalities that would have a legal obligation to implement them have not even complied with such legislation.

There was an expectation that with the Brazilian urban policy guided by the Federal Constitution and the Statute of the City, that the master plan, with the other instruments that are known, could inhibit real estate speculation. Thus, there would be an increase in the supply of urban land in the market, in addition to a reduction in the values of urban properties, and the so-called "Right to the City" would be a principle in the urban policies of Brazilian cities. But, after almost 20 years of the City Statute in force, the scenario is challenging. The demand for the right to the city is certainly not recent, but it was the protests of social movements that gave it broader social projection (TAVOLARI, 2016). Although it has been part of the repertoire of the housing movement since at least the National Constituent Assembly, the term has begun to appear more emphatically. The "Right to the City" is an important point of contact between organized groups around the world. Meetings in the World Social Forums and in the World Urban Forums can be read as

international arenas for the articulation of movements that claim this right. The Third UN Conference on Housing and Sustainable Urban Development (Habitat III), in October 2016, in Quito, was another aggregator of demands for the Right to the City (TAVOLARI, 2016).

Brazilian urban policy, established by the Federal Constitution of 1988 in its articles 182 and 183, has completed more than three decades (BRASIL, 1988). In 2001, with the City Statute, a series of instruments were made available with the objective of ordering the development of the social functions of the city and property. In this context, the municipal master plan was assigned a fundamental role, as it is in it that the conditions for the effective implementation of this policy with the use of the available instruments must be contained. In this sense, the applicability of these instruments is discussed, considering the master plans that have been approved in Brazil. Soon after the approval of the city's Statute in 2001, after decades of discussions, it was already observed that this law lacked greater detail (VILLAÇA, 2005; ARAÚJO, 2001; ARAÚJO, 2009).

In this context, the municipal master plan was assigned a fundamental role, as it is in it that the conditions for the effective implementation of this policy with the use of the available instruments must be contained. In this sense, the applicability of these instruments is discussed considering the master plans that have been approved in Brazil. It is important to highlight that the City Statute (Federal Law 10.257/2001), in its article 2, states that urban policy aims to order the full development of the city's social functions and urban property, through the following general guidelines:

[...]I – guarantee of the right to sustainable cities, understood as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, work and leisure, for present and future generations [...]; V – provision of urban and community facilities, transportation and public services appropriate to the interests and needs of the population and to local characteristics[...](BRASIL, 2001, p.1).

The same City Statute has as one of its objectives: Guidelines for the use of urban property in favor of the collective good, the well-being of citizens, as well as environmental balance. To this end, it is an instrument that guides principles, objectives and guidelines of urban policy and urban development policy, through municipal master plans, or urban development master plans, and municipal legislation that deals with the regulation of urban, financial, environmental and social participation instruments, such as the Law of Urban Land Use and Occupation Planning (BRASIL, 2001). Such instruments can be used to recover urban land surplus value, such as the onerous grant of the right to build, for example. It is worth mentioning that, according to Smolka (2014, p.8):



The recovery of land capital gains refers to the return to the community of the increases in the value of the land (undue gains or plusvalías) resulting from actions unrelated to the direct investments of the owners. Although all these increases, conceptually, are essentially undue gains, the policies for the recovery of land surplus value focus mainly on the increase in value generated by public investments and actions. public administrative policies, such as the granting of permits for land use changes and for real estate developments, including for the increase of densities. The objective is to use the increases in land value caused by government interventions to allow municipal administrations to improve the performance of land use management and to finance urban infrastructure and the provision of services [...]

Regarding the urban policy instruments provided for in the City Statute, it is worth mentioning that there is currently a set of urban policy instruments that provide for urban management planning, based on the Urban Development Master Plan, considered the most important, which encompasses other instruments such as progressive property tax over time, onerous granting of the right to build, neighborhood impact study, etc. (BRASIL, 2001, CAMPOS FILHO, 2003), which, however, often require regulation by specific laws. How do these instruments become effective? Many of them can be "subverted" in their purposes conceived at their origin, and with a conservative (SOUZA, 2001), technocratic bias, which does not consider the political dimension... of urban policy. An example is the consortium urban operations, as pointed out by Souza (2001), Campos Filho (2003) and Figueiredo (2018).

It is worth mentioning that among the general guidelines of the urban policy established in the Statute of the City (Art.2), whose objective is to order the full development of the city's social functions, there is: "VI - ordering and control of land use, in order to avoid", among other things, "e) the speculative retention of urban property, which results in its underutilization or non-use" (BRASIL, 2001).

Instruments for the regulation of urban property, with the objective of achieving a social function, provided for in the City Statute, however, can equip society in the search to carry out the so-called social function of property in a participatory planning process, or the planning process can follow the interests of private individuals who act for urban land surplus value, which manifest themselves (also) in these large urban projects, and often legitimizing them.

Urban policy instruments, aimed at recovering urban land surplus value, could be used to finance the transport system, and thus reduce socio-spatial segregation as resources are directed to improving the mobility and accessibility of the system. An integration between urban land use and occupation planning policies with that of transport is then posed as a necessity (CAMPOS FILHO, 2003). However, according to (SMOLKA and FURTADO, 2001) there would be a low institutional support, or something socially



alienated, and sometimes inconsistent in terms of the legal aspect. Some scholars (SMOLKA and FURTADO, 2001) criticize the process of social participation, with regard to the public debate, considering that the theme of the recovery of urban surplus value would still be restricted, occasional and marked by interests in question, which would cause confusion in the understanding of the people who participate in the process of urban planning and management, of matters pertinent to this issue. The Latin American experience in the recovery of urban land surplus value is still considered weak and ambiguous (SMOLKA and FURTADO, 2001).

It is considered that the public resources available in Latin American cities would be scarce and insufficient to meet the needs of infrastructure and urban services, which is accentuated by the inequalities of their distribution in the territory of these cities, both in quantity and quality. Such investments in infrastructure and public services, at the initiative of the State, can generate an appreciation of land in some areas. These are businesses for the private sector: from construction and operation to the management of land use and occupation. Such appreciation would benefit certain owners, without their efforts or investments having occurred for it, since they are the result of public investments, which end up generating added value for private entities. It is, therefore, a process that produces a transfer of public resources to private entities, without the possibility of recovering the costs of public works invested. Thus, a social management of the public resources, in order to promote more equitable and sustainable cities (SMOLKA and FURTADO, 2014).

Urban interventions, whether projects or works, such as urban planning decisions regarding changes in land use, such as increases in construction potential, allowing higher densities of occupation and/or diversity of uses, through zoning regulations, enhance the generation of new real estate evaluation processes, which affects the use and occupation of urban land as a cycle, and, therefore, influencing land prices (SMOLKA and FURTADO, 2014).

Zoning, for example, which is an instrument brought from central countries, and through it ideal city models are defined, which is based on parameters such as: utilization coefficients, occupancy rates, minimum lot sizes, etc. Such parameters are aimed at only one part of the city, the formal city, and disregard the needs and payment capacities of the majority of the population, which does not have access to the formal housing market, but as if this largest portion of the population were capable of achieving such standards established in urban legislation (ROLNIK, 2000). Such models would be something that is not feasible in peripheral countries where informality in land occupation predominates

(ROLNIK, 2000). There is a distance between the real (informal) city and the ideal (formal) city.

Urban norms are often far from the knowledge of most of the population, as they bring complexity of coefficients, indexes and rates, which are somewhat understandable when it comes to knowing urban legislation, and zoning, many times, as they are represented with a large number of zones that define what is allowed and what is not in terms of the use and occupation of urban land (ROLNIK, 2000). Such zoning generally tends to make it feasible to move the urban economy, especially the real estate sector.

It is worth mentioning that For Harvey (2001, 2011) there would be a domination of space that presents itself as a vital aspect of the class struggle (and intraclass), and there are two important points that deserve attention, which would be: the ability to influence the production of space and an important means of increasing social power and on the other hand, as a vital determinant of the class struggle: whoever dominates the space can always control the politics of the place. The so-called large urban projects and large urban mobility projects would be connected (also) with this domain.

In view of what has been studied here, it is observed that the planning and management of the city has been a process of making "business" or a company viable, and a coalition of public and private interests, which is reflected in the process (re)production of urban space. This can be observed in the analysis of large urban projects, where instruments such as PPPs are carried out, such as mobility projects (subway, monorail, etc.), MIP – Expression of Private Interest, SPE – Special Purpose Companies, Urban Operations..., with relations between public and private capital emerging in these types of projects, where it has been growing in the country, which is replicated in several Brazilian cities, such as Salvador, São Paulo and Rio de Janeiro, for example, with innovations in the area of PPPs, such as project models based on Project Finance financing. This involves urban financing. Studies by several authors with prof. Vainer highlight that in large Brazilian cities the urban policy instrument of the consortium urban operation (OUC), as provided for in the City Statute, for example, which is defined in the urban development master plans, is shown to be a tool of strategic power (VAINER, 2011), and its implementation through PPPs is articulated with the definition of an exceptional character of urban parameters, that focus on the areas delimited to be applied, many of them in the surroundings of large transport projects (or urban mobility) and in large urban projects. There are then gains and few counterparts for the poorest population and an excluded collectivity, in a process of sociospatial segregation that tends to be reinforced if large urban projects continue to be thought



of predominantly as a business, which can produce large and significant long-term urban impacts.

Some of the aspects that lead to regulation or intervention in the land market, through fiscal instruments and urban planning instruments (ACOSTA, 2013, p. 80) are pointed out:

• land needs for public and social purposes, such as social housing,

- the requirements for support for urbanization and its financing (perhaps the most difficult objective),
- the reconciliation of interests in the use and exploitation of land, and,

• degradation and exposure to environmental risks.

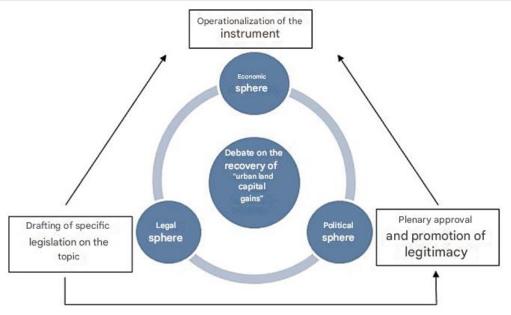
There are direct and indirect regulatory instruments, present in norms and instruments for planning, management and financing of cities, with regard to: land prices, real estate speculation, urban morphology and structure, land uses, urban parameters/urban planning rules, actions to guarantee access to land and housing for the low-income population, actions aimed at formal and informal "submarkets", definition of housing standards, actions for the implementation or requalification of urban equipment (parks, roads, social equipment, etc.) (ACOSTA, 2013).

Many of the Brazilian municipalities, however, still do not regulate and/or apply legal instruments defined in the urban policy, defined in the City Statute, a federal law, of 2001, even though these are provided for in their urban development master plans. (ALMEIDA and MONT-MOR, 2010). The performance of the public power would then be unbalanced in the application of these instruments in the city, since, when acting in a certain region instead of another, it will induce real estate appreciation, which is usually appropriated by the private sector. What can be seen is that there are a series of fiscal instruments and urban policy instruments that allow at least a part of such appreciation to be returned to the government and to society through fees, contributions and a series of other legal mechanisms. Thus, the government could recover its investments, and then place them in areas that need investments and/or are overlooked.

The approval of laws that enable the provision of practices for the recovery of "urban land gains" depends on political will in a decision-making process. The legality of the instruments would be guaranteed by approving them in the decision-making bodies, such as in the municipal Legislative Chambers (FERNANDES, 2003). However, such legality would not be enough for the legislation to be complied with and thus effective, and therefore, it is necessary to have, together, a process that guarantees the legitimacy of political actions (FERNANDES, 2003).

Among the main instruments of urban policy, the urban development master plan stands out. It is in it, as a municipal law, that the guidelines for urban growth and development are established, according to the City Statute, as well as the instruments of federal law must be established. Then comes zoning, as an instrument of paramount importance, also defining coefficients and parameters of land use and occupation in the territory. The other instruments for the recovery of urban land surplus, more specific, are included therein, and depend on being considered in a process of elaboration of this plan and its management. There are, however, several spheres and actors interested in it (FERNANDES, 2003; ALMEIDA and MONT-MOR, 2010).





There would be a need for a fusion between legality and legitimacy, so that the legislation would be effective, and thus, a greater interference of the State in the social organization of space, in the social function of property, with policies of taxation and compensation in the case of the recovery of urban land gains (FERNANDES, 2003). However, there could be a political cost and negotiations for such legitimacy to be effectively given (FERNANDES, 2003).

It is observed that in Latin American countries there would be a separation between the theory presented and the practices effectively carried out with regard to the recovery of urban land surplus value (FURTADO & SMOLKA, 2005).

The motivations on the part of the State when applying the instruments for the recovery of "urban land surpluses" would be (SMOLKA AND AMBORSKI, 2000):

- Recovery as a way to deepen taxation on land value.
- Recovery for the financing of urban infrastructure.
- Recovery for land use control.

With the Statute of the City, in Brazil since 2001, this obligation of the State to recover the land valuation induced by it and to fulfill the social function of property was brought (SOUZA, 2001; SMOLKA, 2014). There are objectives to promote sustainable, fair and participatory urban growth for Brazilian cities, which prioritizes social and collective interests rather than individual interests. Thus, it also brings instruments for regulating the urban real estate market that are economic, and interfere with private interests, private ownership of the land and its selective action in the occupation of urban space that sometimes causes socio-spatial segregation and gentrification (AOSTA, 2013; FERNANDES, 2013).

In relation to the Urban Development Master Plans and the companies in the real estate sector, according to Villaça (2005), several dilemmas are encountered during their elaboration, as the real estate sector does not always consider, in its decisions, the guidelines of such an instrument, as well as the urban problems to be solved.

The regime based on individual logic, of the right to private property, only, from the economic point of view, of the market, is questioned. From this perspective, social inequalities between landowners and non-owners would be accentuated, and a limited view of the notion of ownership of subsoil and airspace would be accentuated (ACOSTA, 2013). Under this logic, economic practice incorporates the notion of property and, from a legal point of view, a property regime based on individual logic, which would understand (private) land ownership as an absolute and arbitrary right, without obligations, incorporation (in the form of rights) of economic phenomena of income generation and not associated with activities developed by the owners. This land ownership would then have an arbitrary and unlimited extension of rights (ACOSTA, 2013; FERNANDES, 2013).

It is worth highlighting the role of the federative entity municipality in the Brazilian political-administrative context, which has autonomy and attribution for urban planning and management, with the advent of the Federal Constitution of 1988. There is a political-administrative decentralization, which gives them more responsibility. However, they need instruments and resources to assert their competence in this regard. Thus, they can use tax and urban instruments to raise funds, but they must harmonize the instruments of the sphere of tax law with those of the sphere of urban law, and which are intended for real estate taxation (FERNANDES, 2013).

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STRATEGIC PLANNING AND PPPS IN URBAN PLANNING AND MANAGEMENT

Urban planning, as a process that encompasses a stronger liberal conception, is present in many urban policies, as has been happening in some countries, not only in development, and not always executed in such an explicit and caricatured way. It is strategic planning, which uses public resources, as in the period of the PAC – Growth Acceleration Program, which the federal government brought in the 2010s. But with what bias?

The State assumes a facilitating role there, through public-private partnerships, which ensures "business" opportunities in this "company city", which has its planning and management strategically aimed at competitiveness and productivity just like a company (VAINER, 2000). The central decisions about strategies and actions are predominantly made by the entrepreneurs, who start to lead such strategies and actions at the local level.

The production of a built environment molded to the interests of private agents is evident, which is reflected in the production of large-scale fixed capital as well as consumer goods. (HARVEY, 2013). Harvey (2011, p. 31) points out that:

"There is a major underlying problem, particularly since the crisis of 1973 to 1982, about how to absorb amounts of surplus capital in the production of ever-increasing goods and services ... There is a growing mass of money looking for something profitable to put on."

The mega-events that have occurred in recent decades support this process, as occurred in Brazil and other emerging countries, at a time of economic growth, through government developmental projects.

There is a dialogue and connections between private investors, institutions and service providers (infrastructure, public transport service, urban projects...).

PPPs play a central role in strategic planning, ensuring through public notices and contracts for the execution of works and provision of public services, that the interests of the market are effective, and this comes from the planning process with decisions on large investments. Large companies and consortia of companies work with the State. This overcomes a separation that previously existed between the public and private sectors. (VAINER, 2000). It is a planning process that is often fragmented and a priori (SOUZA, 2001).

PPPs that are proposed for large urban projects, often in urban mobility or urban transport projects (public transport corridors, by subway, BRT, VLT, monorail...) when they are presented as a business, as works, but without considering their real impacts on the urban structure and spatial planning articulated with urban development and the social

function of the city, end up presenting themselves under a homogenized and hegemonic character. There they serve as an instrument for the functioning of the so-called "abstract, binary and axiomatic machines" (DELEUZE and GUATTARI, 1997) of "overcoding" in relation to what is said and what is done in relation to the "urban space". Such machines act not only through private initiative, but also through the "State apparatus" that is evidenced as a concrete agency.

Regarding PPPs, it is worth mentioning that economic investments are diversified and actions of the public initiative occur through projects in partnership with the private sector, which in some situations has mixed financing, as pointed out by SILVA (2014), a model that has been disseminated by multilateral agencies and the World Bank.

Under the prism of Strategic Planning, very present in urban management, where all things in the urban space (systems of objects) tend to become merchandise, including the city is planned and managed under a so-called "*City Brand*" and is launched into the competition between cities in the market of the current globalized world, the "company city" (VAINER, 2002).

Ribeiro and Cardoso (1990, *apud* Souza, 2001) point out that there is also the socalled "politicized planning", which in a less conservative dimension, considered "left-wing" considers the political dimension in the planning process, which has not ceased to be technocratic, which, however, as well as "strategic planning" would not have found fully satisfactory solutions.

The political dimension of the planning process is often overlaid by the technical dimension. And when there is an imbalance, there is an authoritarian technocratism (SOUZA, 2001). Not that the technical dimension is no longer important. It is of paramount importance. However, the political dimension, especially when it comes to interventions in the urban space, where there are conflicts of interest of the agents who live, plan and/or transform it, needs to be considered.

Some issues deserve attention to large urban projects, such as those that were implemented due to mega-events, such as the 2014 World Cup (Rio de Janeiro, Salvador, São Paulo, ...) and the Olympics, in Rio de Janeiro in 2016. Several studies were carried out, with an analysis of a set of large projects in Brazil, such as the one "*Large urban projects: what can be learned from the Brazilian experience"*, and then some considerations were made after such analysis in a simplified way about large urban projects, among which (OLIVEIRA, 2014):

• "Institutional conditions do not weigh much in the decision-making, implementation and management process of projects." As the case of the 2007 PAN

in Rio de Janeiro would show, even in City Halls with favorable institutional conditions (consolidated administrative structure, adequate information and qualified technical personnel, for example), the definitions of large projects can be decided without any study or other internal technical input, not even in relation to the possible mitigation of impacts caused by the construction of large equipment.

• "The great Brazilian urban projects are more provincial than their discourse of justification suggests." It is not always possible to relate a large project to a territorial restructuring (or spatial "adjustment") associated with contemporary processes of globalization of capital. Many large projects are more about eminently local processes and interests than about the global references and representations listed in their promotional material.

• Processes triggered by large projects make it necessary to emphasize more the discussion of the program and content of the projects than their eventual results or impacts related to urban and social development.

• As investments and risks in large Brazilian urban projects are almost always public, failure, and not just success, should be a fundamental reference in the evaluation process. In the case of financial losses and frustrated attempts to transform urban and social dynamics through investments in large projects, it is the use and social appropriation of the remaining equipment, spaces and other material elements related to the projects that allows minimizing – or minimally justifying – the inadequacy of public spending.

• "The political commitment to the project makes the public power vulnerable and subject to greater risks."

• The identification and commitment of the public manager (mayor or governor) to a major project – often "marks" that are the synthesis of the administration – imposes on the public power the role of guarantor of the resources necessary to make the project viable, at any cost.

• The rule of agility and the use of opportunities tends to exempt the large project from effective forms of social control" The goal of competitive inclusion in the world market of cities leads to the acceleration of decision-making processes by the public administration and makes the discussion processes shorter and less open to the participation of the population. The more "strategic" and the more "essential", the lower the participation and social control.

• In fact, as the case of the Municipality of Rio de Janeiro shows, planning follows in the wake of the interests of large companies (as Milton Santos pointed out in the early 1990s), often legitimized in instruments enshrined in federal law - the City Statute - such as the onerous granting of the right to build and consortium urban operations.

• The institutional field – the one where the content of laws, the structures of administration or the forms of management are disputed – has been appropriated to create exceptions directed to specific actors and aimed at guaranteeing powers and interests that are also very specific, as Carlos Vainer has already pointed out in his text on the "city of exception".

• Evidently, there are more complex issues here, due to the very requirement of legitimacy of political or economic projects, which opens some space for a dispute around the scope of planning that has as its object the large urban projects and their relationship with urban and social dynamics. But it is a minefield and the scope of intervention is minimal.

• In the context of the World Cup and the Olympics in Rio de Janeiro, urban norms, investment plans and priorities are changed to meet interests presented as structural and necessary for the promotion of the City in the globalized world, although they may be, in many cases, much more provincial than their justification speeches suggest. There are things that structural adjustment, the creation of conditions for the globalized accumulation of capital, do not explain.

• To speak of the great "partners" of the municipal public administration in the production of the World Cup and the Olympic Games in Rio de Janeiro and to associate their performance only with the process of globalization and financialization of the economy is, to say the least, strange, since many of them are very well-known Brazilian companies with many interests in Rio de Janeiro. some of them long-standing. Among them, the companies Carvalho Hosken S.A. and, especially, Odebrecht (known here by the title of "Owner of Rio") deserve some comments.



There is a process of globalization and financialization of the economy with regard to large urban projects, and that in the institutional field there has been an appropriation that creates exceptions that are directed to specific actors, to large consortia of companies or large companies, those that act in PPPs, guaranteeing them specific powers and interests that are manifested in the (re)production of urban space, in projects, definitions regarding urban standards, and acting in planning.

Regarding the urban policy instruments provided for in the City Statute, it is worth mentioning that there is currently a set of urban policy instruments that provide for urban management planning, based on the Urban Development Master Plan, considered the most important, which encompasses other instruments such as progressive property tax over time, onerous granting of the right to build, neighborhood impact study, etc. (BRASIL, 2001, CAMPOS FILHO, 2003), which, however, often require regulation by specific laws. How do these instruments become effective? Many of them can be "subverted" in their purposes conceived at their origin, and with a conservative (SOUZA, 2001), technocratic bias, which does not consider the political dimension... of urban policy. An example is the consortium urban operations, as pointed out by Souza (2001) and Campos Filho (2003).

Such instruments can equip society in the search to carry out the so-called social function of property in a participatory planning process, or the planning process can follow in tow the interests of large companies that manifest themselves in these large urban projects, and often legitimizing them.

CONCLUSION

The Right to the City is a theme that must continue to be at the center of popular demands, but within several other themes. It would be something that can represent emancipation of those who seek "dignity" in living in the city. Movements for housing, urban land and public transport foreground the social misery of those who do not have housing, land, suffer from long and uncomfortable commutes or live in a situation of environmental risk.

The idea of Urban Reform with a conception characterized by a set of public policies, of a redistributive and universalist character, seeking to reduce social injustice in the urban environment and promote greater democratization in the urban space is still a present theme, especially when there are conflicts. Regarding the advances in Brazilian urban policy and the instruments of urban policy foreseen, an important question to ask is about their effectiveness. Such effectiveness may or may not exist according to the correlation of forces of the agents present in the process of production of urban space. However, the



State, which would be the mediator of this process, tends to represent certain interests that tend to a privatist and rentier view in the (re)production of urban space, in its system of objects and actions (SANTOS, 1996). There are conflicts of interest between those who yearn for the so-called "social function of the city", the "social function of urban property", and the interests of producing urban space as a "business" capable of promoting capital accumulation from urban land.

The discussions brought by many of the authors studied here point to a questioning of the role of the State as an agent that would be, in theory, the mediator of gains and few counterparts for the poorest population and an excluded collectivity, in a process of sociospatial segregation that tends to be reinforced by urban policy instruments and large urban projects proposed, if they continue to be thought of predominantly as a business, thus producing large and significant long-term and often irreversible urban impacts on cities.



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