

## Limits and possibilities of a national policy for urban land regularisation in Brazil

*Edesio Fernandes*

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## Rapid urban growth

- 1960: 44,7% urban – 55,3% rural
- 1970: 55,9% urban – 44,1% rural
- 2000: 81,2% urban – 18,8% rural
- 1960 - 31 million
- 2000 - 169,5 million

**Increase of 5,5 times over 40 years**

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## Pattern of urbanisation

- Social exclusion
- Spatial segregation
- Urbanisation of poverty
- Informal urban land development
- Environmental impact

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## Some data

- 26 m in urban areas do not have water
- 14 m are not served by rubbish collection
- 83 m are not connected to sewage system
- 70% of collected sewage is not treated
- 52 m walk to work
- Housing deficit: 6.4 m
- Vacant properties: 5.5 m

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## Trends of informal development

- Informal development is growing
- 100% tolerance
- Growth rates are higher than those of urban growth and poverty growth
- Public and environmentally preserved areas have been increasingly occupied
- General acceptance of the need for upgrading works

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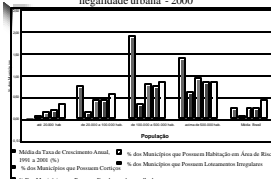
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Situação dos Municípios segundo a ocorrência de ilegalidade urbana - 2000



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## Policy responses

- Before the 1980s: forced eviction and removals
- During the 1980s: Belo Horizonte and Recife; 1988 Federal Constitution
- In the 1990s: Porto Alegre, Diadema, Santo Andre, Sao Paulo, etc.
- After the 2001 City Statute: regularisation confirmed as a matter for local government

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## The construction of the “Brazilian formula”

- 1983: Pro-Favela and PREZEIS
- ZEIS - Special Zones of Social Interest
- Specific urban regulation
- Democratic urban management
- Divergence regarding titles: property rights or housing rights?
- Regularisation as a discretionary policy

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## The 1988 Federal Constitution

- The socio-environmental function of property
- The role of municipal government
- The right to regularisation
- Special urban “usucapiao”/adverse possession rights
- Concession of the right real to use

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### **Legal problems during the 1990s**

- Lack of national guidelines
- Urban legislation
- Environmental legislation
- Land registration
- Procedural mechanisms
- Need for a national law

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### **The action of the federal government**

- Lack of comprehensive national policy
- HBB-Habitar Brasil BID: an isolated National Programme as from 1999: Inter-American Development Bank support and framework

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### **The 2001 City Statute**

- 2000: Constitutional right to housing
- Confirmation of the “Brazilian formula”
- Regularisation as right and as discretionary policy
- Individual/Collective Adverse Possession Rights
- Individual/Collective Special Concession of Real Right to Use for Housing Reasons

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## The Ministry of Cities

- 2003: election of President Lula
- Creation of Ministry of Cities
- Four National Secretariats: Housing; Environmental Sanitation; Public Transportation and Mobility; Land and Urban Programmes
- The National Council of Cities
- The *National Programme to Support Sustainable Land Regularisation in Urban Areas*

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## The National Programme

- Nature: to support and to sustain
- To create conditions for local government action
- To encourage combined approach to land regularisation
- To recognise the social function of public (federal) land

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## The Programme's Strategies

- Legal strategies
- Financial strategies
- Institutional strategies
- Urbanistic strategies
- **There is just so much local government can do: there is a role for the national and the state governments, as well as for the private and community sectors**

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## Legal strategies

- Discussion of specific federal legislation
- Registration: free of charge; uniform criteria; GIS
- Social function of public land: transfer to municipalities
- Legal training: judges, prosecutors for the government, legal professionals, NGOs

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## Financial strategies

- Opening of three credit lines from the federal budget to Municipalities and NGOs: to identify problem/formulate local programmes/take legal action
- Cities Alliance
- World Bank, BID

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## Institutional strategies

- Workshops, seminars
- Information networks;
- Bank of materials and experiences
- Public-Private Partnerships
- UN-Habitat Campaign

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## **Urbanistic strategies**

- Public Architecture and Engineering
- Series of videoconferences and publications
- Regularisation and Master Plans
- “The Regularisation Kit”

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## **Problems and obstacles**

- Priority 1?
- Fragmentation: inside Ministry, among Ministries;
- Fragmentation reflected in federal budget
- Lack of centrality of urban question
- Programme has failed to make a major impact so far

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