Title: Urban Megaprojects and the affected populations: Clean game with human rigths?

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Urban Mega Projects and affected populations : clean human rights game ?

Summary: 1. Introduction; 2. Historical aspects of urbanization; 3. The welfare state and the effectiveness of social policies; 4. Urban Public Policy and social participation; 5. Urban Mega Projects and affected populations; 6. The role of the legislative process in setting public policy; and 7. Concluding notes.

1. Introduction

The purpose of this article is to discuss the implementation of urban policies using the snip of the current urban mega projects related to the 2014 World Cup and 2016 Olympic Games, the guarantee of human rights and participation of affected populations by the works and involuntary removals.

A good part of the population jeopardized by the Urban Mega Projects of the Cup and the Olympic Games are the result of the developmental state and geo-occupational changes promoted by him, migrations caused by the concentration of industrialization in Southeast and not "absorbed" in urban areas.

Is very important to make the analysis of the participating institutions and social forces and their organizational dynamics involved, because the crisis of the developmental state ended up creating "a more complex plan of interactions between social agents, in different political and judicial arenas of decision" (Maciel & Koerner, 2002).

But before we deal with the issue itself, we need to establish some historical aspects and basic assumptions that will lead our intervention on the harvest field of urban public policy and guarantee of social rights.

2 . Historical aspects of urbanization

Urbanization in Brazil was a quick process, and in a period of 40 years, ie between 1940 and 1980 generated many great social changes and cultural clashes. What can be seen in the reversal of the rural and urban population with the radical change in the geo-occupational profile of Brazilian society.

When we analyzed the effects of the so called "Era Vargas", like the development of national industry, urbanization, and the acquisition of some social rights (such as labor rights)[1], but also the concentration of income, rising of public debt and fiscal crisis, growing of corporatism and the occurrence of the phenomenon that Cardoso called "bureaucratic rings", ie trading systems between enterprises and the state.

Bureaucratic rings corresponds to

> "Circles of information and pressure (therefore power), which are constituted as a mechanism to allow articulation between sectors of the state (including military) and sectors of the social classes. The qualities to belonging on a 'ring', however, doesn't comes from the existence of solidarity or from the possibility to search common political resources between layers and fractions broader class, but from the definition, in the data frames given by the system, of an specific interest that can unite, briefly or in any case, not permanently a "circle of interested" in solving a problem: energy or road policy, the forwarding of a succession state, the defense of a tariff policy etc." (Cardoso 1975, p.208) .

These alliances were not transparent negotiations under ministerial councils, among state companies, national and multinational companies, is characterized by its comprehensiveness and heterogeneity of composition (seeing include civil servants, businessmen, etc.). Its performance had view to ensuring mechanisms for co-option to for integrate "decision- domes" include private interests in the state apparatus. We will return to this concept later when we talk about social policies and social participation.

Years later, already in the period of military dictatorship, the so called the Second National Development Plan (1975-1979), an economic plan established during the

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[1] *José Murilo de Carvalho says in his book Citizenship in Brazil (Cidadania no Brasil) , that the implementation of social rights in Brazil occurred in reverse. Unlike the theory TA Marshall, where political and individual rights are prior to social rights, to only years after we can talk about rights of third and fourth generation, in Brazil most social rights have been implemented in periods of repression and dictatorship. So that consciousness, individually and collectively, to fight for individual and political rights was not developed, after all, for the economic and social achievements, there isn't fight, these were not the fruit of revolutionary action.*

government of General Ernesto Geisel, whose purpose was to stimulate the production of basic inputs, capital goods, food and energy, changed the list of exports, adding value to products such as coffee, minerals and food. With a strong currency in cash, the government was able to expand the economy, becoming the largest borrower of credit of financial system. The II National Development Plan sought a structural adjustment in the Brazilian economy, depending, for this, of a large amount of resources and long-term debt, which was not possible with arising of an oil crisis and the formation of OPEC (Organization of the Petroleum Exporting Countries) and their embargoes. Such change of scenery turned out to halting the Brazilian export, increase the rate of interest, and consequently prevent Brazil to had new resources to pay the debts incurred in their infrastructure projects that were in progress (the example of the Itaipu power plants and Angra).

As the realization of these large projects demanded a large numbers of manpower to complete the works, the end of the works, made these people remain in the large cities, increasing unemployment and creating swelling in metropolitan areas.

The decline of the developmental economy, helped as well, to increase social exclusion and urban conflicts, until now present in large urban centers.

3 . The welfare state and the effectiveness of social policies

Much is said about the so-called Social State of Law, which was an innovation in the paradigm of the Liberal State, changing their negative attitude (abstention) to a positive attitude (provision), which has changed the concept of the state and its purposes.

With the Industrial Revolution (which brought light to several labor demands, when the masses of workers and the labor movement took social relevance[2]), and the beginning of the called 2nd Age of Rights[3] (an age of economic and social rights), the state, now named Social Rule of Law State was an innovation in paradigm of Liberal State, because it changed his negative attitude (abstention) to a positive attitude (delivery), change which alters the conception of the state and its purposes.

The prestacional feature, plus the waves of expansion of rights, access to justice and begining of the neoconstitutionalism, comes to show us that our Constitution, more than a superior rule, to all mandatory and with immediate application, is a Director Constitution[4] which provides not only structural and organizational rules, but also principles and purposes

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[2] GRINOVER, Ada Pellegrini. O controle de políticas públicas pelo Poder Judiciário. In O processo: estudos e pareceres. 2ª edição revisada e ampliada. São Paulo: DPJ Editora, 2009. p.36.
[3] It should be mentioned that the term "generation rights" suffers doctrine critical, since the use of the term "generation" give us the false idea of replacement of one generation by another, which does not occur, so there is an accumulation of rights.
[4] Dallari, Dalmo de Abreu. A Constituição na vida dos povos: da Idade Média ao Século XXI. São

of the state standards. Being what Dalmo Dallari calls repository and expression of fundamental legal values and legal system of a people[5].

The Brazilian State has among his fundamental objectives contained in Article 3, " I - build a free, just and solidary society; III - eradicate poverty and marginalization and to reduce social and regional inequalities, and IV - to promote the good of all, withou prejudice of origin, race, sex, color, age and any other forms of discrimination.", these objectives are legally binding for all state bodies, what leads us to conclude that our Social Democratic State, is intended to ensure the exercise of social and individual rights, these fundamental rights.

This need for an active role of the state, constitutionally normalized, leads us to reflect on the roles of each one of the state powers and functions, as these are essential to the democratic idea and guaranteed execution of human rights. In Latin American countries, even mid-70s, were built some basic structures of the welfare state, such as universal health care, labor law, etc.. Happens that these were built in imperfect and deformed way. This is due to structural and institutional or organizational problems (DRAIBE, 1997) as the centralization of decision-making, which eventually limit the participation of social actors voiced constitutionally.

> "Centralization - of resources, decision-making and administrative power - institutional fragmentation and lack of participation, even when it is different from country to country or between programs, strongly marked the establishment and operation of social services in the region. (DRAIBE , 1997)".

The social policies of many Latin American countries have been marked by centralization of resources and decision-making, coupled with institutional fragmentation and lack of social participation, excluding social sectors without organization, political power or even bargaining power, such as poor urban sectors, rural populations, informal workers, among others. These characteristics have generated great social iniquities, aggravating the situations of exclusion, which sought to reduce social policies. The economic dynamism of the 70s, the processes of political democratization and the search for expansion of social programs seeking the expansion of universal education and health programs, have generated great excitement in the country and the belief that the implementation of a State Social Welfare less imperfect. That occurs this process was tightly contradicted by the dynamics of the interests of categories already served and protected and the mechanisms of

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Paulo: Saraiva, 2010, p. 299 a 327.
[5] Dallari, Dalmo de Abreu. A Constituição na vida dos povos: da Idade Média ao Século XXI. São Paulo: Saraiva, 2010, p. 299 a 327.

their relationship with the political system (like populism, clientelism, patronage), conservative forces over which they erected the social policy systems.

These arrangements came to create various distortions in the reform agenda, suing an unbalanced combination of economic policies "provided with clear objectives and oscillating social policies, loosely defined and lack transparency objectives" (DRAIBE, 1997). Should also be mentioned that the 1988 Constitution was enacted in a process of democratization and hegemonic crisis in which various social groups sought to see their rights standardized by the constitutional text what eventually generated a " Frankenstein of rights", a "patchwork", containing elements and rights often contradictory. And often doing a "simultaneous and concomitant defense of fundamental principles of classical liberal order and those typical of the Welfare State in the second half of the twentieth century."[6] These elements show that many of the problems currently faced by the population in relation to the right to housing, tenure security and the enjoyment of other fundamental rights, are structural, not being solved from night to day, deep changes are needed in state and private organizations, in involved groups, such as affected groups and economic , social or political stakeholders. Concerning urbanization issue, we can also say that urban issues involve questions of imperfect information, numerous parties, multiple possibilities of alternatives, besides the plurality of decision centers (Salles, 2006 p.181).

Regarding on information, the bad side is the fact that while the circles of information and pressure of "rings" are informed and articulate to influence the decisions of the State, the people directly involved in urban development projects, in contrast, are most often, people from vulnerable groups, "disinherited ever", when it does not have difficulty in perception of the problem, have financial and political difficulties for any initiative aimed at their solution.

> "As a rule communities are located in regions whose properties passed, over time, for recovery process, becoming the object of lust of whom that make speculation on real estate valuation, the source of fabulous profits. Of course, the reasons given for the forced removal are others: promote urban mobility, preserve the populations concerned environmental risks and even the improvement of their living conditions, although against his will (ANCOP, dossier, p.18)

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[6] NOBRE, Marcos. Os 20 anos da Constituição Federal e as tarefas da pesquisa de direito. In. Indeterminação e Estabilidade.

After all, the invested capital in market urbanism not only uses the discourse of modernization, urban local qualifying, but also tactical popular disarticulation, divergence of information, coercion and even omission and lack the truth.

> The strategies used uniformly throughout all the national territory usually begin with the systematic production of disinformation, which feeds on truncated or false news, which add rumors and false advertising. expressed some, comes the resurgence of political and psychological pressure. Final act: the withdrawal of public services and the violent removal" (ANCOP, Dossier, p.18).

Many are the stories of communities who underwent registries of believing they are signing up for social programs of the city hall or the state, who have opened their homes to technicians and engineers believing were are helping to implement the sewer system, or even people that were in public hearings during which they could not manifest, or when might was just writing - ignoring the existence of illiterates.

This is because the dynamics of the market (producers and consumers), with the differences between the actors that make the called "bureaucratic rings", currently lobbies or pressure groups or interests and various decision centers involved (multi-level governance existing not only at the regional and national level, but supranational level), many social interests of people end up underrepresented. This is because, there are, in most cases, collective and popular interests, and its nature depends on the organization.

> "In the context of an 'urban civilization 'based' cities without citizenship', characterized by a relationship of 'calculation and tension' in which the interests of small organized groups always deprived of popular interests, the current trend of domination techno-bureaucratic accelerates the apathy of the 'silent majority'. Insofar as the centripetal force of human life has not accelerated, by the intensification of rational consciousness of social interests in the fight, the ability to define autonomous interests and organization of the dominated groups, the risks of 'illustrated autocratic' - embodied in the idea strength of 'national development' manipulated minorities in power - increased considerably" (Cardoso, 1975, p.162)

Thus we see how much is important, not just the reactivation of the popular bases, plus the actions of social movements and political participation, but also the search

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for a model of control of basic social institutions (as well as companies, cities, etc.) that make cities and urban spaces true forums of freedom and enjoyment of rights.

4 . Urban Public Policy and social participation

The concept of policy as an action program only recently started to be addressed by legal theory. Therefore, despite the policy distinguish the rules and the acts, it must recognize them as their components, once the "set of rules and the acts" is unified by its purpose.

But after all, what are public policies? Maria Paula Dallari defines public policy as "a program or governmental framework for action, because it consists of a set of coordinated measures (coordinates), whose purpose is to boost, ie, moving the machinery of government in order to accomplish some goal in public order or, in the view of lawyers, achieving a right " (BUCCI, 2006, p.14.).

On the other hand, Oswaldo Canela Junior classifies as "the set of state activities aimed at their ends, in accordance with goals to be achieved. This is a set of rules (legislative branch), acts (Executive Branch) and Decisions (Judicial Branch) aimed at the achievement of the overarching goals of the State" (Canela, 2011).

Concerning to urban policies, such as from the century XXI and with the advent of globalization, have become increasingly global, with world-renowned planners selling their solutions and projects all over the world, with the construction of increasingly elites, luxurious and exclusive spaces, to the delight of the housing market god and entrepreneurs (FERREIRA, p.185, 2011). This new model of planning , called by João Whitaker of "market urbanism" has spread to core countries like Brazil.

Our country is going through a time of several large-scale urban interventions, major urban projects that, in most cases, are leveraged by public investments, such as the works of the World Cup and the 2016 Olympic Games. Thus we see a large discrepancy between the practices and policies adopted in the city of constitutional rights and guarantees, the instruments in the Statute of the City and several scattered laws that seek to ensure not only the right to decent housing, but also the safety held, the social function of property, the right to the city itself. We are in a moment in which

> "On one side, advances the Constitution and the Statute of the City seem to have brought the hope of a possible change towards the construction of democratic cities, and so large specialized sectors, academia and government, allies in the defense of urban reform place in "urban instruments" a belief processing which sometimes borders on overvaluation. On the

other hand, the "market urbanism" and its "democratic" guise give the false impression that we can have have modern cities "comparable to First World, which is somewhat ironic, since there in the first world, after decades of neoliberal policies, the restructuring of production and decay of the welfare state make them more that those cities are becoming like our own (FERREIRA, p.212, 2011)."

An urban planning to walk toward the established goals and priorities established constitutionally should involve actions related to construction and affordable housing, urban mobility, sanitation and access to public facilities, very different priorities from the "global cities" require. After all, urban transformations performed by capital, as well as excluding, do not give or give profit to the public coffers, but for a select few of the real estate and economic system.

5 . Urban Mega Projects and affected populations

In the coming months Brazil will host a major world event: The World Cup 2014, and two years later, the 2016 Olympic Games. Such events attract foreign investment and boost tourism and real estate market involving infrastructure projects for preparation of the cities where events will happen, such as the construction of stadiums, sports centers, accommodation spaces of athletes (Olympic villages), and increasing opportunities for movement of goods and people in the cities.

At the same time, these major urban projects impel hygienists and removals policies in cities that will host matches and other sporting events, which hidden speech in the revitalization of urban operations and expand the process of gentrification and mitigate rights historically achieved.

To understand the problem generated by these hygienists and removal policies known, it is necessary to understand the housing problems of industrialization and urbanization of the city of São Paulo process, in which most of the population was forced to build housing alternatives outside of legality and in outlying areas of the city, with a socio-spatial segregation that is totally perceived today (CORAZZA & ANTÃO, 2011) .

> " The self-funded projects have been located in large areas of consolidated periphery of the metropolitan region of São Paulo (MRSP), areas of low real estate activity and that often in the past been occupied illegally" (Botelho, 2007, p. 25).

The expansion of real estate market and attracting foreign investment for the development of large urban projects such as Nova Luz Urban Project (Operação Urbana Nova Luz), the construction of the stadium "Itaquerão", the expansion of the Rodoanel in your north section, among other projects, potentiate damages of years of state failure in regards housing policies for low-income. This framework has generated many debates about the limits of the legal instruments, the role of government and forms of action for security land tenure for people living in irregular areas (CORAZZA & ANTÃO , 2011) .

The National Coordination of Popular Committees for the World Cup in his dossier "Mega Events and Human Rights Violations in Brazil" portrays a side of mega-events that is not featured in the media :

> "He speaks of 170,000 people, according to conservative estimates , whose housing rights are being violated or threatened . He speaks for millions of citizens whose right to information and participation in decision making has been hit by the constituted authorities , as well as by private entities (International Olympic Committee , the Brazilian Olympic Committee , local organizing committees of events) and large corporations, whom governments have delegated public responsibilities (ANCOP, Dossier, p.09).

The Rodoanel Mario Covas, for example, is presented as "being an urban instrument to contain the spreading of irregular urban sprawl over the Serra da Cantareira", arguing that hinders perception of local urban dynamics and serious social implications that will happen in the region and even difficult the mobilization of the affected population against such developments, or at least looking for a more participatory model of intervention and urban policy.

Despite some construction such as the expansion of the Rodoanel Mario Covas and Urban Operations in Sao Paulo downtown are not explicitly linked to megaprojects, a more accurate analysis of their terms of execution/completion and private/supranational funders demonstrates the as such works are related not only to large urban projects, but mainly how all these designs evoke the model city that wants to create, closely related to a "market urbanism."

> "At the core of neoliberal thought, the appeal of 'market urbanism' and strategic planning featured to governments decided to promote public-private approach in conducting urban 'renovation' projects related to the interests of capital a tempting

opportunity to leave 'brands' modernization in cities" (Ferreira 2011, p.191).

In the case of Urban Operation Center, which covers historic districts as Glicério, Bras, Bexiga, Vila Buarque and Santa Ifigenia, the justification of the "market urbanism" is most glaring and should appear on the website the City of São Paulo: that the area will become "attractive for property investment, commercial, tourist and cultural", being "granted various types of incentives, such as increasing the potential for construction, the regularization of buildings, transfer of air or underground public space, in exchange for compensations paid to City Hall.

Thus we see , therefore, that despite the advanced existing planning law , which provides not only instruments for granting housing, maintenance held and defining areas of social interest , as well as national and international legislation concerning public hearings to discuss urban projects with the population of the affected areas , discussing treaties guaranteeing human rights in the face of forced removals to ensure tenure security and prevent the mitigation of rights , what one sees in São Paulo is a population of hostage economic interests , with " public hearings " are held in private , co-opting local leaders for groups of real estate interests , and a total lack of information and perspective to the affected population. Which:

> (...) Have received visits from government outsourced teams to make registries, mark and measure their homes. For this purpose, they did constant use of threats and intimidation, numerous houses were marked without the knowledge and consent of the residents, and documents were collected without proper explanation. Residents report that the approach is quite truculent. Families who hesitate to register are informed that refusal shall imply the destruction of the house by tractors are threatened with receive nothing by destroying the tractor. One resident complained: "Until now, we do not know anything officially. Some say we'll leave here next year, others, it will take even (ANCOP , Dossier , p.24)

Data demonstrates the relationship between the market and public choices and lack of information of the people involved (especially the vulnerable groups that will be removed without the guarantee of rights). And lead us to conclude that what is happening in these large urban projects is directly or indirectly related to next sport events, being necessary not only the fair, prior and equal access to information (not just the works and

ongoing projects, but also the rights to which these populations are entitled), but mainly the need of popular joint around common social goals, involving new institutional arrangements , and all Federated powers.

6 . The role of the legislative process in setting public policy

Brazilian society has undergone great changes during a period of a few years without the required proportion between the legislated law and expectation and social need. Despite the law play a role naturally conservative and naturally confrontational with the social demands, they must save a relationship of proportionality so so there is social cohesion.

Thinking society as a system, we have most often, the legal and juridical structures filter out exististes conflicts, selecting those most relevant to the continuity of the social structure. The law thus can be seen as "objective, institutional arrangement, a way to vocalize demands or public policy tool" (Coutinho, 2011).

The law can and usually participates in various periods of social conflict: from the legitimacy or illegitimacy of a law, until the legalization of a demand in order to see certain law declared. But the most interesting and effective to use the law is not when the conflict has occurred and seek mediation or solution, but rathe, a pre-legislative implementation moment, ie, in their own phase of legislative drafting and creation of public políticias.

Discussing the role of law in public policy, approaches end up being static and procedural, forgetting to operationalize and implement policies, discuss the fields of activity of the various institutions (economic, legal and political) and choose which best space to discuss specific public policy, the limits and possibilities of each institution and how to articulate work and interdisciplinary way .

At this point that the legislative process may prove an important tool in shaping public policy, mainly because it is preceded the application of these, but also by engaging broader processes of discussion and debate, as public audiences, participatory on in virtual and face environments, and various other participatory and listening moments .

It should be mentioned that in spite of the recent process of judicialization of public policy or politicization of the judiciary, the Courts can not always respond with effectiveness when it comes to demands for collective rights. A study by Marc Galanter , entitled Why the 'Haves' Come Out Ahead, when performed a typology of the parties who seek the judiciary, lawyers and institutions, shows us not only that the repeated players have greater penetrating power, resources to generate economies of scale and thus access specialists (lawyers specializing in various areas of knowledge such as urban planning, business, administrative, etc..) as well as achieve bargaining power and independence of the

immediate results of the sentences, either through the use of lobby, or the strategic use of the process.

Sum up the advantages of this group of litigants, the structure of the institutions, which besides having a passivity consisting of reactive selectivity of the courts, which must overcome informational barriers, cost and procedural constraints. Courts should also appreciate the formal impartiality, also dealing historically unequal strength.

> "These sub-representation of diffuse interests trends is verified at any level of political action, (...). Political participation, at all levels, entails a number of costs associated with the organization of collective action, which imposes the need to identify other people in a similar position, to acquire knowledge about complex political processes and possible channels of influence[7]" (Salles, 2006, p.183-4)

Despite the under-representation may also be presented by the Legislature, because of its composition and the influence of pressure groups, there are several initiatives of the Legislative and Executive to make the legislative drafting process more participatory and open, initiatives that we do not view in the courts, not only for its function against the majority, but mostly because of its composition and institutional structure..

> "Has been the importance of the participation of these and other stakeholders from civil society that led to the expansion of channels of dialogue with civil society by the federal executive the last nine years, mainly through the reactivation of the Councils and Conferences sectorial, intended to participate in the elaboration of public policies (CASTRO, MARQUES 2012 , pp.70) .

The creation of councils and conferences[8] at all levels of the Federation are an example of organization required, since in the political decision-making processes, from the

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[7] Conclusions of th called Interest Group Theory of Politics – SALLES, 2006.

[8] **Councils** - Between 2003 and 2013, were created nineteen councils and others sixteen were reformulated in order to further expand this interaction . The councils have been constituted as spaces to incorporate own agendas and interests of social sectors that seek to improve the quality and universal service provision , highlighting as instances of building rights not yet recognized by the state.

Conferences - From 1941 to 2013, 138 national conferences, 97 of which occurred between 2003 and 2013 covering more than 43 sectoral areas in the municipal, regional, state and national level were performed. Approximately nine million people participated in the debate on proposals for public policies - from the municipal steps, free, regional, state to the national stage. The preparatory stages

perspective of the two forces model[9] , we should consider the influence of both minority groups (which involve more concentrated interests), as the majority (which bring together diverse interests and therefore more dispersed), the latter may be "catalysts" of the interests of other subgroups.

The state is lacking in "applied studies, that can face the technocrats challenges that are imposed impose on design, implementation and management of complex programs of action, inter-sectoral and articulated" (Coutinho, 2011). Being role and task of law "point purposes and put the politics in in the legal system (law as goal), create conditions of participation (law to vocalize demands), provide means (law as a tool) and structuring complex arrangements that make these policies effective (law as institutional arrangement)" (Coutinho, 2011).

The process of legislation drafting, is shown, thus, as a step of law in the implementation of public policies, as well as being able to open the social citizen participation, is able to create participatory tools to various public policies, such as urban, for example, as well as can articulate different areas of government in the structuring and implementation of public policy. It follows that any goal can be consolidated with a wide range of public policieswith the decision of who decides as decisive as the goal that will shape public policy and law, not only a constitutive element of public policies, but an element that provide tools for its implementation, hence the necessity of democratize the process of drawing up legislation, making the citizens true protagonists in public policy.

7 . Concluding Notes

The promotion of urban public policies and social rights, should take place through the use of rules of proportionality and reasonableness. At the institutional level where one finds the greatest possibilities of change, some alternatives such as the decentralization of the provision of social services and the increased of social participation not only in the monitoring of public policies, fill the informational deficit and the possible perverse outcomes of the market.

What is happening in urban projects os World Cup and the Olympic Games and other related projects of urban renewal and modernization, appears to reflect concerns about the need of information and participatory joint, and problems of the unilateral action of the

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(local, regional, thematic) are important and richest moments in a conference proceedings. It is in them that the debate intensifies, both national topics as the sites, providing citizens the opportunity to propose solutions to the problems of your city, state and country. Source: Presidency of the Republic **(Presidência da República).** http://www.secretariageral.gov.br/art_social/conselhos-e-conferencias**. Acessed on 28.03.2014.**

[9] Komesar, in his book "Imperfect Alternatives" analyzes political decision-making processes, from the

market. Occurs, that to understand or evaluate any social objective of public policy, We must question ourselves who will define and implement the goal in question, which will be the means of articulation and performance of the involved (if this will be a participatory way or not), how will be the transparency of this process, and how will be the institutional articulation, between different powers and different levels of government to implement this public policy.

Regarding the urban law, particularly with respect to the right to adequate housing and security of tenure, it is certain that only a legislative provision is insufficient to ensure the justiciability, the procedural mechanisms that define the right to housing, the implementation of legal instruments of security of tenure and length of the social function of property - such as PEUC – Parcelamento, Edificação ou Utilização Compulsórios (Installment, Building or Use Compulsory), the penalty of progressive property tax in time and expropriation; should be accompanied by at least four major complementary actions:

(1) The first is the wide dissemination of the contents of the law, the procedures to make it worth - well after all, not only by his language, but all the symbolism of oppression that the right is used, many people end up not understanding their rights and duties;

(2) The second is the development of community processes for empowerment of people and groups who have organized the mission of defending and promoting concrete situations of human rights - as community associations, popular legal counsel – called AJUPs; popular lawyers, centers for defense of human rights among others;

(3) The third is the development of training processes for law professionals - such as lawyers, prosecutors, judges, officials from the justice system, etc.); and

(4) The fourth is the development, implementation, evaluation and expansion of public policies, so that the social right defended be integrated to the social processes undertaken by the government (HADDAD & GRACIANO, 2006. p.51).

To put into practice such actions, it is necessary the joint action of social forces as the affected populations (residents, local merchants), social housing movements and organized popular groups in the area, Public Power (calling all spheres involved in implementing the public policy), so that one can rethink the practice and blazing new trails, producing debate, reflection and political practices not as abstract and ideological, but able to lead to social hegemony.

References

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perspective of two-force model.

ANCOP - Articulação Nacional dos Comitês Populares da Copa. Dossiê "Megaeventos e Violações de Direitos Humanos no Brasil", 2012.

BOTELHO, Adriano. A produção do espaço e da moradia através das práticas do setor imobiliário: 3 casos paulistanos. In: *Revista Cidades*, vol. 4, nº 6. São Paulo: Expressão Popular, 2007.

BUCCI, Maria Paula Dallari. Política públicas: reflexões sobre o conceito jurídico. São Paulo: Saraiva, 2006.

CANELA, Oswaldo Jr. O controle Judicial de Políticas Públicas. 1ª. Edição. São Paulo: Saraiva, 2011.

CARDOSO, Fernando Henrique. Autoritarismo e democratização. Rio de Janeiro: Editora Paz e Terra, 1975.

CASTRO, Marivaldo Pareira de, e MARQUES, Sabrina Durigon. Os novos desafios da Assessoria Jurídico popular – A democratizção do processo legislativo. In. Cultura e extensão universitária: perspectivas de institucionalizaçãode uma política pública. São João del-Rei, MG: Malta Editores, 2012.

CORAZZA, Delana & ANTÃO, Renata. Acesso à justiça e o controle de políticas públicas. Artigo apresentado no I Seminário Interdisciplinar em Sociologia e Direito – PPGSD/UFF. ST4: O poder público e as políticas públicas. Rio de Janeiro, 2011.

COUTINHO, Diogo R. O direito nas políticas públicas. (disponível em: http://sociologiajuridica.files.wordpress.com/2011/10/o-direito-nas-polc3adticas-pc3bablicas-coutinho1.pdf acesso em 22.11.2011)

DRAIBE, Sônia Miriam. UMA NOVA INSTITUCIONALIDADE DAS POLÍTICAS SOCIAIS? Reflexões a propósito da experiência latino-americana recente de reformas dos programas sociais. SÃO PAULO EM PERSPECTIVA, 11(4) 1997. (*disponível em http://sociologiajuridica.files.wordpress.com/2011/10/uma-nova-institucionalidade-das-polc3adticas-sociais-sonia-draibe.pdf* acesso em 22.11.2011)

FERREIRA, João Sette Whitaker. Cidades para poucos ou para todos? Impasses da democratização das cidades no Brasil e os riscos de um urbanismo às avessas" In. A cidade no século XXI – Segregação e banalização do Espaço, Rio de janeiro. Editora: Consequencia, 2011.

GALANTER, Marc. Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change. Change, 9 LAW & Soc'Y REv. 95, 1974

HADDAD, Sérgio, GRACIANO, Mariângela. (Organizadores) A educação entre os direitos humanos. Campinas, SP: Autores Associados; São Paulo: Ação Educativa, 2006.

KOMESAR, Neil R. *Imperfect alternatives: choosing institutions in law, economics and public policy*. Chicago: The University of Chicago, 1994, p. 3/50.

MACIEL, D. A.; KOERNER, A.. Sentidos da Judicialização: duas análises. Lua Nova. Revista de Cultura e Política, São Paulo, v. 57, 2002. (*disponível em: http://sociologiajuridica.files.wordpress.com/2011/10/sentido-da-judicializac3a7c3a3o-da-polc3adtica-duas-anc3a1lises.pdf acesso em 22.11.2011*)

SALLES, Carlos Alberto de. Execução judicial em matéria ambiental. São Paulo: Revista dos Tribunais, 1998.

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