



If Housing is a Right, Squatting is a Duty: Social movements against selective implementation of Human Rights

by

Henrique Hollunder Apolinario de Souza

SOA-3902

A dissertation submitted in partial fulfilment for the degree:
Masters in Human Rights Policy and Practice

School of Global Studies, University of Gothenburg School of Business and
Social Sciences, Roehampton University Department of Archaeology and Social
Anthropology, University of Tromsø

Spring 2015

Declaration of Authorship:

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

A handwritten signature in black ink, appearing to read 'Henrique H. A. de Souza', with a large circular flourish on the left and a long horizontal stroke extending to the right.

Henrique H. A. de Souza

Vitória

May 22, 2015

Acknowledgments:

This work would not be possible without the support of the great group of friends that took this journey with me.

Also, my supervisor, Dr. Jennifer Hays, who inspired me to contribute in my own way since our first encounter in Roehampton.

To my parents, who are always there for me.

For Alice, love of my life, who continues to support me no matter how much I complain.

só alice

com alice

ali se parece.

Abstract

The aim of the research is to explore how the homeless movement in Brazil uses squatter practices as a form of expression of political values and performative enjoyment of housing rights. The point of departure is the analysis of the Workers' Party populist government institutionalisation of the right to adequate housing according to international obligations and historical national claims, expressed in its official human rights policy and legislation. It goes on to show how that recognition is intrinsically attached to an official meaning of the disputed rights, with a convenient level of progressive realization and the validation of the state apparatus as the only possible mean for the precariat to fight for said rights, thus attempting to curb the grassroots activism that marked the country's urbanisation and democratisation process. The intended result is to generate a body of qualitative data that will reevaluate the importance of activism beyond the official channels opened to civil society, pointing to the dual dimension of squats, as immediate solutions to housing issues and carriers of a political message from those who lack access to said channels. Moreover, construct an advocacy strategy that counters the government's monopoly over the human rights language that takes legitimacy away from this praxis of resistance.

<u>Declaration of Authorship:</u>	
<u>Abstract</u>	
<u>Introduction</u>	<u>5</u>
<u>1.1. Conceptualization</u>	<u>5</u>
<u>1.2. Research Objective and Questions</u>	<u>8</u>
<u>1.3. Urbanization, Social Movements and Citizenship</u>	<u>9</u>
<u>1.4. Actors</u>	<u>11</u>
<u>2. Methodology</u>	<u>14</u>
<u>2.1. Data Collection</u>	<u>14</u>
<u>2.2. Research Design and Data Analysis</u>	<u>16</u>
<u>3. Theoretical Framework</u>	<u>19</u>
<u>3.1. Cultural Politics</u>	<u>19</u>
<u>3.1.1 The Right to Adequate Housing, Right to the City and Ciudadania</u>	<u>22</u>
<u>3.1.2. Development, Democratization, Decentralization and Governance</u>	<u>24</u>
<u>3.2 Institutionalization & Social Movements</u>	<u>27</u>
<u>3.3. Direct Action - Autoconstruction - Building the Common</u>	<u>30</u>
<u>4. Findings</u>	<u>33</u>
<u>4.1. The Statute of the City and the Urban Policy under the Workers' Party Government</u>	<u>33</u>
<u>4.2. Together with the State, despite the State, against the State</u>	<u>37</u>
<u>4.3. The Performative Defence of Housing Rights</u>	<u>41</u>
<u>4.3.2. Postponing the Inevitable or Towards Human Rights Friendly Evictions (?)</u>	
<u>4.4. The Holistic Possibilities of Squatting (or, when everything goes right)</u>	<u>48</u>
<u>5. Conclusions and Recommendations</u>	<u>51</u>
<u>Bibliography</u>	

1. Introduction

1.1. Conceptualization

The coffee is served black and sugary in translucent brown glass, if you had a brazilian grandma', you know these. A teenage girl watches the saturday afternoon show about celebrities' lifestyle while, in the adjacent room, four small girls play a bootleg copy of Super-Mario while one takes a picture of my girlfriend's dreadlocks from her camera phone, while avoiding being photographed in return. "You should not take the key to the first door, there's a second door further on that will take you to a secret level", I point out, causing the non-players to revolt over the hogging of the joystick by the oldest daughter. Claudinei explains how he was amongst the first four families to get there, driven by rent that usually consumed over 70 per cent of his unstable bricklayer's income, supplemented by Bolsa Familia instalments. 'I sold all my appliances to buy the material for this house. It was worth it, as my congregation, that also helped mobilizing people to occupy this plot, donated this new refrigerator and stove'. "In the beginning it was tough", he continues, 'the plot was completely abandoned and the grass was high, the hill (which was adjacent to his house) was unstable and we had to secure it for landslides, it's pretty safe now. It's good living but it's hard to get people to get together and improve the land, even their own plots, if no one takes charge it only gets worse'. (after the Padre Gabriel Assembly, field notes, 4.4.2015)



The passage illustrates the role of a left-leaning government on a hegemonic neo-liberal global governmentality: integrating large segments of the population in the consumer market, while failing to deliver fundamental rights to all and repressing those who do not come under its paternalistic wings for social benefits. While there is an increase on social rights indicators, these are granted as benefits, maintaining the state as the provider, who selects the level of implementation, as well as controls the channels for its access.

In 2003, the Workers' Party became the first party with roots in popular social movements to reach the top of the executive power. The relationship between government and social movements was completely resignified as new channels of communication brought them together, and programs with participation from the movements were created. The State was, for the first time, viewed as an ally against the global and national elites, attracting movements to evolve and focus their action on collaboration with and influence on the government. One of the key characteristics of the new policy is fostering 'participatory democracy' in urban planning. The establishment of perennial channels of communication between governments and activist, such as the 'Council of the Cities', as well as programs for funding housing projects carried out by or in collaboration with organised civil society, guaranteed the support from the social movements that played a key part on the drafting of the new housing policy and the election of the leftist government.

Nevertheless, the rapid increase of the economy and the spotlight cast on Brazil by mass events such as the World Cup in 2014 led to the quick inflation of housing costs in central areas (Rolnik 2013). Many were evicted under the excuse of public interest constructions, evicted from dwelling without security of tenure, or simply affected by gentrification. A comprehensive study by Faulhaber (2014) estimates 200.000 newly evicted in Rio de Janeiro alone. Invariably, compensation was not sufficient for obtaining similar housing conditions, and the government's habitational program was repeatedly deemed unsatisfactory by the beneficiated (Boulos 2012: p. 3). Official government data (Brazil/IBGE: 2006) stipulates there is a deficit of 5.8 million homes in the country, and 6.07 million empty homes. Historically, housing deficit has been countered in Brazil by the forming of informal settlements in the peripheries and gaps of the planned city, forming the favelas, or slums (see Davis 2007), a culture that resurged, albeit with new collective organization and political aspirations (Boulos 2012: 6; Souza 2006:). The different levels of government response varied from negotiations and appraisal of the homeless movements, to full blown military police intervention backed by judicial orders.

This research understands human rights as a language of emancipation (Goodale 2013). If the application of rights, as progressive as its language may be, goes against the understanding proposed by those in need of protection, it is, indeed, on the side of oppression. Following this normative character of human rights, an anthropological critical perspective is applied to study effects of new legislation on activism, focusing on direct action as a form of human rights performative experience and political statement, as well as relying on social movements' theory to conceptualize the strategic considerations in the relation between urban movements, the state and the grassroots concerning the implementation of housing rights.

1.2. Research Objective and Questions

This research attempts to critically evaluate the consequences of housing rights institutionalisation in Brazil, focusing on its **impacts on the progressive nature of organised civil society, particularly on squatting as a form of direct action.**

Focusing on the struggles of the people that resort to squats as a mean to achieve adequate housing and challenge the ruling concept of the city, the research exposes the shortcomings of the institutionalised channels in taking notice of their needs and guaranteeing their rights, and explores the capacity of direct action as a counter to these.

By critically analysing the government's discourse and practices, contextualized around legal cases and a period of participation with grassroots affiliates of a major urban movement in Brazil – collaborating and getting direct contact with their struggles, visions and internal **uncertainties** – allowed the research to tease out strategic considerations to the struggle for the city that extrapolates the reliance on institutionalised human rights.

The starting hypothesis to be tested is: Direct Action by Social movements is necessary to challenge selective implementation of human rights by the state, serving as an advocacy tool and performatic enjoyment of rights.

The following questions orient the research:

1. How is the housing rights policy influencing conflicting parties (state, movements, squatters) actions?
2. What interpretations of Human Rights (housing standards, representation spheres, temporary solutions) can be extracted from the squats?

The intended result is to generate a body of qualitative data that contributes to rights being summoned tactically by the squatters and activists, focusing on collective solutions to housing rights abuses. Furthermore, providing a human rights framework to squatting, in order to understand the later as an expression of the former.

1.3. Urbanization, Social Movements and Citizenship

Brazil experienced a hastened urbanisation during the second half of the 20th century. From less than 50 per cent in 1950, to 65 in 1980, to 85 nowadays (World Bank). The right to adequate housing in Brazil is marked by the struggle of the peripheral residents, settlers of areas around and above the city. At a first stage, these settlers had to occupy raw land, such as marshes and hills, deprived of material resources and any support; at a later stage, the fight was for maintaining the land, as the judicialization of the struggle favored those who could produce some kind of property title. The resilience of the urban poor also created a sense of identity, developed around the struggle for urban resources, which slowly evolved into a language permeated by rights and citizenship, culminating on the formation of social movements that harnessed this insurgent potential and served as the unprecedented connection between the institutionalized channels and the masses, starting on the fight against the military dictatorship, through the construction of a new constitution, and the fight against neoliberal policies in the 1990's.

In this period, the housing rights movements in Brazil can be conceptualized as New Social Movements (NSMs). NSMs were considered to be bound to a single issue, but what ‘they shared was a focus on a dimension of oppression that had been largely written out of stories of power and oppression as told by liberals, social democrats and Marxists alike’(Stammers 2009, 2447). The movements that organized around the struggle for habitation, developed their claims to different kinds of social rights such as mobility, development of infrastructure, security of tenure, but also to civil rights such as access to direct channels of communications with the political sphere. They combined self material interests to a much broader understanding of the problem and its roots in different levels of planning and executing.

Organized unrest intensified surrounding the identity of the new working class of the urban unprivileged. When the redemocratization process started and a new constitution was to be written, urban movements had the strength to be present in the discussions as a pillar of democracy. The new Urban Policy was inscribed in article 182 and 183 of the New Constitution, pending regularization by law. This set the tone for the intensification of the struggle during the 90’s.

During the 90’s, neoliberal reforms took place around the global south. Brazil recurred to international banking institutions to solve its currency crisis. With the loans, the country received impositions from this donors, centered on one aspect: the dismantling of the State. This lead to the privatization of State monopoly companies, including strategic extractive industries and basic services providing alike. While urban movements continued to push for reforms and, sporadically, contribute with municipalities, the idea of governance-beyond-the-state gained strength, and participation of civil society in federal programs was selected on the potential for management of top-down projects. Urban movements formed the National Forum for the Urban Reform, which would take center stage in constructing popular legislative projects that would be the foundation of the Workers’ Party administration began in 2003.

1.4. Actors

PT - Partido dos Trabalhadores

The Workers' Party (PT) was formed in 1980's, as an amalgam of social movements, labour unions and leftist intellectuals. When it finally won the presidential election in 2002, a new era of social cooperation was expected to emerge. It was viewed as based on "Social movements, unions and civil society organization of the 'enlightened' middle class, with strong influence on the universities"(Romão in Cannon & Kirby 2012: 1714).

After winning the presidential elections, PT relied on numerous parties without a binding ideology to secure a base in Congress. Attempting to tame an increasingly divided legislative, PT openly relied on its militant basis and support from organized social movements, and signaled with policy changes and creating institutional channels of communication with these. In order to pressure Congress into voting their reforms, PT turned to its social movements origins; in the first moment, their historical claims were put into policy and legislation, and new channels of participative democracy were constructed.

The establishment of the Ministry of Cities as first official action in 2003 of Lula gave hope that finally a sustainable urban reform would take place. While initially the Ministry counted with specialists committed to a democratic reform, such as Raquel Rolnik, former UN Special Rapporteur on the Right to Housing, in 2005 political pressures by corruption scandals caused the government to reinforce its allies, and the Ministry went to the right-of-center Progressive Party (PP), not at all committed to social movements.

MNLM - Movimento Nacional de Luta pela Moradia

The National Movement of the Fight for Housing emerged in 1990 to "to fight for the implementation of articles 182 and 183 of the Constitution"(Maria Clara, interview, 20.03.2015). Also of marxist orientation, the movement presents a comprehensive vision of a

renewed city, based on the needs of the 'working class'. While its founding rationale approximate it from other movements, a careful look at their projects unveils a complex mechanism of bringing a holistic view of urban problems to practice. I decided to work closely with this movement, considering their combined strategic actions in institutionalized and non-institutionalized arenas, as well as proponents of the two most interesting cases of modern squats, Manoel Congo and Chiquinha Gonzaga.

I worked closely with Maria Clara, one of the founders of the national movement and state leader, as well as Elias, a municipal leadership.

Padre Gabriel and Vila Petronio Squats - Cariacica, Espirito Santo

The main concern of the leaderships of the movement was over the occupation in Padre Gabriel, Cariacica, which received eviction notice from the municipal court. The squatter started in March 2014, and currently has 42 families permanently residing, with another 50 families with built houses insight, but with alternative homes. The plot belongs to the Municipality, and is adjacent to an abandoned construction site of a public health facility, abandoned since 2011 and with no timetable for resuming the operation. Next to the plot are 41 popular houses built by the Movement in 2012, in partnership with the municipality with federal funds.



The other, at Vila Petronio, is still not targeted by an eviction order, but the municipality should soon start the process. It has around 20 families, auto constructing in a former municipality parking lot, abandoned since 2012.

MTST - Movimento dos Trabalhadores Sem-Teto

In 1997, the Movement of the Homeless Workers (was stemmed from an initial initiative of the MST (Landless Workers' Movement) to expand its presence into the urban. The movement's strategy is to organize massive occupations in key areas and the peripheries, integrating the struggle for habitation and the development of infrastructure in the peripheries. It has become the most prominent urban movement, for its actions surrounded by media attention and good relations with Workers' Party administrations.

2. Methodology

This research can be roughly divided into two overlapping parts, oriented by Grounded Theory structure. The first part was designed to delimit the ‘basic social process’ (Charmaz 2006, 20) concerning the struggle for housing and a sustainable idea of city taking place in institutionalized and noninstitutionalized arenas. The second part consisted in participant observation with a state chapter of the MNLM over a three month span (and still ongoing), that served to study how the patterns exposed in the first part played out in the everyday practice of grassroots social movements and on recently established communities struggling for securing their rights.

The research is oriented by action research, as I, being a lawyer in Brazil, had the opportunity to work closely in the defence of the Padre Gabriel Community, also having access to MNLM’s activities as an insider. Within this background, all data was analyzed tactically within the wider struggle for the city and the particular situation of the affected community.

2.1. Data Collection

Document Analysis

At the initial stages of the research, publicly accessible official documents such as laws, policies and program directives, e.g. the National Housing Policy from 2004 and the Statute of the City from 2001, were analyzed through its impacts in urban movements and activism, focusing on the shortcomings for material and political gains.

Most of the important social movements have an established presence online which highlight their shifting goals and tactics. Furthermore, there is a burgeoning scene of independent media outlets and activist researchers, producing documents rich with data and proposing an effort to combine tactics and situate the struggles in the national and global sphere.

Trial Monitoring

The decisions from state and federal courts in Brazil can be easily accessed online. The initial sampling included the most paradigmatic cases that reached the superior instance, the Superior and Supreme Courts¹, as well as decisions from state courts concerning cases of significant public appeal, such as Pinheirinho, or containing judicial reasoning that extrapolated the automatic eviction orders. This phase mostly served to expose the limits of the judicial sphere and the delimiting of themes and patterns that would later feed into further research and be studied within the theoretical outline of this research. It was, as explained in the following section, to extract the trials from the surrounding advocacy and counter-advocacy tactics.

During the period working with the Padre Gabriel community, I collaborated with their attorney in establishing the best trial strategy; I had to study carefully all the limited legal possibilities for maintaining the squatters basic rights, i.e. halting the eviction order and gaining more time for the movement to exert pressure over the municipality.

As a licensed attorney in Brazil, I have the prerogative to access trial documents of any case, even without representing one of the plaintiffs. This allowed me to study closely the arguments and tactics applied in paradigmatic cases.

Participant Observation

The second part of the research consisted in participant observation, as an human rights observer for the State of Espirito Santo Bar Association, and, most significantly, with the state of Espirito Santo chapter of the National Movement of the Fight for Housing (MNLN – Movimento Nacional de Luta pela Moradia), from early March on. I made contact with the group and attended a plenary meeting, following which I was invited to participate and assist in different aspects of the movement's activities, allowing me to be in contact with the everyday issues that arose and gain insider knowledge of a key moment in the redetermination of the strategies of the

¹ The STJ - Superior Tribunal de Justiça is the higher instance of sub-constitutional interpretation in Brazil, while the STF - Supremo Tribunal Federal, is the highest constitutional court.

organisation. Also, I had hands on contact with all aspects of two squatted communities' struggle before the institutional channels. Data was gathered and coded on a daily basis, with the following events being the most significant:

- a) Three state plenary meetings of the MNLM chapter (03.03/ 20.03 / 18.04)
- b) Drafting a document of bullet points issued by local leaders to the National Chapter;
- c) Collaborating with the advocacy for the rights of the Squat of Padre Gabriel, in Cariacica – ES, which in turn entailed to:
 - Multiple visits to the community, including two weekly plenaries;
 - Attending a negotiating meeting with the Mayor and the social secretaries of the municipality of Cariacica, as legal counsellor to the Movement, to discuss amicable solutions;
 - Drafting, in collaboration with the movements voluntary attorney, a legal action for the maintenance of the provision of basic services to the community; and stalling the execution of the eviction order, at least until the municipality guarantees the rights of the squatters.

The contact with the Movement also allowed me to study closely three examples of sustainable urbanisation projects initiated by direct action that today are pointed as the framework for future bottom-up projects in collaboration with government authorities: The auto-regulated squats in central Rio de Janeiro that achieved security of tenure and collective projects for the provision of basic services and steady income, Manoel Congo and Chiquinha Gonzaga.

2.2. Research Design and Data Analysis

This research is designed with tools from Grounded Theory Research, in which the analysis of data is not sharply disassociated from its collection; a reflective process, in which theoretical analysis emanate from the empirical reality(Charmaz 2008). In GT, 'early data analysis' serves to focus 'further data collection' which 'illuminates and informs construction of emergent categories' (ibid, 162). Following the lessons from Glaser and Strauss (1967), Grounded Theory has key components (Charmaz 2006, 5) which were applied:

- *Simultaneous involvement in data collection and analysis*
- *Constructing analytic codes and categories from data, not from preconceived logically deduced hypotheses*
- *Using the constant comparative method, which involves making comparisons during each stage of the analysis*
- *Advancing theory development during each step of data collection and analysis*
- *Memo-writing to elaborate categories, specify their properties, define relationships between categories, and identify gaps*
- *Sampling aimed toward theory construction, not for population representativeness*
- *Conducting the literature review after developing an independent analysis.*

A key aspect of this framework is that it allows the continuous shift between inductive and abductive reasoning. The former implies the constant coding of data as a cornerstone of the research, allowing the emergence of patterns which serve to orient theoretical sampling of further data and the amalgamation of different issues appearing in the literature. At the same time, the abductive process entailed considering multiple theoretical understandings of the emergent findings, guaranteeing a level of abstraction for the research(Ibid, 128).

This reflective process was analysed through the prism of action research, which ‘incorporates popular knowledge’ and ‘is tied directly to social-political action and achieving social goals’(Neuman 2014, 30). Siding with squatters forced me to familiarize myself with their expertise, and situate the judicial battle at hand within a wider advocacy strategy, seeking instrumental uses of law, policy and discourse. This served as fuel to scrutinize the data by asking both action and analytic questions, trademarks of Grounded Theory (Charmaz 2006, 161).

Furthermore, my legal practice background sensitized me to the limits of institutional reform and positive epistemologies of human rights. Anthropology has positioned itself as aware of the 'power-laden constraints' of scientific knowledge, while remaining capable of looking through overarching theories into the everyday consequences of institutional reform. Legal Anthropology, as Wilson (2006) explains it, is more concerned with "the social life of rights – that is, the social forms that coalesce in and around formal rights practices and formulations, and which are usually hidden in the penumbra of the official political process', i.e. how rights are used to maintain existing structures of power, instead of empowering those that need protection. Also, it is equipped to translate normalised actions, sometimes apparently pointless, into interpretations of existing legal documents and as proponents of new ones. This conceptual framework, allowed me to follow the thread of the housing rights amongst different institutional levels, always returning to how individuals experienced it, and how seemingly progressive measures could cause obstacles that other grand theories simply could not detect.

Hale describes activist research, in which the whole design of the research is constructed together with organised groups, 'to formulate strategies for transforming these conditions and to achieve the power necessary to make these strategies effective'(Hale 2001, 13). And that is exactly the goal of the research, to detect, rather than impose, the solutions and readings of human rights practice emanated from the activism itself, and contribute with an often overlooked critical human rights framing of actions which can be incorporated by grassroots activism and influence national movements self-critique.

3. Theoretical Framework

A particular attribute of Grounded Theory is that the data orients the theory. While traditional qualitative research tends to begin with apparent lacunes in the literature and gather data that proves or disproves that, Ground Theory allows the appearance of patterns on the issue area to cement connections between different areas of theoretical production.

3.1. Cultural Politics

The empirical problem relates to the wide gap that exists between the legal instantiations of rights to the lived experience of rights, where one encounters the complex reality that there are multiple sources of resistance, emancipation, flourishing, protest and rights-making practices on the ground that are competing and coexisting, and that the human rights discourse is only one language of justice and emancipation.”(Rajagopal 2006, 419)

A point that marks this research is its clear political alignment with the struggle of the squatters within the wider struggle for the right to the city, currently an important trend in human rights theory. This positions emanates from the empirical and normative characters of human rights - the former relates to ‘what people do with human rights’; the later, that they are ‘for something: challenging the extant instantiations of power, achieving emancipation, ending domination and oppression’ (Goodhart 2013, 33).

The language of Human Rights has positioned itself as the quintessential language of resistance, emancipation and ethical conduct (see Rajagopal 2003; Baxi 2009; Harvey 2012). Often, it absorbs and obscures emancipatory discourses emanating from sources others than the liberal,

western, epistemology of mainstream human rights (Rajagopal 2006A: 419). However, Human rights are eminently contentious both externally, against rival ideologies and internally, concerning what emancipation entails (Goodhart 2013). Static understandings of human rights must always be viewed critically, as ‘narrow and limited definitions of human rights often reflect power and privileges at work and operate to reinforce and perpetuate them (Stammers 1993). In this context, institutionalization under policies must be viewed with suspicion, and resorting to top-down tools of participation, with the constant view of subversion:

Oppressed peoples, in the vast majority of cases, have no alternative but to wage struggles for rights and redress using the language, the legal and political tools, and even the funding of their oppressors. They regularly engage in subversion, imbue the dominant with alternative meanings, find room for maneuver, and in so doing, bring about consequences that are quite different than the ones that the dominant actors had in mind(Hale 2006, 16)

Alvarez et al. position Cultural Politics as an important concept to understand the current strategies of Latin American social movements. The authors define it as a ‘process enacted when sets of social actors shaped by, and embodying, different cultural meanings and practices come into conflict with each other’. It is a process that moves beyond the enactment of long claimed concepts such as a right to shelter and auto-regulation into policy, to propose a continuous subversion of the understandings of concepts proposed from ‘above’, permanently in contact with the material needs of the less privileged. Within this concept, culture goes beyond the static understanding of canonical expressions “to involve a collective and incessant process of producing meanings that shapes social experience and configures social relations” (Alvarez et al. 1998, 3)

Within this political conflicting view of culture, narrow understandings of human rights can do more than just serve as tool for states to perpetuate their actions before the international sphere, but effectively to tame and deradicalize internal forces of resistance. Cannon, quoting Lievesley,

states that the rise to power of left-wing parties in Latin America showcases the political strength of struggle in the regions, but also inaugurates new conflicts as these governments attempt to ‘give struggle a state form as a way of defusing it’(2012: 173).

The conflict lies not only in the struggle for material gains, but in challenging who gets to dictate the valid forms of expressing claims as well as the possible rewards of the struggle for rights. As the holders of power attempt to channel the organic unrest through institutionalized arenas of participation and meanings, in order to study and make contributions to the current social conflicts, one has to look beyond what is portrayed as political, to accept as political practices of everyday struggle, such as squatting, that contain within them political messages, politics of the act, as Day (2004) names this.

Collective actors enact cultural politics not only when movements make cultural-based claims or deploy culture to mobilize participants, but when they “intervene in policy debates, attempt to resignify dominant cultural interpretations of politics, or challenge prevailing political practices (Alvarez et al. 1998, 6). By participating in policy debates the very best one can achieve is to limit the damage, since the very premise is inimical to the idea of people managing their own affairs. (Graeber 2004)

As Alvarez et al. point out, the citizenship proposed by Latin American social movements views “the democratic struggles as encompassing a redefinition not only of the political system but also of economic, social, and cultural practices that might engender a democratic ordering for society as a whole” (1998, 2). When cultural politics are viewed as wars of interpretation, the struggle over meaning exposes underlying material conflicts that shape the struggles of social movements for “the democratization of society and for highlighting the less visible and often neglected implications of these struggles” (Ibid, 7). In the words of Dagnino, “the power to interpret, and the active appropriation and invention of language, are crucial tools for emergent movements seeking visibility and recognition for the views and actions that filter out from their dominant discourses”(Ibid, 7). This set the tone for the urban movements in Brazil and

throughout Latin America, where the fight for institutional reform is only the first step, and must be repeatedly freshened by subversion of mainstream prisms of interpretation.

Among words that are in the epicentre of the struggle, are democracy, decentralization, governance, development, auto-regulation, politics, and even civil society – concepts widely used in mainstream national and international documents, giving them an air of modernity and progressive message, but denying the intrinsic dynamic nature of language. When viewed through the lens of Cultural Politics, the strategic considerations of the positions adopted are exposed and progressive political messages can re enter the debate through unconventional, often performative, medium. In the conception of Alvares et al., Cultural politics are viewed as a battlefield, a “process enacted when sets of social actors shaped by, and embodying, different cultural meanings and practices come into conflict with each other”(1998, 7).

Cultural politics is at the epicenter of the current human rights debates, as alternative meanings of these must be constantly presented by those that need the most. In order to perceive these expression, one must be ready to look beyond the channels pointed by the powerful as legitimate arenas of human rights deliberation, even going so far as read messages not voiced.

3.1.1 The Right to Adequate Housing, Right to the City and Cidania

[...]residential illegality generates an insurgence of political and civil rights among the urban poor, who learn to use law to legitimate their land claims and who thereby compete in legal arenas from which they have been excluded. Thus, my argument is that for the working classes of the autoconstructed peripheries, illegal residence initiates the opportunity not only for legitimate property ownership through the eventual legalization of claims, but also for a new kind of participation in law and a new participatory citizenship that demands full inclusion.” (Holston 2008, 204)

The right to adequate housing, as a component of the right to an adequate standard of living, was enshrined in Art. 25.1 of the Universal Declaration of Human Rights and art. 11.1 of the International Covenant on Economic, Social and Cultural Rights. It has been developing through the last four decades to encompass not only the right to a shelter, but also to the right to mobility, closeness to services and labour, as well as the right to participate on urban management of resources. As any social right, it is widely understood as a progressive positive obligation by States (UN-HABITAT 2003, § 26).

The Right to the City, although initiated by Lefebvre, has taken a life of its own. It counterposes ‘rights in the city’ and is on the rationale of grassroots, local governments and international bodies, and its ‘radical’ status is never challenged (UNESCO UN-HABITAT 2009: 36; see Souza 2014). However, it can have a restrictive meaning: ‘the right to a better, more ‘human’ life in the context of the capitalist city, the capitalist society and on the basis of a (“reformed” and “improved”) representative “democracy”’, when, in fact, Lefebvre proposed a ‘true human and enjoyable city’, in the context of a very different, just society’(Souza 2010: 318 and Purcel 2002).

Holston (2008) traces the history of Brazilian citizenship from one centred in political entitlement attached to property and literacy, following the emancipation of slaves; to a social citizenship during the industrialization process, in which labour rights were granted to curb the new urban masses progressive power in paternalistic fashion; culminating in brutal repression of social unrest during the military junta dictatorship. Towards the end of the iron years, a new form of citizenship emanated from the fight for urban property, moving beyond the labour entitlements of the worker, to the figure of the urban precariat, united through the common struggle for urban property and participation in democratic affairs.

Souza pushes for a radical urban research, grounded on social movements praxis (2014). The author pushes for clarity in the concepts, particularly right to the city, and proposes a understanding of the democratic struggles in current Latin America as based on autonomy. This

concept, autonomy, goes beyond the participation in urban affairs that is lauded by so many mainstream institutions, it means respecting the organic forms of conducting collective affairs that exists beyond a state that is constantly trying to take power over it.

Urban struggles shift from claiming a right to the city, to promoting citizenship, but what is at stake is taking charge of urban matters and promoting an idea of the city that has people, instead of profit, as the centerpiece.

3.1.2. Development, Democratization, Decentralization and Governance

“At the first level, a discourse of democracy - interpreted mostly in human rights terms - has attempted to constitute itself as the ‘approved’ discourse of liberation and resistance.”
(Rajagopal 2006, 137)

Amongst the battle for meanings, the connection of human rights with these concepts is central, as they integrate the rationale of all roleplayers. Defining them means siding with a concept of participatory democracy that is merely ‘crisis managing’ and focus on maintaining governmentality of a pre-established political-economic, technocratic masterplan; and an autonomy based democracy. To achieve this, it is more productive to face democratization as a ongoing process, as opposed to democracy as a final product (Cannon 2012: 222).

During the last decades, decentralization has become commonplace amongst new technologies of government. As much of the democratic discourse, it is attached to, and mostly serves, the overarching concept of development (see Rajagopal 2003). As Souza points out, “works devoted to autonomous, horizontal, self-management-oriented movements and practices began to proliferate from the beginning of the new century”(2014, 9). But the meaning given to these concepts varies greatly from actor to actor. Sometimes the difference is easily detached from textual comparison, sometimes it is only apparent during the implementation of the projects. However, this marks what Dagnino (2002) names the ‘perverse confluence’, in which an active

and propositive civil society is fostered by two opposite political positions - one developing from the early social movement struggle dating back to the 1980's, centered on deepening of democracy and citizenship; and other, neoliberal, design to strip the State from its social responsibilities (Almeida 2006: 128).

Rajagopal states that 'just as decolonization was the political precursor to modernization of the Third World, democratization could then be the precursor to neoliberal globalization'(2009: 321). There are numerous attempts to promote democratic governance in relation to development. However, many of these proposals are conceptualised in such a level of abstraction that it is difficult to assess what they might amount to in terms of social practices. "They rarely address the question of how proposals would be operationalised and what impact their implementation might have on their retention of meaningful democratic credentials." (Stammers 2009, 4150)

The idea of "governance-beyond-the-state" is repeatedly attached to neo-liberal policies. "As civil society is charged with taking on the social responsibilities now eschewed by neoliberalism's shrinking state, its capacity as a crucial political domain for the exercise of democratic citizenship is increasingly being downplayed"(Alvarez et al. 2009, 1). As will be analyzed in the next section, movements in Brazil are currently faced with the dilemma of pushing for radical democracy or collaborating with the government in the institutionalized channels, where space for decision making is mitigated and the bureaucratization and 'line-of-production' mentality shapes the organization of historically dissident movements. That creates the need for protests and squats as expressions of human rights being exercised.

The mainstream idea of decentralization follows the logic of enterprises. A national and international elite, immune to political debates, establishes a goal, and the implementation of the project is outsourced to the people that will be affected by it. The goal is usually labelled as 'development', a package that today contains more than just capital accumulation, but also democracy and well-being.

The mainstreaming of an understanding of housing rights intrinsically attached to participatory democracy is, at the same time, a mark of the influence of social movements in human rights norms. Although concentrating in an issue area, problems are understood horizontally, connecting the issue at hand with different sets of rights, formulating alternative political spheres; and vertically, building a narrative of multiple layers of power. In the case of housing, we can see in Brazil (as in many parts of the world experiencing rapid urbanization), an initial struggle requiring access to urban land and security of tenure, evolving to access to basic services such as public transportation and schooling, and finally to a broad concept of Citizenship rights, basically the right to directly participate on the allocation of resources and urban-planning.

These multifaceted claims influenced norm-building in many re-democratization processes that ensued and, eventually, reached the international sphere. For instance, the last report of the UN Special Rapporteur on the Rights to Adequate Housing, stresses the importance of international human rights mechanisms engaging constructively with the responsibilities of local governments”.(A/HRC/28/62 Rapporteur 2014) The document stresses that decentralization must not be linked to privatization, and can be understood as:

“a) political decentralization, which transfers power or authority away from the central Government; b) fiscal decentralization, which shifts financial resources to more local governments; and c) administrative decentralization, which moves the administration of programmes and policies to more local authorities. It is generally agreed that all three forms of decentralization need to occur together for successful outcomes, generally moving from transfer of political authority, through transfer of resources to transfer of administration.”

The concepts of “autonomy, voluntary association, self-organization, mutual aid, direct democracy” did not start with the globalization movements, or even with the ‘New Social

Movements' of the 60's onwards. In fact, as Graeber (2004) points out, they relate to traditional theories of anarchism which has been largely overlooked by academics. Nowadays, it appears in the form of an 'libertarian turn', which Souza contends is already happening (2014), as the most creative and interesting emancipatory social movements present libertarian elements (ibid: 112).

3.2 Institutionalization & Social Movements

[...]by virtue of the 'subtle' influence of the state machinery on civil society's organizations (for instance, a gradual 'adjustment' of the agendas and dynamics of social movements to the agenda and dynamics of the state) and their militants ('seduction of power'), social movements' critical sense and energy can diminish—and in extreme cases even perish (Souza 2006: 335)

The implementation of an inclusive urban policy has long been a claim of Brazilian urban movements. That follows a trend of social movements, that construct struggles rooted in everyday issues 'in ways that demand their institutionalization' (Stammers 2009: 1867).

As Pruijt defines it: 'Institutionalization means that a movement is channeled into a stable pattern based on formalized rules and laws. Expected behavior becomes clearly defined; sanctions are in place. The institutionalization of a movement means that it loses its identity. Institutionalization also implies a changed movement action repertoire: conventional methods take place of disruption (2003: 2-3)

It is necessary to perceive politics beyond 'what we do in formal arenas' (Rajagopal 2003A, 416), since these are created on the expectation of demands, however progressive they might be. This, Day explains, creates a 'positive feedback loop', in which the strengthening of apparatuses of control create new antagonisms, 'increasing the quantity and intensity of discipline and control' (2004: 734).

The focus on civil society as a constantly renewed political sphere, capable of ‘extending and radicalising existing rights, was explored by Habermas’ studies on the need for an energetic civil society to keep the communicative structures of the public sphere intact. His account of Cohen and Arato’s ‘dual politics’ of new social movements, divided into “offensive and defensive goals”:

“Offensively, these movements attempt to bring up issues relevant to the entire society, to define ways of approaching problems, to propose possible solutions, to supply new information, to interpret values differently, to mobilize good reasons and criticize bad ones. Such initiatives are intended to produce a broad shift in public opinion, to alter the parameters of organized political will-formation, and to exert pressure on parliaments, courts, and administrations in favor of specific policies. “Defensively’, they attempt to maintain existing structures of association and public influence, to generate subcultural counterpublics and counterinstitutions, to consolidate new collective identities, and to win new terrain in the form of expanded rights and reformed institutions.” (Habermas 1990, 370)

For the purposes of this research, Nancy Fraser’s (1993) concept of ‘strong publics’ is particularly helpful. Characterized by ‘a strong associational dynamic and a commitment to inclusive, critical debate’, they are distinguished from a ‘weak public’ of liberal thinking , stressing the separation of civil society and the state and giving the former only the role of a watchdog. They move beyond consideration of civil society in the context of democratization to considering the dynamics of how civil society relates to the market. In this context, they see a strong public as constituting ‘the realm of emancipation, of alternative imaginations of economic and social relations, and of ideological contest’ (ibid.: 8; also Cannon et al. 2013:251)

Although valid and useful, Fraser’s and Habermas accounts of civil society as independent entities has been criticized as unable to grasp the reality, particularly in Latin America, of the

relationship between civil society and the state, as well as the power relations within civil society. The question, for Stammers, remains if human rights can maintain their ‘emancipatory thrust’ through processes of institutionalization. (Stammers 1877).

What has been named “the iron law of oligarchy” by Roberto Michels is the tendency of “transformation of what had been participatory and less bureaucratic organizations into formal organizations with hierarchical and self-reproducing authority structures’ (Davis et al.. 2005: xiii) (1903 Stammers). This transformation, Cohen and Arato defend, is ‘both negative and avoidable’, but it must be noted that ‘movements cannot influence structures’ from within without ‘succumbing to the pressure for self-instrumentalization” (Cohen & Arato 1992: 561)

The establishment of a policy freezes the political debate concerning a determined subject. Furthermore, it lures existing social movements to political channels deeply constricted by the possibilities of the policy, delegitimising progressive voices within the movements and setting discursive balances to gross-violations of housing rights continually perpetrated.

This is clearly exemplified in many of the cases studies in Chapter 4. While actions that lack support of institutionalized movements tend to be repressed swiftly, these movements tend to focus on changes within the political sphere, conditioning direct action to this goal, merely as a form of protest and pressure. In the few cases all tactics are combined, i.e. when movements construct strategies of actions with the immediate needs of the precariat at the spotlight, combining this with the pedagogical-political know how and rights based framing, results can be sustainable and propose, in its essence, a new experience of the urban.

While the institutionalization of human rights and social movements can be seen as a victory, particularly when through a political party that stemmed from movements and accedes to government, the reality is much more complex. De Souza contends that, while important to avoid isolation, ‘institutional struggle’ must be ‘a tactical supplement of - and always strategically and political-pedagogically subordinated to - direct action’ (Souza 2008: 111).

3.3. Direct Action - Autoconstruction - Building the Common

The formation of Favelas and the cultural ties related to being a ‘favelado’ are the setting stone of urban unrest in Brazil. Much has been written on the clandestine formation of communities on the sub-utilized lacunes of Brazilian rapid urbanisation, centered on improvised infrastructure and the construction of alternative bounds and societal organisations. Modern squatters have incorporated a more politically oriented action, conscious of the lacunes in legislation as well as having a clear, albeit raw, vision of their needs within a larger context. As historically happened in Europe, combining ‘ political aspirations (changing the course of urban restructuring to reflect the interests of the working population) and economic demands (suitable rehousing of displaced tenants’ (Pruijt 2003: 3).

When the limitations of the institutionalized channels are exposed, combined with the housing deficit and abundance of empty property, squatting comes as a organic reaction (Pruijt 2003: 1). Squatting is a fundamental expression of Direct Action, ‘often illegal but generally seem as legitimate’ (Souza 2006: 330), form of activism that aims to surpass the role of the state as provider of rights, experiencing them as if the state (or any form of power-over) does not exist, i.e. the ‘insistence, when face with structures of unjust authority, on acting as if one is already free’ (Graeber 2009, 203) Contrary to that are the everyday practices that continue to exist without recognition or even repression. The grassroots organisations that insist on improvising immediate enjoyment of rights as well as influencing the political spaces that remain closed to and by the institutionalised channels.

Autoconstruction, squatting or direct action is living in a dwelling without the consent of the owner, molding and repairing the empty property with the intention of using for a long-term. Urban unrest and resistance connected to this practice transformed the urban poor in Brazil from renters and squatters to owners in less than one generation, during the 60’s and 70’s. Owning became the exclusive “emancipation from employer domination and state regulation and, as

such, a means to reevaluate both their personal and their collective place in Brazilian society” (Houlston, 196). As explained, the act of fighting for urban land created an image through which a wider struggle for radical democratic city governance could take form.

The construction of the favelas was made in the form of *multirões*, episodic congregations of affinity groups, usually for the construction of something. Historically, communities gathered together on weekends to conduct ‘*multirões*’ of construction, mobilizing scarce resources and organically organizing the work-force: strong people carry materials, other cook and take care of children, those who work on the construction industry as bricklayers are promoted to engineers.

Zibechi points to a similar issue in the auto-constructed city of El Alto, built by its inhabitants on the periphery of La Paz (2010). Neighbors associated themselves in semi-isolated communities of less than 1000 people surrounding the struggle for property rights. In these small communities, direct representation on decision making was the rule. On contrast, the author maintains, the USAID report claimed that the city would be best organized in ‘barrios of five to eight thousand inhabitants’, as a minimal urban dwelling, in which development goals such as ‘citizen participation and deepening of democracy’ would be more sustainable. The flagrant paradox is only possible within the compounds of the top-down idea of representation, which would irrevocably be exercised through the state.

The government did not create the autoregulation of housing formation in Brazil. This phenomena has and will exist within and outside state intervention, as one can not undermine the persistence of a primal will to inhabit decently and its inescapable consequences. What it did was propose an idea of what autoregulation is and where its legitimacy lies. The problem is when the government proposes this idea as the product of a finalized political debate. It is in the nature of lawmakers to try and rationalize the surrounding world. Day maintains that direct action is necessary to break out of the ‘positive feedback loop’ explained in the former section, it means giving up expecting a different response from ‘structures of domination’, ‘inventing a response that precludes the necessity of the demand’ (2004: 734).

Direct action presents a frontal attack on the liberal notion of social rights as positive obligations of States. It forces the government out of the comfortable inertia of gradual implementation of social programmes to an active role, having to face the dilemma of allowing the auto-construction of neighborhoods, providing an agreeable solution or violently evicting the squats.

4. Findings

In this chapter, I study the urban policy from the perspective of the urban poor, particularly on the shortcomings of the institutionalized participatory channels and housing programs, leading to a renewal in protest and direct action importance. I go on to show when direct action is praised or marginalized by governments and movements, concentrating on the later's deployment of resources in different fronts of action. As will be analysed, the opening of new institutional channels of interference allowed the executive power to fully control the implementation of the policy and have the upper hand in bargaining with the heads of the established movements. This had devastating consequences on the organization of social movements, key actors on promoting the rights of the less privileged, as they replaced the traditional role of the State as the new bureaucratic channels of rights realisation, abandoning

radical and holistic ideas of the city and focusing on achieving housing projects for its associates. **I argue that if limited to the official instruments of human rights, the struggle for rights faces unavoidable instrumentation and falls under the state selectivity for material implementation.**

4.1. The Statute of the City and the Urban Policy under the Workers' Party Government

“Our objective is to change the law. But the law is always made to benefit the strongest” -
Maria Clara, interview 20.03

After years of deliberation and popular pressure, the Statute of the City was adopted in 2001, still on Fernando Henrique administration. It can be divided into three areas of interest: the usage and occupation of the land, the possibility of legalizing a-legal settlements, and popular participation on decision making (da Silva 2013: 174).

To curb real estate speculation, it prescribed progressive taxation, compulsory utilization or selling of property not fulfilling its social destination.

The Statute of the City prescribed, in an attempt to regulate past favelas and squats, amongst other legal instruments, the Special Adverse Possession of Urban Property, the Special Use for Habitation Concession, the Concession of the Legal Right to Use and the Special Zones of Social Interest, all destined to the poor families occupation of urban land (Brazil, Ministry of Cities 2001). Adverse possession can be classified as somewhat exchizophrenical. It creates the possibility of granting property to established neighborhoods after five years of uninterrupted possession². It was necessary to concede such rights, as it would be simply no viable to evict the enormous segment of the population in these settlements, which also became a potent electorate for populist politicians in change for favours and protection (Souza 2006: 340); at the same time,

² The first collective urban adverse possession was determined only in 2003 (Terra de Direitos 2013)

the act of squatting is still considered clandestine and illegal, discouraging future favelas. It is not possible, however, to have adverse possession over public property, and the special concessions were created for this end. They are even more problematic as, even though they are supposed to provide security, that can be lifted at the discretion of the administration if a 'higher public interest' is present - an excuse widely used under the guise of development and, in some cases, relating to mass events such as the World Cup and Olympics (see Faulhauber 2014).

Another important feature emanated from social movements claims was the creation of the Council of Cities. This deliberative body was established in 2004 and counted with members of different movements and citizens representatives, including MNLM. This trickled down with opportunities for participation (consultation) of citizens in councils in all levels (municipal, regional, state) of the administration.

The Council of Cities boosted the discussion of the National Habitation Plan, adopted in 2004, divided on the National Fund of Social Interest Housing (Fundo Nacional de Habitação) and the National System of Social Interest Housing. The PlanHab divided the Federal programmes in two fronts: improvement (urbanization) of settlements and mass production of housing. The National Fund created a series of funding and subsidies opportunities for the production and development of homes, amongst which the most important was the Solidary Credit, designed for the autogestion of project by associations of residents.

The Council ended up having more symbolic than actual power, as it was used only to discuss topics imposed by the government. The movements were mostly happy to abide, since they constructed the Workers' Party project together with the party (Maria Clara, interview, 20.03). What happened, though, was that the governmentality was more important to the party, that had to respond to its heterogeneous supporting coalition of parties. Therein lies the problem: by doing so, at the same time as they pushed their own reforms with the legitimizing seal of social movements approval, the party depoliticized the movements, diminishing their most progressive, emancipatory and radical practices.

This is the fundamental difference of social movements control in Latin America post redemocratization politics: right leaning governments tend to implement a process of democratization, utilizing social movements as implementers of top-down projects, at the same time, movements remain outside of state intervention, and position themselves as oppositors. Left leaning governments tend to integrate social movements through channels of controlled direct democracy while undermining their independent political sphere potential.

Industrial Production of Housing

On 2007 and 2009, respectively, the two largest programs, in numbers, were launched: The Development Acceleration Program (PAC) and the My House My Life (Minha Casa Minha Vida - MCMV). Together, they meant the investment of over 17 billion Reais between 2007 and 2010 (Brasil/Ministry of Cities 2010). These programs, lauded as the largest housing programs in history, with an eminently social rationale, have a fundamental flaw: they were designed primarily to inject public funds into the construction industry, to curb the effects of the global financial crisis (Silva 2013: 179). Hence, to be considered viable, projects had to generate profit for the construction companies, which would determine the viability. Projects are implemented in peripheral zones with almost inexistent infrastructure, lowering the cost of the terrain. The money saved on the plot has to be expended by the government in rushed infrastructure improvements, such as bringing streets, sewer, electricity, mobility, schools, hospitals and so forth. Most often, these constructions are still on paper when the housing facilities are inaugurated, ending the responsibility of the contractor. It is important to note that social movements were invited to join the discussion, but only when the program was already designed towards the last phases of the process (Rodrigues 2013: 55).

As a response to criticism by social movements, the Minha Casa Minha Vida - Entidades (My House My Life - Entities) was formed. It corresponds to less than 10% of its older brother, and is designed to give cooperatives of workers management of housing projects, centered on the auto-regulation by established social movements.

The first stage of the Minha Casa Minha Vida started in 2009 set the goal to build one million homes, with the investment of 34 billion reais (Brasil/Ministry of Cities 2010); indeed a vast number, unparalleled in history. On 2010, the second stage of the program was launched, predicting two million residences until 2014. The selection of the residents would be made by municipal and state governments. However, it is estimated that 18 million families applied (Boulos 2012, 47). The insufficiency of the program is flagrant and, at the same time, money was being diverted from others, perhaps more democratic, programs. Furthermore, it is even more alarming that the most precarious sector, the lumpenproletariat earning less than 3 minimum wages was the least privileged by this program, as it was less attractive to private companies. Every single squatter I came in contact with referred to the program as ‘minha casa minha dívida’ (My house my debt), a clever pun.

In conclusion, although the urban movements had unprecedented access to the institutional sphere and social programs presented favourable numbers concerning the production of homes, the hegemonic vision of the city as an arena of capital accumulation was never challenged. Development mass projects and the privatized model of the social programs meant that the construction companies had vast resources at disposal to employ in aggressive real-estate speculation. As the prices skyrocketed, areas communally occupied by years were reclaimed with help of the State, that evicted people with one hand, and channeled them through the novel rights based housing system, to insufficient, precarious and distant housing projects.

4.2. Together with the State, despite the State, against the State

“Saturday morning, the meeting is at Maria Clara’s house, an old time leader, she’s been with the Movement since the beginning and is one of the national leaders and state representative. Twelve people are present - municipal chapters leaderships, squats’ representatives, squatters themselves, also a representative from an organization responsible for the construction of Minha Casa Minha Vida projects. After initial prayers and statements, Clarinha, which just returned from a national meeting of the National

Housing Council, presents the demands from the national directive, centered on a day of action in which the state chapter would protest for the disposal of a public building in central Vitória for the movements restore and inhabit. The municipal leaders are not sold, there are three squats in desperate situation, with pressure from local authorities and even an eviction order. There is a stalemate between the two positions. When my opinions is asked for, I maintain that both fronts are important and apparently can be combined. The assembly ends with the grassroots members reluctantly accepting the date, while a document is to be sent to the national council with a list of demands and considerations.” (State Assembly of the MNLM, field note, 20.03.2015)

The passage above depicts current debates in urban movements organization. With unprecedented institutional channels and funds at their disposal, traditionally radical movements have to divide resources between old practices of mass mobilization and teaching, protests, direct action and official mechanisms of advocacy and participation. Although sometimes not conflicting, the sheer size and complexity of the new bureaucratic space is so demanding (and unforgiving occasionally) that movements must prioritize some conducts in detriment of others, failing to conciliate immediate needs and progressive realization of rights.

The passage shows grassroots groups, united through squatting, as more concerned with their own problems, wary of participating in national mobilizations. The strategy seems short-sighted and individualistic, but, as a squat leader pointed out, ‘it feels like they were lending their legitimacy to actions they have no control over and with no material gain for them’ and, he continued ‘if my people go there and are evicted at the next day, I’m not sure they will back the movement never again’ (José Maria, State Assembly, 20.03). There was a general discontent with the verticalization of the movements, as Elias maintained that ‘the national is only interested in MCMV-E. They focus only on accessing public funds and implementing large and sporadic housing enterprises and forget to form the “base”’ (Elias, State Assembly, 20.03) The discontentment with the movement is not only in the lack of support for urgent situations, but is a fruit of years of lack of reflection of grassroots needs in the national level, an alert Souza (2006) was clear about, and appears in Elias words:

“With MCMV-E, the ‘entities’ received funds and forgot the politics. 10 years without militancy and now, that the funds are gone and everybody is mobilizing, they want to do it again. So we, the base, now have to go and support the National, so they can get money, but when the money comes they don't sit with us. They never came here to the state to explain and instruct us on how to make MCMV-E projects.”

The protests took place and eventually led to a discussion table with representatives of the Federal Union, owner of the building, the UNMP and MTST, that ran smooth and without confrontation. The building in discussion is ten stories high, on the centre of Vitória. It has been abandoned for over 20 years and has been occupied back in 2002. On the occasion, Maria Clara led the occupation, but a quick negotiation with the Federal Police led to the short life of the action, with promesses of a quick regularization with the movement’s leadership, which never happened. Now, again, promesses; but this time they are confident it will bring results quickly. It was settled that the three movements, plus the local administration would share the available apartments - approximately 80 total.

Even movements that are strategically out of institutionalized deliberative arenas, such as MTST, appear to have their actions completely directed to the public sphere, only turning to grassroots for support and legitimacy. The movement initially focused on the auto-construction of ‘rural-urban’ settlements (rururbanos), areas on the peripheries of large cities that aimed at providing housing for city workers paired with common areas of cultivation of food. Soon, it abandoned this tactic entirely and nowadays focus its attention to pressuring the government for the urban reform and gaining MCMV projects for its affiliates. Despite being self-proclaimed an outsider, not abiding by institutional channels such as councils and participatory budgets, the movements actions, such as occupations, do not emanate from the needs of those involved, but from the higher echelons, that promote actions designed exclusively to exert pressure over the governments and gather habitational units for its members.

MTST began its activities only after the institutionalisation of housing rights. According to Boulos, leader of the organization, “our intention is not for people to stay on the lots and

‘favelize’, our perspective is to establish an occupation as a form of pressure over the public power and the speculators”, leading to the use of “idle spaces, construct popular housing” (2014).

As Boulos maintains, they do not seek to establish permanent settlements. In MTST occupations, they even forbid the traditional “gato”, clandestine connections that historically brought energy, water and even cable TV to favelas and squats in general. The squatters have the sole purpose of a tool for pressuring the administration. The lack of basic services makes it unsuitable for housing, the people the join MTST occupations generally live somewhere else and are present only for roll calls in predetermined periods, also taking turns in spending the nights. This also limits the accessibility to joining the program, since people need to have, at least, provisional homes and availability in working hours.

MTST confronts the question of the institutionalisation in its positioning.

The direct forms of acting of MTST are centred on the direct fight against our enemies. This is important because it differentiates us from the majority of urban movements. that opted to focus their actions on the institutional participation: negotiating projects with the State, participating in Councils (habitation council, city, participatory budgeting, ect.) and partnerships with governments. Although the MTST can also negotiate, to us this part of the process will always be in relation to the mobilizations and direct actions of pressure. (MTST 2008: 5)

It is clear that, while it presents itself as ‘enemy’ of the government, its actions are centered on actions ‘of pressure’ towards said government. While it remains clear of institutionalised channels such as councils, the sole raison d’être of its actions are to influence governmental action.

“Our key form of action are the occupations of public land. With those we pressure directly the owners and the State, denounce the social problem of housing and construct a process of autonomous organisation of workers. The occupations are always accompanied by a pressure directed to the State organs, with marches and occupations of public buildings. (MTST)

The exclusively symbolic dimension of its actions is also present on the sites their choose. While there is a bigger demand for plots in central areas, or focusing on improving large peripheral communities, MTST focuses on famous sites. For instance, the occupation³ Copa do Povo (World Cup of the People), while being completely unsuitable for habitation, reached unparalleled success. This happened because the dwelling was only meters away from the modern Itaquerao, the stadium where the World Cup was to be inaugurated. Around 2000 people, while not living permanently in the occupation, participated in it, and the municipal government was quick to implement a housing project at the site, granting the construction contract to the company that owned the land in the first place (Vice 2014). Alleging a change on the city Master Plan (which was discussed in participatory arenas) and a fraud to the city’s housing program line, the state court suspended the contract one year after it was signed; it is now being discussed (Santos 2015).

By focusing exclusively on influencing the official institutional channels, even if by unconventional means, MTST’s activism appears to lack the performative experience of rights, and it is debatable if it presents creative interpretations of official documents at all. It concentrates on what Day (2004) names politics of demand, with a strong orientation towards the state, falling in the hegemonic conception, overlooking possibilities not ‘oriented towards achieving state power or to ameliorating its effects. In the MTST rationale, popular support is understood as something to be achieved, in order to grant legitimacy to the movement.

³ Since there is no intention to set residency for a long-term at the dwelling, I use the term occupation for MTST settlements, instead of squats.

As Souza argues, ‘social movements remain vulnerable in the face of the state apparatus as long as they abdicate to think and to act autonomously. Participation in institutionalized participatory channels can be useful under certain circumstances, but even if the partner is a ‘truly progressive and open government’ social movements have to be cautious and cultivate their capacity of (self)-criticism. (Souza 2006: 338)

4.3. The Struggle for Maintaining Rights

“We all gather around under the abandoned health clinic construction, around 60 people, at least one representative from each household; men, women, elderly, children, dogs. Elias apologizes for not making it to the assembly over the last two weeks. The squatters are afflicted by the threat of the eviction. I explain it will not happen overnight, since the Military Police follows the rulebook and schedules meetings and a date for the operation, meanwhile, we would fight in all arenas for their rights. Elias maintains that the meeting with the mayor will happen, and from that we will know what to do. The topics shifts to the maintenance of the squat as apparently people are not taking responsibility for it - grass is high, there are puddles everywhere as the terrain is uneven, some houses are in poor condition. Elias explain that is imperative that everyone discuss collective topics and work together, this will be determinant in achieving success.” (Padre Gabriel weekly assembly, field notes, 4.4.2015)

Although much of the beneficial provisions of the housing policy were given legal status, the norms were constructed in such a way that the fulfilment of rights had to go through the administrative sphere managed by the executive power. In this scenario, the judicial branch is instrumentalized as a provider of legitimacy for evictions, which happen at the discretion of the executive branch. As explained, a long process culminated on the elevation of housing as fundamental right inscribed in the Constitution. Furthermore, the Civil Code predicts the ‘social

function of property'⁴ as a paradigm which, combined with the provisions of the Statute of the City, should guarantee security of tenure to (a)(i)(sub)legal tenants. Although apparent strong legal protections against forced evictions of any kind, the judicial system enshrines property rights above all.

The biggest weapon against 'recent' (less than one year) occupations is the eviction "*inaudita altera pars*", i.e. without listening to the opposite plaintiff, inscribed in article 928 of the Civil Procedure Code. The filling of a eviction request, if duly backed by a formal proof of property and minimal indications of lawful usage at some point in the past, usually led to an automatic eviction order. As noted, if given the opportunity to contradict the request and summon rights, that could halt the bureaucratic wheels and possibly open some sort of negotiation channels with the owners and public institutions. However, since the possibility of evictions without the hearing of the occupiers was the rule, access to justice was only guaranteed after the eviction had taken place, strongly emptying the importance of this rights.

In the Padre Gabriel case⁵, the construction site had been emptied for over three years, and the photos attached in the initial filing proved that the construction was in ruins and the surrounding plot without any signalization or maintenance, with tall grass and water filled ditches resembling a swamp. Nevertheless, the prefeitura justified the urgency of the measure claiming the squatters were hampering the possibility of continuing the construction that would benefit the neighborhood. This is a direct influence of the 'social function of property', with all its limitations, even if not enforced automatically by courts, the owner is compelled to justify the lawful utilization of the property, opening new avenues of discussion.

The reasoning behind the urgency of the measure was summed up in this sentence: 'also, to protect the rights of the squatters, since with the delay of the eviction, more and more people

⁴ Article 39 of the Statute of the City states that the social function of property is fulfilled when it follows the rules from the City Master Plan, drafted by the executive.

⁵ Tribunal de Justiça do Espírito Santo - TJES (Espírito Santo State Court), n. 0022965-49.2014.8.08.0012

tend to move in'. The perverse logic denies basic rights to the residents allegedly in their best interest.

As soon as the order is emitted, a channel of negotiation is opened by the municipality. The Movement leaderships present a solution based on the existence of several isolated plots the municipality acquired in 2007, with federal funds, to build popular housing projects. The benefit of these plots is that they are located in already urbanised areas not needing further investments by the municipality. Nevertheless, after initially signaling to this alternative, the Mayor turned irreducible and informed he would not negotiate with squatters.

In another illustrative case, following the success of the 'World Cup of the People' occupation, MTST applied the same tactic on the 'Portal of the People' occupation, seeking in the justice system an intermediate between the squatters and the owners and public authorities. After the initial automatic eviction, the São Paulo Court judged the appeal as follows:

“the property, vacant for over 30 years, was occupied by hundreds of working families that, due to the increase in rental costs, can not maintain such burden without compromising their basic subsistence. The property did not fulfil its 'social function', being used as a drug abuse place, crimes, [...]. The squatter by MTST, named “Ocupação Portal do Povo, is formed by over two thousand families, displaying the gravity of the housing deficit. The workers do not wish to remain on the lot indefinitely, or even build an irregular neighborhood, favela or clandestine settlement, being the situation temporary, with the intent to open a channel of dialogue with the Government and the owner to reach a peaceful settlement, as long as there is a guarantee that the right to decent housing is fulfilled for the squatters. (TJSP 2014, Agravo de Instrumento nº 2115093-89.2014.8.26.0000)

Despite recognizing the reasons for the occupation, the Court eventually ruled in favour of the eviction. There is no legal motivation for that, as the only explanation is the interference of the executive branch, which, in the first case, had political motivations to negotiate with the movement.

Also, owners, specially the government, also apply a series of tactics surrounding the judicial battle. At the Padre Gabriel squat, the state electric firm tried to cut out the clandestine power connection. Squatters then relied on the sympathy of the workers that were in charge of cutting the lines, as they intentionally left an alternative connection and, reportedly, said they would ‘pretend they didn’t notice it’, which would gain another months of energy before they company realized it. At the Vila Petronio squat, at the other hand, police officers tore down shacks that were being built, without judicial order.

The lack of consistent judicial victories shows the lack of access to justice for the squatters. Justifying the need to squat by the failure of the state to deliver social rights is of limited possibilities within the Civil Procedures, as even the Supreme Court's positive rulings have been on such restrictive terms that its enforceability is extremely limited. As it is, victories have to be achieved through combining litigation with debates with the executive branch, as well as utilizing multiple rights and tactics to slow the eviction orders.

4.3.1. Forcing the Hand

Paulo, a municipal leader of the movement, gathered documents that proved the purchase, by the municipality, of several plots with federal money, for the specific purpose of building popular houses, back in 2007. However, plans have been unable to develop giving the fragmentation of the plots, which made it difficult to access funds for the construction. This became a key argument on the preservation of the squat, as it established the neglecting of a constitutional right by the municipality fault.

Concomitant to the judicial battle, members of the movement seek to discuss possibilities of cooperation with the municipality administration. Initially, the mayor signaled with a solution for the squatters, a position that was defended by the secretaries of social matters and habitation, leading the movement into withdrawing from appealing the eviction decision. However, the mayor backed from the position, allegedly stating he would not negotiate with squatters. What

ensued was months of negotiating a meeting with the mayor and his secretaries, in which the squatters suffered from the perennial threat of a sudden evictions.

The municipality is clearly falling short on its obligations to provide adequate housing at affordable prices for all segments of the population. Squatting serves, then, as a reopening of the institutional sphere, forcing the authorities to position themselves towards the issues and, at the very least, motivate their actions or lack thereof. The position of the mayors, from both Cariacica and São Paulo - two completely different scenarios- show governments are aware of this, and will respond with brute force and tender negotiation to apparently similar situations, depending on a larger governmentality strategy. Although the new urban policy meant radical gains for the movements and residents, when it fails to deliver, it can be even more demeaning, revolting and desperate.

When finally the leaders grew tired of wanting a municipal response, the judicial battle ensued and the lack of the municipality carrying on of the housing program, as well as topics discussed in the next section were argued, and the judge agreed to halt the eviction until the rights of the squatters is at least attended to by the prefeitura.

The week following this judge informal pronouncement, we scheduled a meeting with the municipal representatives. The meeting was tense, and a stalemate was established: the mayor would not negotiate until the land is occupied. The mayor would not bulge, even after Elias and Paulo presented sustainable projects of utilization of the property the municipality bought in 2007. The final result was somewhat successful, if not tranquilizer. The mayor will cease to aggressively pursue an eviction, while the MNLM should present viable funding options. 'I just do not know how we going to get it, money is pretty scarce this days', Elias explains to me. Nevertheless, smiles can be seen as the squats gained at least another month or so of existence.

4.3.2. Postponing the Inevitable or Towards Human Rights Friendly Evictions (?)

General Comment n. 7 of the CESCR established forced evictions as removals without ‘access to appropriate forms of legal or other protection’. Despite the many compromises present in this document, this rule can favour progressive interpretations already taking place sporadically, limiting the eviction ‘without hearing’ to very limited possibilities. That would ensure effective ‘access to justice’ for the squatters, as well as promoting friendly solutions.

Even the most progressive actors tend to see squats as a problem to be solved and avoided. Its comprehensible, any order craving person is afraid of creating a license to squat, as well favouring solutions that would provide a secure status to the occupants of land.

In that spirit, General Comment n.7 and the National Rulebook for Collective Eviction, a soft-legal document made by the Ministry of Rural Affairs, that started being used in urban evictions as well.

A key avenue to halt the cautionary eviction was not connected to the housing rights legal framework, but children and elderly rights, with a stronger enforceability. The Elderly and Children Statutes state that the Ministério Público has to intervene in cases where these classes of citizens were present. By using the justiciability of these rights that housing rights simply do not have, squatters can, at the very least, extend the duration of the squats.

As a member of the Bar’s Human Rights Commission, I attended an eviction in which the voracity of bureaucracy was in full display. Several families started occupying a semi-rural plot in the outskirts of Vitória. Apparently without use, the owner justified the social function of the land, stating it was sporadically used as a rental grassfield for cattle, a position maintained by the the testimony of one of his employees. At the day of the eviction, me and a partner attended the operation, starting at 7 A.M. The police officers and public officials responsible informed us that all the guidelines had been followed, all the squatters duly informed of their rights, and that they were neighboring residents, attempting to clandestinely gain some land. All municipalities rights defending bodies

were informed, none attended. At the property, there were around 20 clearly demarcated plots, with two of them with well constructed, brick houses. The squatters claimed a legitimate right to the land, stating that a third party had showed a lawful property title and was selling the land at a fair price. Nevertheless, that was little we could do since the legality of the operation was granted by a court of law, and the bulldozers started their jobs, while the occupants scrambled to find a place to take their appliances. It was then that we came across the residents of the second house, a couple of elderly, aged 78 and 95, illiterate, claiming their son, who lived in a different city, purchased the land for them the live, the only reason they left their home-state of Bahia. The Elderly Statute came in handily them, as the leading officer listened to our pledge, probably more sympathetic than concerned with the lawfulness of the order, and spared the humble house that day, to the protest of the bailiffs. A short lived victory, as the Public Ministry approved the eviction order and the couple left, willfully, a couple of weeks after.

The Guideline Manual, insofar as it establishes a series of obligations prior to the eviction, at the very least provides some sort of security for the residents, considering that the police will have to get in contact and establish a date for the operation. However, it is not a legally enforceable document, as it does not provide any penalties for non-abidance. Its power grew after the Pinheirinho Eviction, in which a 6000 people squat dating eight years was brutally evicted by thousands of police officers. After years of negotiation, the municipality executed an eviction order without notice, leaving thousands without a place to go and engaging in warfare-like confrontation with the community. The case is currently awaiting a provision for reparations from the Inter-American Human Rights Commission (Fetterhoff 2012).

However, when used properly, it can have important effect on the lives of many. In the state of Espirito Santo, cases begin to appear using this rulebook to guarantee rights, as a judge determined, after an informal participation from the Bar's Human Rights Commission, that a municipality should 'ensure the relocation of families that could not afford housing; that the

tutelary councils (Child protective bodies) and the Public Ministry would have to intervene in the case before the eviction was carried out⁶.

4.. The Holistic Possibilities of Squatting (or, when everything goes right)

This section examines two of the most interesting sustainable examples of modern squatting, Chiquinha Gonzaga and Manoel Congo, both at central Rio de Janeiro. Since both are very similar, the Manoel Congo will be studied, as it has a better presence in media and is fruit of a more comprehensive project. All considerations apply to the Chiquinha Gonzaga unless noted otherwise.

The Urban League Cooperative, is a sustainable housing initiative of the MNLM, implemented in the Occupation Manoel Congo. It strives to integrate its members, create a communitary income source, provide basic services, all while defending a presence in the central area of Rio de Janeiro and positioning the occupation in a wider context of policy change (Estação Cinelandia 2015).

It was formed in 2007 with the occupation of an abandoned government building, by 42 families. After years of conflict, the government agreed to finance the restoration and remodelling of the building. It was not easy, though, as the clandestine connections to power, water and sewerage were consistently disrupted, and the residents had to make due with one communitary kitchen, one bathroom per floor and no elevator. From the beginning, a daycare, a library and a common area for assemblies were established.

Currently, the building is going through restaurations, with all the residents involved. A restaurant and samba place is being installed, designed to employ around 60% of the resident

⁶ TJES, n. 0003364-06.2015.8.08.0050.

workforce. Also, professional courses are constantly taught, including IT, waitering, craftsmanship, english, kitchen help, etc.

Both cases provide performative experience of the rights to the city, as they combine multiple needs of the squatters, constructed deliberately and holistically, combining living in central areas, providing collective income and solutions, as well as horizontal decision making. However, the cases are far from being the rule, as similar actions are still brutally repressed. In fact, the success of these squatters is most probably a concession on the local government, which was involved in numerous public opinion damaging evictions at the time (Faulhauber 2014).

Lurdinha, one of the national leaderships of the MNLM, active in the state of Rio, points out the active idea of citizenship promoted in squatting, and pushes for a progressive policy implementation:

“Any working person who comes to live at Manoel Congo is making a choice to accept the challenge of building a new way of interaction, a new society and a new reality. All this must become public policy. The fact that Manoel Congo has occupied and managed to stay downtown. Manoel Congo must become a guideline for public policy”(2015)

5. Conclusions and Recommendations

Over the course of the fieldwork, a few issues were recurrently pointed to as obstacles to the full implementation of the urban policy in accordance with social movements understandings. The cooptation of large social movements, or at least of their national coordination; lack of interest of these movements to invest efforts in grassroots activism, vis a vis the management of projects as partners of the State. The collective account of the Workers' Party urban policy years is one of discursive progress and favourable indicators, but a constraint on progressive activism that seeks to reconstruct the pillars of the city.

Squatting is presented as an action capable of curbing these obstacles. While serving as an immediate housing solution, historically important in Brazil, it also serves as citizenship formation mechanism fostering an active role by residents, who also become aware of the legal mechanisms and create a collective identity united through struggle and affinity. At the same

time, the act of squatting serves as a raw political language, that bypasses the institutional channels and reaches the public and political bodies with strong images and underlying messages. These can be the picture of military police force beating workers, children and elderly out of their homes with all their goods; or clear demands for housing and pointing to property which does not fulfil its social obligations, as well as suitable solutions for the housing deficits.

Embedding squats in a human rights language fosters a sense of respect for this illegal practice, and promotes the interpretation of the actions as claims and exercises of rights. Furthermore, it reconciles human rights and a wider process of emancipation, and teases out possible tactical uses of well established rights by the squatters.

It could be argued that this kind of a-legal, denial-of-state, an-archist, action is unproductive, as it propagates a type of city that is wanted to be abolished, leaving the political sphere to the neoliberal project, and fail to produce sustainable changes in the urban environment. However, I argue, along with the political and performative considerations discussed above, even if academically incorrect, it will continue to occur as it is an activism out of sheer necessity. At the same time, institutional acting is also necessary. That means it must be a conciliation between the two fronts.

Recommendations

This research attempts to discuss tactical considerations surrounding the new political and legal documents of the right to housing in Brazil. I felt the necessity to get in deep in a particular conflict, but that also limited the contact with different realities, particularly considering the continental size of Brazil, as well as the similarities and differences within the continent. There is body of emergent literature focusing on the grassroots activism as a source of human rights norms building, it would be great to see further research on possible forms of direct action I could not cover here.

On a practical side, I believe urban movements have to go back to direct action, but keeping those directly involved at the strategy formulation. Acting within and outside the state must not be auto-exclusive, and new forms of dealing with direct action must be discussed. A particular form I started to grasp in this work is the possibility of accepting the temporary character of squatters, instead of dissolving at the promise of housing construction, maintaining the squatter until the new settlements are built and accepted by the squatters, using it as an end in itself as opposed to a mere mean - despite knowing deep down it will have to be dismantled anyway.

Other recommendations, concerning balancing actions towards and despite the state have already been made by established authors. Perhaps movements can understand the impossibility of collaborating with institutional channels and maintaining a progressive and independent character. A possible solution to that would be dividing the movements into sisters organizations, together in ideology but with different goals and lines of action, which already is starting concerning MCMV projects.

Policy recommendations are hard to detach from this work, as the limitations of generally good policy are exposed. However, giving the abundance of empty public property and housing deficit, new mechanisms that actually integrate grassroots activists in the discussion of urban resources mobilization must be experimented with. For instance, a channel for pre-squatting could be interesting, at least for public property, as potential squatters would point out available land and authorities could establish a channel of debate and compromise that would guarantee the rights of the citizens with the least possible degree of loss for the government. Finally, as explored in the movement recommendations, focusing on the temporary character of squatters is paramount; establishing temporary zones, for residency for a period of months or years, with access to public services, until a permanent housing unit is read could mean the end of the need for squatting. It must never be pointed out, however, that without genuine political will, policies will always fall short.

Word Count: 14422, abstract not included. After editing, fell a little short of the established goal. As I am comfortable with the result, I will not artificially temper with the work.

Bibliography

Alvarez, S; Dagnino, E; Escobar, A (eds) (1998) *Cultures of Politics, Politics of Cultures: Re-visioning Latin American Social Movements*. Westview Press.

Borja, J.; Muxi, Z (2003) *El espacio público: ciudad y ciudadanía*. Barcelona: Electa.

Boulos, G. (2012) [Why we occupy? An introduction to the home-less struggle] *Por que Ocupamos? Uma introdução à luta dos Sem-teto*. São Paulo: Scortecci. (In Portuguese)

_____(2014) Interview. *Carta Capital Magazine*. Available at:

<http://www.cartacapital.com.br/sociedade/201co-maior-legado-da-copa-foi-a-especulacao-imobiliaria201d-463.html>. [accessed 10.5.2015]

Brazil/IBGE (National Institute of Geography and Statistics) 2006. [Synthesis of 2006 Social Indicators]. Brasília. Available at: <http://www.ibge.gov.br/home/estatistica/populacao/>

condicaodevida/indicadoresminimos/sinteseindic sociais2006/indic_sociais2006.pdf [In portugues, accessed at 10.05.2015]

Brazil, Ministry of Cities (2004) National Housing Policy. Brazil.

_____. (2010) O Estatuto da Cidade : comentado = The City Statute of Brazil : a commentary / ed. Celso Santos Carvalho, Anaclaudia Rossbach. – São Paulo : Ministério das Cidades : Aliança das Cidades.

Brenner et. al. (2011) Cities for People, not for profit: Critical Urban Theory and the Right to the City. Routledge

Cannon, B; Kirby, P (2012) Civil Society and the state in left-led Latin America: challenges and limitations to democratization.

Castells, M. (1984) The City and the Grassroots. University of California Press

Charmaz, K. (2006). [Constructing Grounded Theory: a Practice Guide through Qualitative Analysis](#). London: Sage.

_____(2008) Grounded Theory as an Emergent Method. In S.N. Hesse-Biber & P. Leavy (Eds), Handbook of Emergent Methods. New York: The Guilford Press.

Da Silva, C. (2013). As Políticas atuais de habitação e a participação dos movimentos sociais: limites e perspectivas nos programas nacionais de incentivo à autogestão. In Revista Convergência Crítica, n.3.

Dagnino, E; Olvera, A; Panfichi, A. (eds.) (2006) A disputa pela Construção Democrática na América Latina. Unicamp

Davis, M. (2007) Planet of Slums. Verso Books.

Day, R. (2004) From Hegemony to Affinity. Cultural Studies, 18:5, 716-748. Available at:

De Souza, M. (2006) Together with the State, despite the state, against the state, social movements as ‘critical urban planning’ agents. In City magazine, Vol. 10, No. 3, December.

_____ (2010) Which right to which city? In defence of political-strategic clarity. In *Interface: a journal for and about social movements*, Volume 2(1): 315 - 333, May.

_____ (2014) Towards a libertarian turn? Notes on the past and future of radical urban research and praxis, *City: analysis of urban trends, culture, theory, policy, action*, 18:2, 104-118, DOI: 10.1080/13604813.2014.896644

Estação Cinelandia (2015) O Projeto. URL: http://trabalhoemoradia.org.br/?page_id=2 [accessed at 20.04.2015]

Graeber, D. (2004) *Fragments of an Anarchist Anthropology*. Prickly Paradigm Press Chicago.

_____ (2009) *Direct Action, an Ethnography*. AK Press

Faulhaber, L. (2014) *Rio Maravilha, práticas, projetos políticos e intervenção no território no início do século XXI*. Final Architecture Masters Degree Dissertation. Universidade Federal Fluminense.

Ferreira da Silva, C. (2013). As Políticas Atuais de Habitação e a Participação dos Movimentos Sociais: limites e perspectivas nos programas nacionais de incentivo à autogestão in *Revista Convergência Crítica*

Fetterhoff, C (2012) Pinheirinho Eviction highlights Brazilian poor's lack of access to adequate housing. Human Rights Brief. Available at: <http://hrbrief.org/2012/02/pinheirinho-evictions-highlight-brazilian-poor%E2%80%99s-lack-of-access-to-adequate-housing/> [accessed 02.05.2015]

Fraser, N. (1990). *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy*. Duke University Press. Available at: <http://www.jstor.org/stable/466240>.

Goodhart, M, (2013). *Human Rights and the Politics of Contestation* in Goodale, M. (ed) *Human Rights at the Crossroads*. Oxford University Press

Habermas, J. (1996). *Between Facts and Norms: contributions to a discourse theory of law and democracy*. New Baskerville: MIT Press.

Hale, C. (2006). *Activist Research v. Cultural Critique: Indigenous Land Rights and the Contradictions of Politically Engaged Anthropology*.

Harvey, D. (2013). *Rebel Cities: From the Right to the city to the urban revolution*. Verso Books. 2 edition.

_____. (2009). *Social Justice and the City*. University of Georgia Press

Holston, J. (2008). *Insurgent Citizenship: disjunctions of democracy and modernity in Brazil*. Princeton University Press.

Lamcheck, J.S. (2013). Exercising rights into existence: new human rights strategies by Third World peoples. *Australian Journal of Human Rights*, Volume 19(1).

Lopes Lurdinha (2015) Interview. *Brasil de Fato*. Available at <http://www.brasildefato.com.br/node/13572>. [accessed at 10.4.2015]

MTST (2008). *As linhas políticas do MTST*. Available at: <http://www.mtst.org/linhaspoliticaseorganizativas.pdf>. [In portuguese, accessed: 05.05.2015]

Purcell, M. (2002). Excavating Lefebvre: The Right to the City and its urban politics of the inhabitant in *GeoJournal* 58: 99-108. Kluwer Academic Publishers

Rajagopal, B (2003A). *International Law from Below: Development, Social Movements and Third World Resistance*.

_____. 2003B. *International Law and Social Movements: Challenges of Theorizing Resistance*. *Columbia Journal of International Law*. Volume 41. Number 2

_____, 2006A. *Counter-hegemonic International Law: rethinking human rights and development as a Third World strategy*.

Rodrigues, E (2013). *A estratégia fundiária dos movimentos populares na produção autogestionária da moradia*. Master Dissertation in Architecture and Urbanism - USP

Rolnik, R (2013). *A voz das ruas: as revoltas de junho e suas interpretações*.

Santos A. (2015) *Suspensa Lei que beneficia MTST em assentamento Copa do Povo*. Available at:

<http://sao-paulo.estadao.com.br/noticias/geral,lei-que-beneficia-copa-do-povo-do-mtst-e-suspensa,1629674>. [accessed 10.04.2015]

Speed, S.. (2008). *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*, Stanford University Press, Stanford

Stammers, N. (2009). Human Rights and Social Movements. Pluto Press. Kindle eBook ISBN 978 1 7837 1397 4.

Terra de Direitos (2013) Em decisão inédita, justiça do Paraná reconhece direito à moradia em imóvel de massa falida. URL:

<http://terradedireitos.org.br/2013/05/15/em-decisao-inedita-justica-do-parana-reconhece-direito-a-moradia-por-usucapiao-em-imovel-de-massa-falida/> [accessed 20.04.2015]

UN-HABITAT (2003) The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action

UN-HABITAT & UNESCO (2009). Urban Policies and the Rights to the City - Rights, responsibilities and citizenship

UN Special Rapporteur on Adequate Housing (2015) Annual Report. Human Rights Council, Twenty-eighth session.

United Nations Committee on Economic, Social and Cultural Rights. (1991). General Comment n.4. Available at: <http://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>

_____. (1994). General Comment n.7. Available at:

<http://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>

Urban Inform. The requalification of Chiquinha Gonzaga (video). Available at:

<http://www.urbaninform.net/home/minidoc/384/the-requalification-of-chiquinha-gonzaga.html>

Vice (2014) A day at the occupation Copa do Povo. Available at:

http://www.vice.com/pt_br/read/passamos-um-dia-na-ocupacao-copa-do-povo-em-itaquera

[accessed 05.04.2015]

Wilson, R. (2006) Afterword to ‘Anthropology and Human Rights in a new key: The Social Life of Human Rights

Zibechi, R. (2010) Dispersing Power: Social Movements as Anti-State Forces. Translated by Ramor Ryan