

YOUNG, INFORMAL, AND SUSTAINABLE: YOUNG LAND OCCUPATIONS IN SÃO PAULO

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Abstract

The production of urban land through occupations of environmentally protected areas at the peripheries of mega cities is a wicked problem in the Global South. As impoverished families cannot either afford rent in well-equipped locations or access housing programs they occupy available land on the city periphery that is not readily suitable for habitation. Young land occupations in particular lack the resources required to cope with the threat of displacement. In the early stages of occupation, legal cases often use the narrative of environmental degradation and unsustainable practices—due to the impacts of deforestation and the lack of proper infrastructure—to force eviction, deny services, or criminalize occupiers. Despite these challenges, young occupations continue to grow rapidly on cities' peripheries. By the time that municipalities assess that it is legally sound to upgrade them, it is often too late to guide their settlement patterns toward healthy and ecologically sensitive development.

This project focuses on the case of a young land occupation on the periphery of São Paulo city to examine the mechanisms, trajectories, and decision-making processes that frame lower-income residents' struggle for the right to the city. Following a participatory action-research approach, the project sheds light on the community organizing, the spatial strategies, and the actions that land occupiers take to secure tenure, improve infrastructure, and steward the environment. A central focus of this effort

is to support the internal organizational capacities of the community and its connections with other social and housing rights groups in the city.

The Urban Housing Crisis

The production of urban land through occupations of environmentally protected areas at the peripheries of mega cities is a wicked problem in the Global South. Given the lack of affordable housing in adequately served locations, impoverished families occupy available land on the city periphery, where most of the remaining areas of environmental value are located. The fast pace and intensity of this urban dynamic puts pressure on the environment and compromises residents' access to infrastructure and urban services. Scholars have recorded the urbanization processes that have contributed to the criminalization of poverty through Brazil's violent production of racially segregated, precarious, and, above all, unjust and unequal cities over the last century. These trends persist and, in some dimensions, have worsened since the beginning of the twenty-first century.^{1,2} As Erminia Maricato notes, not only unemployment and underemployment, but also the low wages of Brazil's working class have historically prohibited access to decent, safe, and well-located housing via the formal housing market. In response, "self-construction of housing was the means to lower the cost of reproduction of the workforce away from the desirable areas for market rate housing."³

The high cost of urban land has further reduced access to adequate, well-located housing for the urban poor. In São Paulo, property prices increased 153% between 2009 and 2012, while



Figure 1. Aerial imagery depicting the progressive urbanization along the Billings reservoir between 2014 and 2019. *Comunidade Jardim Gaivotas*. Source: Google Earth.

in Rio de Janeiro the increase was 184%: “Urban land remain[s] hostage to the interests of real estate capital.”⁴ Rising land and rent costs have adversely affected the urban poor, increasing land tenure insecurity for those on irregularly occupied areas. Planning regulations against land speculation exist, but are poorly enforced.

Given the lack of government investment, on average, cities’ peripheries report lower life expectancy, lower incomes, higher unemployment rates, higher infant mortality, violent policing, racial injustice and higher homicide rates. These communities endure poorer transport and inadequate access to education, public health services, and culture. Despite these challenges, the peripheries are more comprehensive, vast, populous, and dense than the central regions.⁵ In the urban peripheries, land occupations may occur spontaneously or via housing movements. Auto-construction takes place in clandestine or irregular settlements, rental markets in favelas, and land or building occupations. (Figure 1)

The Environmental Urban Crisis

Under these historical circumstances, the production of urban land involves intense processes of urbanization and occupation. Oftentimes, land occupiers have no choice but inhabit fragile and environmentally sensitive areas. While the provision of low-income housing in areas of environmental value is supported by the City Master Plan through the areas of social interest (ZEIS 4), housing needs are larger than the available land. Meanwhile, investment in environmental enforcement capacity has been notable in Brazil.⁶

Specifically, the Public Prosecutor’s Office (*Ministério Público*) has the power to file civil and criminal suits to protect the environment,⁷ Prosecutors may file lawsuits against the city, illegal subdividers, and land occupiers or mediate conflicts when land occupations impair the environment.⁸ Since 2012, as the Federal Forest Code was updated and reenacted, the legal provision of the Areas of Permanent Preservation (APPs) has had vast implications for formal and informal settlements in Brazilian cities. The designation of APPs aims to protect water resources, landscape, geological stability, and biodiversity, penalizing the urbanization of these features.⁹ In many cases, land occupations take place in areas of environmental value or not apt for development due to their classification as permanent preservation areas, water conservation areas, flood-prone zones, or terrain with steep slopes. Lack of upgrading programs increase human and material exposure to environmental risks.¹⁰

Environmental protection efforts in São Paulo are not new. In the southern region of the metropolitan area, State Laws 868/75 and 1172/76 were the first to protect the water reservoirs and Atlantic forest reserves through strict controls on land use, population density, and urbanization of the shorelands. However, from 1980 onward, rapid urban expansion through precarious construction and lack of proper infrastructure reached significant levels in the region, rising to approximately two million inhabitants and intensifying the tensions between housing needs and environmental protection. The pressures of this rapid urbanization prompted a review of the 1970s legislation. As a result, two State Laws for the Areas of Protection and Recovery of the Water

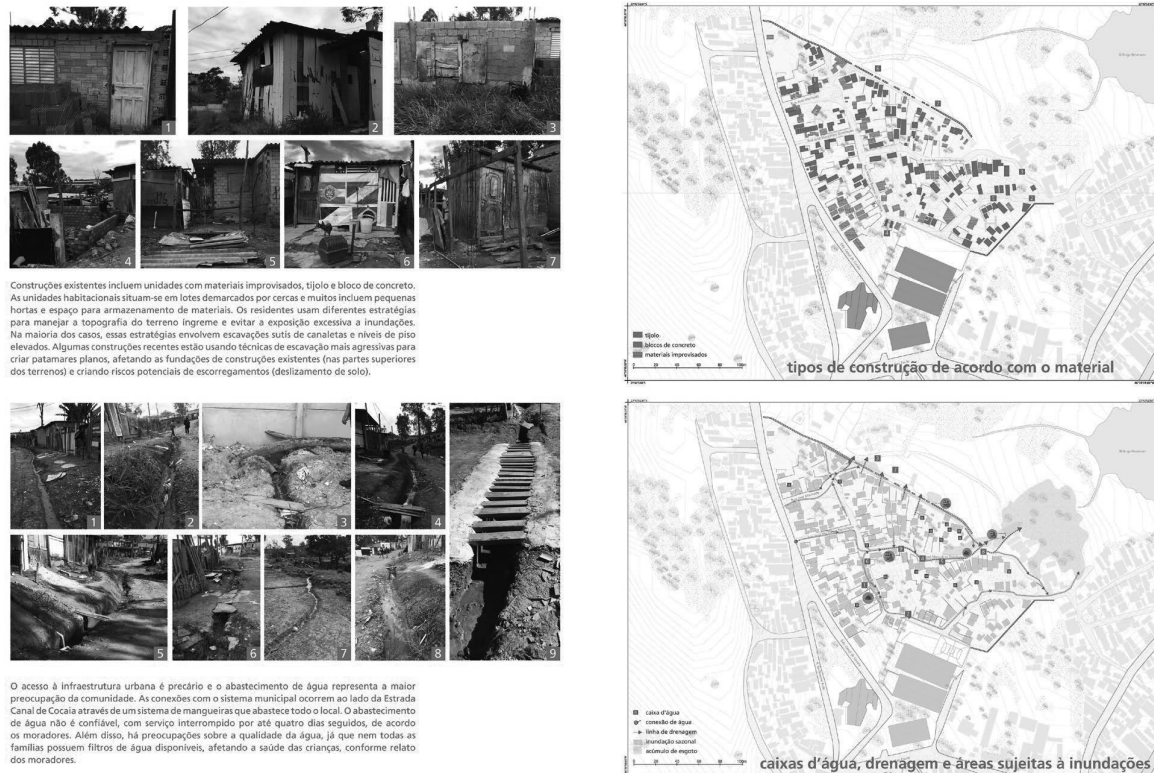


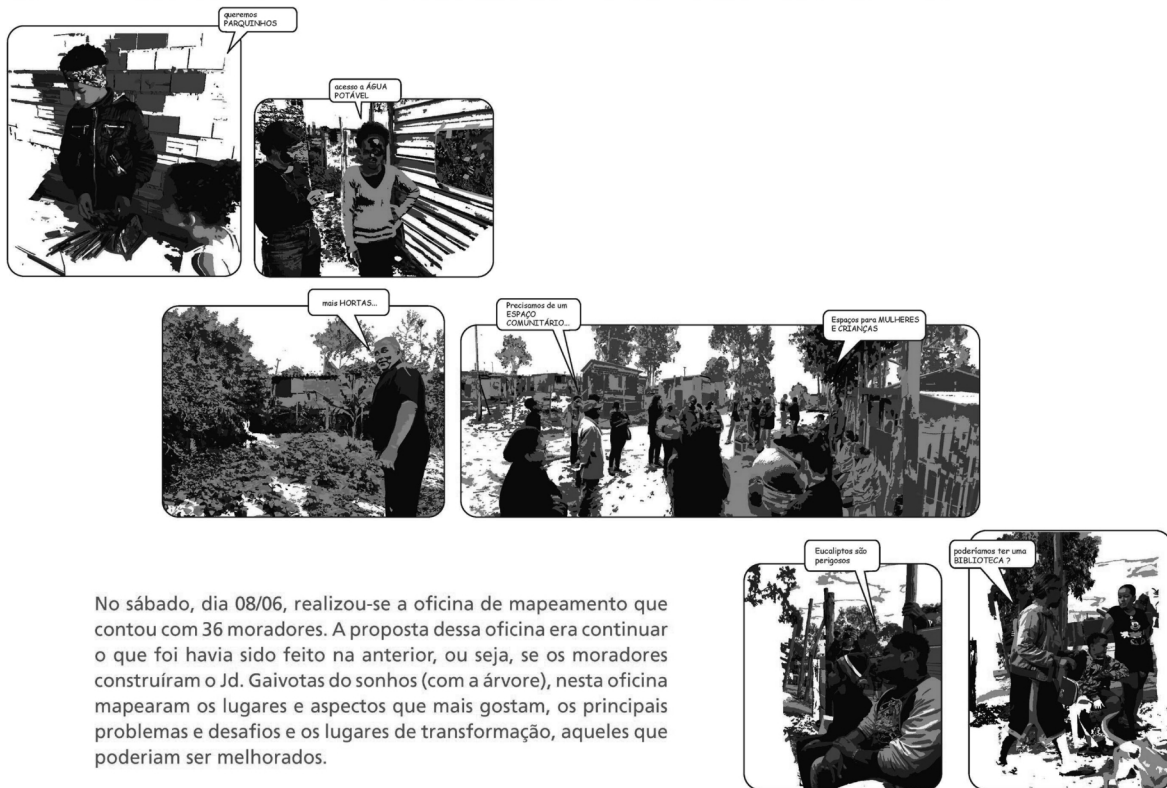
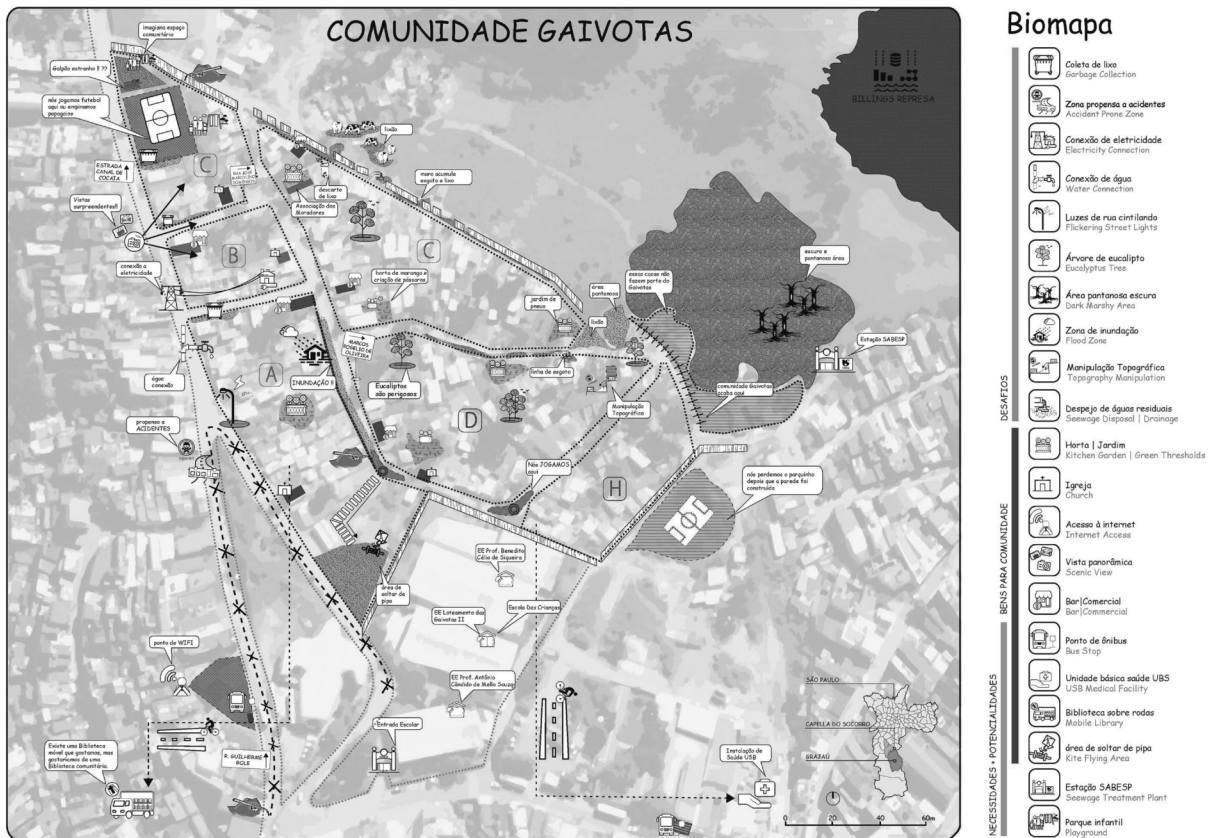
Figure 2. Images from the Community Pamphlet with thematic mappings and the corresponding photographic inventory. Source: the authors.

Sources of the Hydrographic Basins in the Guarapiranga and Billings reservoirs passed in 2006 and 2009. Particularly relevant to the case under study, the law for the Billings Reservoir (APRWS-B) was enacted to regulate urbanization practices negatively impacting the water bodies and thereby preserve and recover them. The law considers sanitation and sewage treatment as critical infrastructure and a key element in the regulation of informal settlements.¹¹ As a result, the regularization of settlements in environmental areas is permitted under certain conditions, and the law develops instruments and procedures to direct urbanization projects and intervention plans.

Land Occupiers as Stewards of the Environment

Low-income populations dwelling in environmentally fragile areas struggle against a historical process of peripheral urbanization in a capitalist context that has failed to implement policies to serve the poor. Low-income families in Brazil are de facto forced to occupy environmentally inappropriate urban areas

because they cannot afford adequate housing in the “formal city.” Informal housing in São Paulo takes diverse socio-spatial forms including *cortiços* and illegal land subdivisions, favelas, temporary occupations, and land young occupations.¹² While favelas, *cortiços*, and building occupations tend to be located in more central city areas, land subdivisions and land occupations prevail on the periphery. In all cases, their precarious legal status underscores the vulnerability of informal dwellers. Young land occupations in particular lack the resources required to cope with the incessant threat of displacement, which often comes in the form of legal cases citing harm to the environment—impacts of deforestation and the lack of proper infrastructure—to force eviction. Despite these challenges, land occupations consolidate and continue to grow rapidly on the periphery of São Paulo,¹³ on both public and private property. Although not all land occupations are near environmentally protected areas, by delaying action, municipal governments often miss the chance to guide their settlement patterns toward healthy and ecologically sensitive development.¹⁴



No sábado, dia 08/06, realizou-se a oficina de mapeamento que contou com 36 moradores. A proposta dessa oficina era continuar o que foi havia sido feito na anterior, ou seja, se os moradores construíram o Jd. Gaivotas do sonhos (com a árvore), nesta oficina mapearam os lugares e aspectos que mais gostam, os principais problemas e desafios e os lugares de transformação, aqueles que poderiam ser melhorados.

Figure 3. Community Biomapping: co-production between residents and research team. Source: the authors.

In the production of peripheral neighborhoods on the margins of the welfare state, a kind of insurgent city-making citizenship has emerged.¹⁵ As Holston notes, the insurgent working classes on the city's fringes have carried out historic and silent processes of resistance—“self-building peripheries, houses, and a new sphere of rights and citizenship.” Under insurgent citizenship,¹⁶ long-term dwellers in consolidated informal settlements attempt to use the courts to affirm their rights, such as acquiring legal title via prescriptive acquisition. Meanwhile under “transgressive citizenship,”¹⁷ the homeless and land occupiers attempt to fight eviction and environmental crime charges in order to hold ground and stay put. Both circumstances constitute a pedagogical process of learning through which each subject's history and subjective accumulations are important for the collective constructions of the new political subjects who will emerge in the processes of direct confrontation with law and justice.¹⁸

Since the enactment of the 1988 Federal Constitution and the 2001 Federal City Statute, more and more dwellers on the informal periphery have evoked and used the law to secure tenure and urban infrastructure.¹⁹ In the realm of law, housing became a fundamental social right, and new land-use laws guaranteed the tenure of some squatters, as well as special subdivision standards for illegal and informal settlements and redistributive mechanisms of taxation for urban properties. In this project, we document how selected communities engage with these urban legal instruments as the residents fight to remain in place and improve their access to basic urban services. As communities' struggle for their right to the city, the degree of consolidation of the occupations remains a critical and contentious factor in the decision making of different governmental agencies. This definition can have consequential implications for the future of these communities. As we work with a young community under consolidation and in an early stage of development, the clarification of official notions of consolidation remains critical.

The Participatory Action-Research Approach

Central to this work is the participatory action-research (PAR) methodological approach,²⁰ in which the researcher participates directly in an

action along with members of a particular collective. According to Thiollent, the action-research framework includes a script with several practical aspects advancing an exploratory phase in the field of research, engaging the social actors involved, along with their expectations, and establishing relations between researchers and the community.²¹ This approach enables research and action to coexist through mutual participation. In our communities of study, which are threatened with removal, building capacity and strengthening strategies of resistance are key action-research objectives. Action-research is characterized by the researchers' engagement with and commitment to social transformation through their involvement in a social, cultural, or political conflict or process, as well as through the proper use of their research results for the communities and/or causes in question. Therefore, knowledge sharing is key. Strategies include the creation of social cartographies, popular education, and the further articulation of housing movements. In this project, the goal is to mobilize the community members, contribute to their organization, and help them connect to larger housing movement networks.

The design of the PAR approach includes the analysis of technical, legal, and community accounts. We accessed primary and secondary sources in publicly accessible official documents. Then, we developed a series of thematic onsite community workshops (*oficinas*) as spaces for the collective co-creation of knowledge, addressing four main areas: (1) the history of the socio-environmental strategies of land occupation by the local community garnered through the life narratives of community members; (2) the assessment of current conditions leveraging local and technical knowledge through Community Biomapping (Figures 2 and 3); (3) the housing question and conflicts over public policies, land access, infrastructure provision, health, and temporality; and (4) community empowerment through the connection and coordination of young land occupations with more consolidated informal communities and other institutional networks. These workshops expanded the collective knowledge about the local reality and the socio-spatial processes that had resulted in the land occupation. Furthermore, they raised awareness of the multiplicity of assets and needs that the diverse land occupiers and their identities brought to the efforts of holding ground and promoting community well-being.














	Temas	Objetivos Qual?	Ações Como?
AMBIENTAL	1 Inundação e retenção de água 	Aumentar a infiltração de água no solo	Aumentar o plantio ao longo da APP principalmente em direção à baixa topográfica a sudeste.
	2 Desmatamento / segurança com árvores 	Substituir espécies e aumentar sombra	Arborizar as ruas com espécies nativas
	3 Apropriação da terra 	Cultivar a terra e produzir alimento	Plantar hortas adicionais e desenvolver um inventário de espécies cultivadas
	4 Gerenciamento de riscos 	Reduzir os impactos da escavação para fins de construção	Desenvolver manual com orientações sobre a construção de moradias em áreas de encosta
	5 Resíduos sólidos 	Adotar estratégia de gestão de resíduos através da reciclagem	Instalar contêineres de reciclagem em áreas-chave no bairro
RECREAÇÃO	1 Recreação 	Reduzir o lixo nas ruas e nos pontos de entrada para o assentamento	Instale sinalização e outros mecanismos para impedir o descarte de resíduos ao longo da Estrada Canal Cocaia.
	2 Cultura e Artes 	1 Criar espaços seguros de recreação para todas as idades	1 Implementar melhorias no campinho 2 Construir estruturas de playground para garantir a recreação no campinho
INFRAESTRUTURA	1 Águas residuais 	Oferecer programação cultural e artística voltada à todas as idades	Promover cursos para crianças e adolescentes fora do horário escolar
	2 Abastecimento de água 	Melhorar as condições da rede de drenagem	Reorganizar os canais de drenagem nas áreas topográficas baixas para aumentar a capacidade e reduzir os pontos de saída do assentamento
SÓCIOPOLÍTICO	1 Direito à moradia 	Desenvolver estratégias de limpeza dos canais de drenagem para evitar a estagnação da água e o acúmulo de resíduos	Desenvolver um manual com instruções sobre conectividade e limpeza da rede
	2 Organização comunitária 	Aumentar a capacidade de armazenamento de água	Promover a implementação de caixas d'água unifamiliares e coletivas
	1 Direito à moradia 	Articular e fortalecer conexões com os movimentos sociais	Construir uma rede com outras ocupações jovens trabalhando o direito à moradia adequada, começando pela periferia sul
	2 Organização comunitária 	Criar um espaço comunitário para abrigar a sede da associação	Organizar a construção da sede da associação como parte de um esforço coletivo da comunidade

Figure 4. Outcome of the Workshop of the Future, prioritizing key themes. Objectives and action. Source: the authors.

The workshops aimed to expand and exchange the collective knowledge of the local reality, the socio-spatial processes, the multiplicity of existing identities, and to use ideas from urban planning and community organizing to advance social equity, well-being, and quality of life. We adopted the Workshop of the Future (*Oficina de Futuro*) and a Participatory Mapping methodology to plan short-, middle-, and long-term actions to work on community problems and potential (Figure 4). The use of these workshops as a research methodology considered a series of goals. In a young community with a residents' association taking shape, these workshops comprised a platform for exchange between the association members and the academics. The workshops became a space of collective discussion and negotiation to give shape to the projects' goals, components, and processes. In this way, we created a space to build a shared knowledge of the occupation in dialogue with the residents about their experiences and life histories.

The creation of a formal not-for-profit neighborhood association addressed the need to increase the internal organizational capacity of the community to refocus care from the individual to the collective, placing the well-being of all residents and the struggle to gain housing rights at the center of their mission. At the same time, the association facilitated the filing of lawsuits and other legal claims, strengthened dialogue with public authorities, and helped to articulate connections with experienced communities on the city's southern periphery who faced similar challenges. If internal organization is key to community consolidation, coordination with other occupations and favelas on the southern periphery is equally critical. To contribute to this ongoing process, we turned to a large network of collaborators working to advance citizens' rights across the city. Together, we convened the "Seminar of Favelas and Occupations in the Southern Periphery of Sao Paulo" on October 19, 2019. The event brought together local leaders of fifteen southern favelas and occupations and other actors (representatives from academic institutions, office of the public defender, non-profits, and technical offices) to discuss common issues and urgent needs. Representatives from nation-wide, well-established housing movements attended and spoke at the event, which concluded with a manifesto-letter calling for continued action and the right to occupy. (Figure 5)

Conclusion

Our research makes clear that there is an opportunity for young communities to be proactive in their methods of land occupation toward greater sustainability before the courts shape the environment by choosing which settlements remain and which are evicted. This PAR aims to increase the capacity of residents to steward the land while they fight for access to adequate housing, infrastructure, and other urban services. And it does so by connecting young, spontaneous land occupations to experienced ones and to housing movements. The early years of a land occupation are critical in initiating sustainable strategies of occupation to minimize deforestation and environmental pollution, while seeding necessary socio-spatial infrastructures and providing healthy shelter for residents. It is precisely in these early, most vulnerable years that these occupations may capitalize on their connections with other occupations, as well as academics and practitioners, to implement innovative, environmentally driven tactics that are not available through municipal support. Thus, the manuals that we co-produced sought to create and share knowledge about healthier, safer, and more sustainable practices of land occupation and upgrading, and the community workshops brought academic institutions, housing movements, and a legal aid office to the land occupation. One concrete outcome was the establishment of a formal neighborhood association able to advocate for and legally represent residents. Through the processes of supporting the struggle to obtain legal rights to the land, residents become publicly recognized protagonists in creating better alternative futures for themselves.

This PAR tackled a neglected wicked problem, which is the wide spread of young land occupations in areas of environmental protection. As a result, all partners (housing movements, young land occupations, consolidated informal settlements, and international and national universities) recognized the need to establish a network of communities living in informal housing and their allies to change the discourse and practice surrounding law and justice, especially the right to adequate housing and to a healthy and cohesive environment. The manifesto explained this collective commitment toward a future of social justice, solidarity, and environmental sustainability.



The Right to Occupy, an Urban Manifesto

We reaffirm that the answer to the vast housing deficit, which weighs most heavily on the poorest populations, is the responsibility of governments that have historically denied our rights, and we will continue to fight until all families of working men and women have their rights guaranteed.

We hereby pledge a firm commitment to strengthen unity and cooperation among land occupations; intensify the struggle for rights, especially the right to housing and access to land, water, and energy; and advance the struggle both for popular plans of urbanization, affordable planned housing and the regularization of land and tenure, ending evictions and removals.

Together, we commit to:

1. Expand mobilization among different social movements, favelas, and occupations, seeking resources available locally, nationally, and internationally to form and strengthen partnerships.
2. Fight for the reallocation of tax-delinquent properties for a social use as per housing policy provisions.
3. Pursue policies for land regularization and ensure access to urbanized, environmentally sustainable land.
4. Recognize access to water, sanitation, and electricity as fundamental human rights and secure access under permanent low-income rates. Urban services are not discretionary spending!
5. Invest in housing based on self-management, mutual aid, and nationwide cooperatives.
6. Organize a program to train mediators for land conflicts.
7. Develop a network of advisory professionals (lawyers, architects, planners, engineers, journalists, social workers, and psychologists) to strengthen the fight for land and housing.
8. Implement the Permanent Forum of Occupations, Favelas, and Communities to protect against evictions and obtain access to land and legal land titles.
9. Maintain an updated map database of the land occupations threatened by eviction.
10. Conduct community socioeconomic and land surveys and implement new tools to fight for urban rights.
11. Design opportunities for collective learning, highlighting a plurality of experiences, trajectories, and community identities and expanding the mechanisms to share these experiences.
12. Organize training and education platforms grounded in the history of the communities, and reach youth and children when championing collective victories.

Figure 5. Manifesto-letter concluding the “Seminar of Favelas and Occupations in the South” on October 19, 2019.

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