
Intraviews

Edésio Fernandes 2021 (ed.) 2020/2021: Direito Urbanístico e Política Urbana na América Latina: Lições para o Brasil, Volumes I e II [Urban Law and Urban Policy in Latin America: Lessons for Brazil, Volumes I and II]. São Paulo: Instituto Brasileiro de Direito Urbanístico (IBDU)

This two-volume e-book, organized and edited by Brazilian legal consultant and researcher Edésio Fernandes, is the result of a series of webinars promoted by the Brazilian Institute of Urban Law (IBDU) between 2020 and 2021—that is, during the Covid 19 pandemic. Fernandes completely understands the centrality of urban issues to contemporary debates and the impact of the health crisis in aggravating the socioeconomic inequalities that already characterize Latin American cities. Hence, he approached this project as an opportunity to review established concepts and renew dialogues between academics, public managers and social activists around innovative experiences, regulatory models and public policies that—despite the ultraliberal inflection that threatens legislative advances and social achievements in several countries—continue to promote the social function of property and the right to the city.

As Fernandes states: ‘although since the middle of the twentieth century, most Latin American countries have embraced either explicitly or indirectly, nominally or concretely the idea of the “social function of property”—the central legal principle that underpins urban and environmental laws and policies—in the legal realm, these exchanges around issues concerning Latin American cities remain less consolidated’ (Vol. I, pp. 13–14). Therefore, he emphasizes the importance of intensifying the debate not only among jurists but also between jurists and urban planners in the region.

By recognizing that ‘jurists have incorporated the knowledge produced by urban studies into their analyses more vigorously than urbanists have incorporated the knowledge produced by legal-urban studies into their practices’ (Vol. I, p. 15), Fernandes makes an important contribution with this two-volume publication by bringing together jurists and urban planners from a number of Latin American countries. Consequently, he is able to introduce a socio-legal dimension to our understanding of urban and environmental processes from an interdisciplinary perspective.

The e-book comprises papers by 12 urban planners and jurists who were each invited to share and debate their experiences in the country-specific webinars. Their

reflections are presented through case studies organized by Fernandes, which are followed by links to the original presentations in the webinars. The set of experiences presented here seeks to critically and comparatively analyze the role played by the legal order in determining the dominant pattern of urbanization in Latin America. It also aims to provide effective alternatives for dealing with complex land tenure structures and for approaching the different urban realities and social needs that predominate in different countries in order to improve access to land and housing across the region.

The first volume draws together cases from Argentina, Peru, Ecuador, Colombia, Mexico and Chile. It begins with lessons learned from the New National Land Plan in Argentina, highlighting the government's pioneering recognition of the centrality of territorial order and land policy issues for the effective democratization of access to land and housing and for reducing informality in the cities. The second case discusses the policy to regularize mass domains of informal settlements in Peru. The Peruvian government's inability to bring the urban dimension into its regularization programs is regarded as one of the main factors that led to the dramatic consequences of the pandemic in that country.

The third case study highlights both the possibilities and challenges of implementing Ecuador's inspiring 2008 constitution (which was revised in 2021). Among other innovative principles, the new constitution recognized *buen vivir* [the right to live well], the socio-environmental function of property, and the right to the city—as well as the disputes that occurred around the partial or total repeal of the Land Use and Management Law, which has already become a reference point for other countries in the region. The fourth case study in this volume relates to Colombia, and it presents the innovative proposal for recognizing the Protection of Residents' Rights as a central principle of public policy in Medellín—indicating that technical solutions need to be rethought and adapted to allow communities to remain in the areas where they live. In Bogotá, some interesting mechanisms for involving communities affected by land readjustment projects have been presented, suggesting new scenarios for constructing broader sociopolitical consensus and reducing the judicialization of conflicts.

The fifth case discusses the proposition for a new National Land Policy in Mexico that, albeit belatedly, seeks to address the problematic land tenure structure with regards to formal and informal processes of housing production in the country. This paper also discusses the process of informal occupation and commodification of the common lands of indigenous communities in urban and peri-urban areas, which is putting ideals of collective solidarity and community territorial management at risk. The volume concludes with a paper on Chile, which discusses recent sociopolitical processes and conflicts in the country, as well as the main proposals for reviewing land and housing policies. Increased poverty, the high costs of sanitation services (due to privatization) and the effects of climate change—among other aspects of inequality—are all pressing issues that the new Chilean constitution will have to address.

The second volume comprises six papers related to the webinars that took place in 2021, covering the experiences of Uruguay, Costa Rica, Bolivia, Cuba, Venezuela and Guatemala. In the case of Uruguay, the paper presents the actions of housing cooperatives, which for more than 50 years have effectively contributed to improving conditions for access to land and housing for the poorest. In particular, Fernandes highlights ‘the original conceptual, legal and institutional articulation between the urban order and the environmental order, incorporating international guidelines that require climate change to be addressed in the country’s territorial policies’ (p. 13). The following study on Costa Rica concerns the rare balance between socioeconomic, urban and environmental issues, which can be seen in the recovery of vegetation cover, the country’s commitment to the development of a green economy, and the partnership between the state sector and community sectors in producing social housing.

The third paper, on the Bolivian experience, discusses the difficulties being faced in developing a national urban policy, given that there is still only a precarious constitutional basis for territorial management and it is much easier to develop collective solutions for rural, peasant and indigenous issues than for urban communities, where the traditional paradigm of individual land tenure still prevails. In Cuba, meanwhile, where land ownership is still predominantly controlled by the state, efforts are being made to develop a National Action Plan to tackle the country’s housing problem and to approve a New Urban Agenda that is both in tune with international agreements on climate change and promotes increased popular participation.

The case of Venezuela raises questions about the nature of urban planning as practiced all over Latin America. Despite the long and recognized tradition of urban planning in Venezuela, changes implemented since the controversial administration of Hugo Chávez have aggravated the precariousness of social housing and urban management in that country. Volume II closes with a paper that reports on the urbanization process in Guatemala—which has already incorporated almost the entire population, mainly through informality—and contrasts this with the government’s timid efforts to produce an urban and environmental policy capable of addressing the housing deficit and increasing poverty as well as the worrying process of increasing rural-to-urban migration caused by climate change.

Taken together, the 12 case studies that make up the two volumes of this e-book represent a significant contribution to the expansion of legal studies on the city within the field of Urban Law as a transversal discipline. In addition, the project presents a broad, deep and detailed panorama—from an informed and critical perspective—of the main processes that have been taking place in the field in these Latin American and Caribbean countries, which offer important lessons for Brazil and for anyone interested in this major field of research and public policymaking.

The great diversity of themes and experiences concerning the social, environmental, demographic and economic dimensions of urban development, urban segregation, informality and governance addressed in this publication represents an important contribution to the debate on land policies and research in comparative urban law as well as to improving urban planning and environmental management practices.

Rogério Palhares Zschaber de Araújo, Universidade Federal de Minas Gerais