

# Habitat Scroll of Honour Award 2006

## Nomination Form

Once again, UN-HABITAT is pleased to invite you to submit your entry for the 2006 awards. Habitat Scroll of Honour awards are for initiatives which have made outstanding contributions to human settlements development and improving the quality of life in cities and communities around the world. Since its inception in 1989 submissions from over 80 countries have been received with over 110 individuals, projects and institutions having received the awards.

Nominations For: ☐ Projects ☐ Individual ☒ Organizations

Name of Individual/Project/Organization:

Popular participation in the construction of the national politics of urban development in Brazil : The Cities's Council and Cities's Conferences.

Names of Person/s in charge: Elcione Diniz Macedo e Grazia de Grazia

### **Nominee Details**

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#### Actions or Areas of Human Settlements:

Decentralization / Public participation / Regional development and planning /  
Urban governance / Urban planning / Urban policy

#### Human Settlements Achievements:

- Conquest of a culture of popular participation in the democratic construction of urban politics through the Council of Cities and Conferences;
- Legal landmarks approvals of the sectorial policies of habitation, sanitation, transportation and urban mobility;
- Propositive Performance of the Council of Cities, with the approval of 51 Resolutions;
- Accomplishment of 2<sup>nd</sup> National Conferences of the Cities.

#### **Nominator Details**

Nominated by (person/organization): Secretaria Executiva do Conselho das Cidades / Ministério das Cidades

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**CONFERENCES OF CITIES AND COUNCILS:  
POPULAR PARTICIPATION IN THE CONSTRUCTION OF THE NATIONAL  
POLICY OF URBAN DEVELOPMENT IN BRAZIL**

## **1. BACKGROUND**

In the construction of the policies of urban development in Brazil, popular participation stands out for its undeniable contribution. Many are the problems and challenges faced by the Brazilian society, together with the government, in the continuous process of construction of an urban policy that indeed represents the longings and the needs of the population.

There are problems and challenges of two different natures. On one side, facing up the reality of social inequality requires the overcoming of many urban deficits: problems of environmental sanitation - handling of solid residues and rain water, water supply e sewer systems deficits ; housing deficits - the existence of 7.2 million people without access to housing<sup>1</sup> and the lack of access to urbanized and regularized land - the presence of irregular settlements was verified in almost all of the Brazilian cities<sup>2</sup>, and it has been estimated that there are 12 million non regularized housing units in the country.

A deep analysis of available data reveals that the poor population of Brazil is impelled to illegality in order to exercise their right to a living. The disorderly occupation of spaces generates serious effects on the population that lives in the precarious establishments in the absence of the urban needs, and deprived of access to them, besides always being exposed to catastrophes caused by landslides, inundations, and other natural phenomena. The illegal settlements also have compromising effects on the city as a whole for recurrently contributing to the largest incidence of floods during each rainy season, and to permanent traffic jams. This situation is often worsened by the absence of public resources to urbanize new fronts of city expansion.

On the other hand, the absence of discussions about the urban questions in the national political calendar and the inexistence of dialogue and negotiation among the concerned parties have for a long time had harmful effects on the local governments' performance and on the social actors' participation in the formulation and implementation of public politics for the city. These absences were reflected in the lack of general guidelines for urban development policies, whose formulation was assigned to the Union by the 1988

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<sup>1</sup> Source: Déficit habitacional no Brasil.(Research paper) Centro de Estatística e Informações. Fundação João Pinheiro. Belo Horizonte: 2004.

<sup>2</sup> Source: IBGE,2000

Constitution. That gap contributed to hinder still more the nationwide integration of public policies, as well as the establishment of strategies for reducing the regional and urban inequalities.

An important gain in the search for fairer and more democratic cities was the inception of Federal Law 10,257(2001) - the Statute of the City. This Statute is considered a landmark piece of legislative achievements to result from the decade-old struggle of popular mobilization movements in support thereof. The Statute adjusted the Arts. 182 and 183 of the 1988 Federal Constitution that deal with urban development matters into norms which validate power sharing through the participation of the population in city management as an important warranty of the right to the city.

The article 43 of the Statute of the City instituted the Council of Cities and Conferences as an important instrument of popular participation. The same law also institutes Participatory Master Planning for urban development as one of the instruments for an urban reform, and proposes the mobilization of the whole society to discuss and formulate projects for the development and administration of the local spaces, so that all can rationally enjoy the cities' resources, the urban equipments and the available lands in the Brazilian municipalities.

The Ministry of Cities was created on January 1, 2003, and was structured to promote universal access to the fundamental rights through democratic and decentralized actions and with popular participation. The new ministry is meant to fill the gap due to the absence of a national urban policy and its creation answers to the historical claim of the social movements, entities and municipalities that have for more than 30 years demanded an urban reform of the Brazilian cities. By concentrating programs and actions on the areas of housing, urban land planning and management, environmental sanitation, transportation and urban mobility, which were scattered through many units of government, the Ministry of Cities tries to overcome the fragmented management of urban policy-making, so far conducted by a plurality of Federal administration stances, to increase the rationality and effectiveness of the resources applied, and to facilitate the integration between the three governmental spheres and the participation of the society.

The 1st National Cities Conference was held in 2003 for the purpose of designing the overall policies of the Ministry of Cities and deliberating on its own attributions. It established the composition of the Council of Cities and chose the entities that were to take part in the first Council of Cities board on national level. The 1st Cities Conference was one of the first actions taken by the Ministry of Cities. The Council of Cities was consolidated in 2004 and took further strength from the Federal government's decision that Conferences of Cities should be held every 3 years nationally and in all of the Brazilian states and municipalities, clearly showing its option for a collective approach to policy planning for the urban development of the country.

## **2. DESCRIPTION OF THE INITIATIVE OR PROJECT**

The largest challenge to be faced, besides overcoming the extant inequality of urban development is, without a doubt, of building a culture of popular participation and democratic policy management since Brazil has had less than 30 years' experience in democratic government and does not have a tradition of political participation.

Brazilian common sense tends to hold on to the idea that political rights mean to participate in elections, and that to contribute to or participate of politics is not important, since common people do not have the power to provoke changes in the process of making decisions and implementing policies.

However, the experience that has been gained through direct democracy instruments such as the Conferences of Cities and Councils has shown that whenever the population assumes its protagonist role in their relationships with the politicians, they are moved into promoting the needed changes.

In the specific case of the National Policy of Urban Development - NPUD, popular participation underwent significant changes in all of the units of the Brazilian federation, due to the institution of the Ministry of Cities, the accomplishments of the Conferences of Cities and the creation of Council of Cities. The Ministry of Cities made the option of building NPUD through the efforts of all the sectors of the Brazilian society as they were represented at the 1st National Cities Conference. This was meant to overcome the challenges of building a culture of popular participation and eliminating social exclusion from urban politics.

This Conference was one of the largest citizenship demonstrations and popular participation events in the country's history. It had an attendance of people from 3,347 municipalities out of a total of 5,561, and they came from all 26 States and the Federal District. A total number of 2,510 delegates came to the Conference who represented a variety of class entities and professional associations, social movements, non governmental organizations, universities, businessmen, government officials and parliamentarians from all over the country. The Conference allowed the Brazilians to have a say on the city project they would like have.

The process of organizing the Conference included a series of preparatory state and local meetings that produced 3,850 amendments to the initial proposal from the Ministry of Cities. Those amendments were systematized, analyzed and voted on, and the main results were:

- Definition of the segments and election of the entities that would make up the Cities Council, as well as the definition of their attributions and competences.
- Promotion and stimulation of social participation.

- Reduction of the regional inequalities.
- Definition of the principles, guidelines and objectives of NPUD and of the housing, environmental sanitation, urban mobility and territorial planning policies.

These deliberations also made possible to redirect the actions and programs of the Ministry of Cities, to the result that: the National System and Fund of Social Housing Interest (NSSHI/NFSHI) were instituted by Federal Law 11,124(2005); National Policies on Sanitation (Bill of Law 5,296/05) and Territorial Responsibility (Bill of Law 3,057/2000) were proposed to the Brazilian Congress; the constitution of the National Policy of Urban Mobility, and the creation of the Policy Public Consortiums (Federal Law 11,107/05).

In 2005, the 2nd National Cities Conference was attended by 2,571 delegates. A total number of 896 local conferences and of 243 regional conferences were also held. The proposals<sup>3</sup> presented to and voted on during the 2nd Conference will feed the formulation of NPUD. They cover four interrelated themes, namely participation and social control; federative matters; regional and metropolitan urban policies; and urban development financing.

The main products of the 2nd National Conference of Cities were:

- The joint governance pact among the federated beings for the formulation, execution, follow-up and financing of programs, projects and policies of urban development.
- Proposition of a National System of Urban Development structured by Conferences, Councils, Fund and Forums, in all spheres of the Federation, with the representation of the government and of the society in an advisory, deliberative, decentralized and permanent way.

The financial resources involved in the execution of the two Conferences were around R\$ 4 million reais.

Nowadays, the Council of Cities has a leading role in the continuity of the participatory process of urban policy-making. The Council is a collegiate body of deliberative and advisory nature within the structure of the Ministry of Cities, for the purposes of conducting studies and proposing guidelines for the formulation and implementation of the National Policy on Urban Development - NPUD, as well as of following-up and evaluating its enforcement. In other words, the Council of Cities is a forum for social participation that makes room for debating the elaboration, execution, follow-up and evaluation of the urban policies in a continuous way, respecting the autonomy and the specificities of the social segments that compose it. The Council's performance warrants a plurality of views on urban policy-making that favors the participation of the citizens, since it

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<sup>3</sup> The systemization of those deliberations is available in the publication "Resolutions of the 2nd National Cities Conference \_ Building a National Policy on Urban Development" (Annex II).

always takes as reference the deliberations from the National Conferences of Cities.

The operational planning of the deliberations made at the Conferences and other activities related to NPUD take place mostly during the Council of Cities meetings every three months and through the work of the Council's Technical Committees. Financial support for the Council's activities throughout 2004 and 2005 amounted to R\$ 237.591 reais, and covered air and ground transportation, lodgings, counselors' meals, and meeting organization expenses including the rental of meeting rooms, technological equipments, and support.

The beneficiaries of the actions accomplished through the Conferences and the Council are the 180 million Brazilians, 82% of whom live in urban areas. The Ministry of Cities has made the option of prioritizing the low income segment of the population in the delivery of programs and policies.

Thus far, one of the main lessons which were learned is democracy gains more quality when governments add to the accumulated experience of the organized society to increase participation in the elaboration and execution of public policies and programs.

### **3. MAJOR PARTNERS**

The major partners in the participatory process of construction of NPUD in Brazil are the entities member of the Council of Cities<sup>4</sup>, which represent important sectors of the civil society and of the public sector in policy-making and implementation, such as the segments: the popular movements, businessmen, non governmental organizations, professional, academic and research organizations, labor unions, and government officials from the three spheres of the government, as defined by the 1st National Cities Conference.

The Council is, therefore, a true negotiation instance where there are confrontations among the interests of businessmen, workers, government agencies, and popular movements, for instance, in the making of decisions on the policies to be executed by the Ministry.

The plural origin of these entities and organizations and their record of involvement in urban development questions enable them to act in a purposefully articulated manner during political negotiations which adds technical quality to the debates and significantly contributes to urban policy-making in Brazil.

### **4. IMPACT**

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<sup>4</sup> See annex V, file "Portaria 300", list of the members of the Council of Cities.

An important impact of the deliberations and directives of the Council of Cities is the approval of resolutions. Such resolutions express the political and technical debate concerning several matters related to NPUD and the actions and programs developed by the Ministry of Cities. The Council's resolutions are addressed not only to the Ministry of Cities itself, but also to other administrative units of the three spheres of the Brazilian government.

In its short existence the Council of Cities has already approved 51 resolutions, among which stand out those that had wide national repercussion as they were addressed to such relevant subjects as the introduction the bills of law for urban development policies, the elaboration of the Participatory Master Plan of urban development the Brazilian municipalities, the creation of councils of cities in the States and municipalities, and the institution of the Board of Management of the National Fund for Social Housing Interest (NFSHI<sup>5</sup>).

The ministerial approval of the above resolutions and their implementation demonstrate the importance given to the participation of the society in the governance of the decisions made together with the government through the Council.

In what refers to the sectorial policies for urban development, the performance of the Council of Cities has fundamental importance. The Council participated in the discussions and contributed to the making of Presidential Order 5,796(2006) which regulates the Federal Law 11,124(2005) that created the National System of Social Housing Interest (NSSHI), the National Fund for Social Housing Interest (NFSHI) and instituted the Board of Management of NFSHI. It took 14 years (1991-2005) for the original Bill of Law to make its way through the Brazilian Congress and end up as Federal Law 11,124(2005), the first popular initiative Bill of Law ever to become a Federal Law in the country's history. This major achievement was the fruit of the joint efforts of the four nationwide social movement's organizations - the Center for Popular Movements, the National Confederation of Neighborhood Associations, the National Union for Popular Housing, and National Movement of the Struggle for Housing, together with the Ministry of Cities, the Council of Cities and the National Forum of Urban Reform.

The new bills of law for the formulation of sectorial policies are as important as the regulation of the instruments already consolidated. After intense discussion within the Conferences of Cities and the Technical Committees of the Council of Cities, the Bill of Law which proposes a Regulatory Mark on Sanitation was sent by the Ministry of Cities to the Brazilian Congress where it was made into a Federal Law, now awaiting the Presidential sanction.

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<sup>5</sup> See annex IV Resolutions of the Council of Cities 13, 23, 25, and 34, Resolution Recommendations 9 and 15 and Normative Resolution 3.



The Ministry of Cities has also submitted to the Brazilian Congress in 2006 a bill of law with the objective of providing guidance mostly to local public officials who are in charge of public transportation systems and of the regulation of public transportation services in the Brazilian cities. The proposed legislation institutes a National Policy on Sustainable Urban Mobility and is now on review by the Committee on Traffic, Transportation and Urban Mobility. This project has been discussed thoroughly and is further evidence that popular participation also happens in the legislative sphere.

Among the actions accomplished by the Ministry of Cities, a prominent one was the accomplishment of the Campaign for Participatory Master Plan for urban development, which began in May, 2005, with the objective of supporting 1,684 municipalities with a population of more than 20 thousand inhabitants or located in metropolitan areas, that should prepare their Participatory Master Plan for Urban Development until October 6 of that year. The investments made amounted to more than R\$ 60 million and covered capacity building actions to improve management and technical personnel and to develop local leaderships, and transfers of funds to approximately 500 municipalities to cover operational expenses. These actions helped the cities to prepare their master plans in a participatory and democratic way.

The National Coordination of the Campaign was composed by entities of the Cities Council. Among the main results reached stands out the creation of Regional State Forums in the 26 Regional States Members of the Brazilian Federation and in the Federal District with voluntary adhesions of entities of the segments of society. The Campaign has involved close to 1,630 municipalities thus far and has conducted 250 workshops which mobilized around 15,000 people along the process.

One of the deliberations of the 1st and 2nd National Conference of Cities was that investments should be made on training as a mean of participation and social control. Several actions were developed by the Executive Office of the Council of Cities to put that deliberation into practice. One of them was the promotion of the first capacity building action of community leaders concerning the Master Plan of Land Tenure Regularization. A Workshop on Capacity Building in Federal Budget and Public Funding was held on demand for the 172 members of the Council of Cities on July 17-19, 2006. That workshop was an important instrument of social participation in the governance of public decisions, in addition to enabling the participants to monitor the budget of the Ministry of Cities and that of the Federal Government as a whole.

It fits to stand out, still, the impact of the accomplishment of the Workshops of Qualification in Habitation and Sanitation promoted by the National Program of Qualification of the Cities, resulted from a demand of the National Conferences of the Cities. The process of accomplishment of these workshops has made possible important results of mobilization of the social actors all over the territory.

This mobilization allows a discussion concerning the necessity of adhesion to the NSSHI and also a discussion concerning the necessity of elaboration of the municipal plans of sanitation. The initiative shows to the municipal managers the importance of these instruments for the promotion of the urban development in the Brazilian cities and the importance of the constitution of Councils of Cities throughout the Federation. These Councils should promote the articulation discussion of the four main axes of policies related to the urban development - habitation, sanitation, urban mobility and management of the urban ground.

## **5. SUSTAINABILITY**

An important aspect for the sustainability of the process of social participation in the construction of NPUD in Brazil is the commitment of the political actors who compose the Council of Cities and of those who participate in the Conferences of Cities of the three spheres of the Federation.

The creation of Councils for the purpose of discussing, implementing, following-up and evaluating urban development programs and projects that seek to democratize urban policy making was preceded by the regulation of important legal references such as the edition of the Provisional Measure 2,220(2001), which instituted the National Council on Urban Development (NCUD). The NCUD paved the way for the creation of the current Council of Cities in 2004. The legal instruments that support the Council of Cities are powerful assurances as to its continuity, in which reflects the continuity of participatory urban policy management.

The sustainability of the existence of the Council of Cities is reinforced by its performance towards the housing, sanitation, and transportation and mobility policy-making. As previously mentioned, the Council's participation in those actions was fundamental to the promotion of the sustainability and implementation of those policies.

It should be pointed out, also, that the sustainability of popular efforts towards the construction of urban policies in Brazil is intimately connected with the consolidation of the National System of Urban Development through its popular participation instruments on all three government levels. Therefore, the grass-roots nature of those policy-making instruments ensures that NPUD will succeed in Brazil.

## **6. TRANSFERABILITY AND UPSCALING**

It is possible to replicate this experiment in urban policy-making through Councils of Cities and Conferences, which are important elements for the sustainability of democratic public policy-making.

In the case of the Brazilian experience, it is important to stress some of the guidelines which were followed in the process of instituting the Council and holding the Conferences, as the respect for the plurality of society's segments, the assurance of public budget funding and granting autonomous governance to both the Council and the Conferences, and the enforcement of the Council's prospective and deliberative dual nature and its interfaces with similar institutions already in operation in other areas of urban development, in order to avoid fragmentation of actions and efforts.

Consideration must also be given to the nationwide reach of the Council of Cities and Conferences as well as to their articulations with their regional and local counterparts, in order to assure that the resulting policies are grounded in the wishes of the majority of the population.

## **7. INNOVATION**

The main innovation of the experiences herein exposed lies in the fact that, for the first time in the history of Brazil, urban policy is being elaborated with the actual participation of the population. Although social participation was recognized by the 1988 Federal Constitution of Brazil, as a basic condition for the construction of a free and fair society, without social and regional inequalities, without poverty, prejudices or discrimination, a participatory culture has not yet been developed.

In fact, the Brazilian elites that have held the power over governmental policy making have never cared to develop an effective urban policy for the country, one that would assure the democratic access to sustainable cities, the right to decent housing, and the rational and participatory planning of the territory. Therefore, it is greatly relevant that urban questions be entered into the discussion of public policies, through popular mobilization. This question has achieved the status of public policy backed by specific resources, planned actions and actual implementation.

It must also be pointed out that, inspite of the late consolidation (2003) of the social participation process, through the creation of the Ministry of Cities and of the Council of Cities and Conferences, these initiatives have been promoting significant changes in the development of urban policies in the country, in such a short time.

The mobilization of a significant amount of municipalities and the processes involved in holding the two national conferences of cities, in a country with such big territorial dimensions and without a tradition of popular participation, are without a doubt innovations that deserve prominence and recognition.

## **8. RECOGNITION OF THE INITIATIVE**

A strong indication of the recognition of the Council of Cities and Conferences' performance is the expressive number of people who attended the two National Conferences and their state and local counterparts. Another important indicator of that recognition was the intensity of the disputes during the National Conferences for the election of the entities who would have mandates on the Council. Those facts demonstrate that the entities are aware of the importance of their participation and that they also recognize the performance of Council and of the Conferences, as effective and relevant instruments for effective social control of the urban policies in Brazil.

In what concerns, media recognition of the Cities Council and Conferences' performance, it must be said that in general terms the Brazilian press seems to have little interest in publicizing the social achievements and advances which have benefitted the country's low-income population. This would explain why there is shortage of knowledge abroad about these matters.

Nonetheless, certain achievements of PNDU have been acknowledged by the media within and outside the country as well as publicized through the Ministry of the Cities' in-house printed and electronic news releases<sup>6</sup>.

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<sup>6</sup> See annex I and III.