Redemocratization, Social Movements and the Urban Protection of Rio de Janeiro

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Abstract: The main goal of this article is to evaluate critically the urban protection bias in the legislative context of Rio de Janeiro, since the 1980s, when the redemocratization of the country took place, until the 2000s, marked by major sporting events and the distinction of a part of the city site as “cultural landscape of humanity”, granted by UNESCO (2012). During this period, new legal provisions for environmental protection appeared in Rio de Janeiro’s legislation, especially the instrument called the Cultural Environment Protection Area (APAC in Portuguese), which constituted a counterpoint to previous urban policies, characterized by urban plans that invariably proposed urban renewal, with a view to the adaptation of the city to the demands of the property and car industries production. The aim here is to evaluate the use of the urban protection tool by the city hall and its distribution through the city site, identifying the different motivations that originated the urban protection initiatives, as well as respective political-administrative impacts.

Key words: Urban planning, conservation areas, cultural heritage.

1. Introduction

The main objective of this article is to evaluate critically the bias of urban protection in the political-administrative context of Rio de Janeiro, since the 1980s, when the redemocratization of Brazil took place, until the 2000s, marked by major sporting events and the distinction of a section of its site as “cultural landscape of humanity”, title granted by UNESCO in 2012.

During this period, new legal mechanisms for environmental protection emerged in municipal legislation, especially an instrument called the Cultural Environment Protection Area (APAC in Portuguese), which constituted a counterpoint to previous urban policies, characterized by urban plans based on the logic of full urban renewal with a view to adapting it to the demands of property and car industries.

In order to reach the objectives of this study, it

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among others, adopt the great events as elements capable of increasing the development of the city through the creation of business opportunities.

2. Method and Materials

Here, it is intended to evaluate the use of the urban protection tool by the city hall and its distribution through the city site, identifying the different motivations that originated the urban protection initiatives, as well as the respective political-administrative impacts. The main actors are the city hall, with its governance nuances, and the Carioca population organized in residents’ associations. The proposed method allowed the establishment of three important chronological periods: 1984-2000; 2001-2006 and 2007-2017.

In the first period (1984-2000), it was observed that the creation of APACs was predominantly proposed by residents’ associations, motivated by threats caused by radical transformations of traditional urban environments, advocated by the action of home capital, by the implementation of new road systems, by irregular occupations in slopes, among others. It should be noticed that the period was marked by the redemocratization of the country, which included, among others, the drafting of a new Constitution (1988), which obliged cities with more than 20,000 inhabitants to draw up Executive Plans. In a democratic context, there was a proliferation of organized urban social movements and the resumption of urban reform, whose discussion had been interrupted by the civil-military coup, which established a dictatorial regime in the period 1964-1985.

In the second period (2001-2006), it was observed that the city managers abandoned the PDD (1992), elaborated democratically by organized civil society, replacing it by the neoliberal guidelines established by its first Strategic Plan (1996), influenced by the Olympics of Barcelona (1992), which began to guide the urban planning of the city, prioritizing the role of the city as the stage for important business, sports and cultural events.

The third period (2007-2017) was preceded by a period of approximately eight years (the last APAC decreed was in 2006), where no type of initiative to protect new urban areas of the city was observed, at the same time that there was a consolidation of the city’s role as the stage for major international events. Under this context of internationalization of the “Rio de Janeiro brand”, a part of its site was designated as a cultural landscape of humanity by Unesco in 2012.

In 2014 the inertia observed in the field of urban protection was broken by the initiative of the City Hall. The APAC of the district of Grajaú associated with the guideline established by the legislation, which set the limits of the “Cultural Landscape” on the site of the city, regarding the establishment of control of the “Areas of Damping”, became a way to better protect it from possible de-characterization.

The analysis of the three identified moments made it possible to identify different postures of both city governance and resident communities, adding new inputs to urban protection, which will be explored throughout the present work.

3. Results and Discussions

The political opening gradually established, from 1979 on, made possible the resumption of debates aiming at the formulation of more democratic means of management of Brazilian cities. The moment made possible the emergence for the National Movement of Urban Reform in Brazil (MNRU in Portuguese), which concentrated the discussions about the theme that gained national relevance from the strong process of Brazilian urban growth, verified in the period 1950-1980. It should be noticed that the reform was already included in the agenda of the progressive sectors of organized civil society, since the end of the first democratic Brazilian period (1946-1964), after Getúlio Vargas’ dictatorship (1930-1945). The discussions initiated by the National Conference for
Urban Reform, held in Petrópolis in 1963, were interrupted in 1964 by the civil-military coup [1].

During the first post-dictatorship civil government (1985-1989), debates took place on the drafting of the text of the new Brazilian Federal Constitution—CFB (Confederação Nacional Brasileira in Portuguese, 1986-1988), which was elaborated in a democratic manner, absorbing suggestions from organized civil society, called popular amendments. In this perspective, the popular amendment of the Urban Reform (presented to the Constituent Assembly with 31,000 signatures) was introduced, bringing various instruments of democratic governance, as well as highlighting the social function of urban property and its subordination to urban policy objectives. These amendments also highlighted instruments that aimed at the democratization of cities, including the obligation of public hearings, prior to the establishment of new urban legislation, the popular veto, with the support of at least 5% of the electorate, among others.

Regarding urban planning, the text of the new Constitution was established as basic guidelines to be followed by the Municipal Public Authorities, among others, the full development of the social functions of the city and ensuring the well-being of its inhabitants, highlighting the obligation of Executive Plans for Brazilian cities with more than 20,000 inhabitants as a basic instrument of development policy and urban expansion.

The social function was associated with urban property, which became obligatory to meet the fundamental requirements of city planning expressed in the master plans, according to Article 182 of the CFB (Brazilian Federal Constitution in Portuguese, 1988). This article also considered as attributions of the Municipal Public Authorities, through specific laws, the compulsory subdivision or construction; the establishment of a progressive urban property tax over time; and expropriation with payment through public debt securities issued. Still on the urban issue, the Article 183 inserted the property right to those who had, for five consecutive and unopposed years, an urban area of up to 250 square meters, using it for his dwelling or his family, who proved not to own another urban or rural property.

From the democratic advances achieved by CFB (1988), intense debates took place over 13 years to regulate them through the City Statute, Law 10.257, published in 2001. The new instrument established the legal and administrative means for the implementation of the provisions in Articles 182 and 183 of the CFB. In spite of the advances observed by the City Statute, there were not enough debates and reflections within the municipal administrations regarding the variety of urban land management devices established by it: IPTU progressive in time, transference of constructive potential, among others.

Nevertheless, the facts generated from the publication of the CFB and the City Statute provided a context for some changes in the urban planning of the main Brazilian cities, especially Rio de Janeiro, whose process is analyzed below.

4. Urban Planning in Rio de Janeiro, from the 1980s

From the 1980s, the aforementioned redemocratization of the country contributed to the viability of the emergence of organized urban social movements in the city, highlighting the associations of residents of neighborhoods, in search of environmental improvements and the valuation of local and regional heritage. The protection and conservation of the urban memory of neighborhoods have become factors to be considered in the management agenda of the city, being pointed out by urban communities as important elements to the maintenance of their existences. In 1992, as already stated, the city received its first PDD, which, as expressed in its own name in Portuguese, every ten years would undergo a comprehensive review which was to be preceded by ten annual technical
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re-evaluations and a previous review in its fifth year of existence. The original intention was to enable the necessary adjustments and changes arising from the monitoring of the results obtained from the application of the directives provided for therein, with emphasis on the “attendance of the social functions of the city” as an objective to be fully achieved in the implementation of Sectoral Policies and respective programs. Among the Sectoral Policies foreseen, we highlight the environment and valorization of the built cultural heritage, which elect as main instruments eight Environmental Conservation Units (UCA in Portuguese) that seek to contemplate the complexity of demands imposed by the nature of the site and the social fabric of the city, among them APAC. In order to enable the conservation of urban areas and protection of culture as well as nature (forests and parks), the PDD also foresees the constitution of municipal funds, especially those of the Environment and the Conservation of Cultural Heritage. The policy of management of these funds would be established, respectively, by the Municipal Councils of Environment and Protection of the Cultural Patrimony (CMPC in Portuguese). However, it should be noted that the Cultural Heritage Conservation Fund, until today, has never been regulated and instituted by the Municipal Executive Branch.

The PDD incorporated the important mechanism of progressive IPTU collection over time on undeveloped urban land and property, provided for in the text of the 1988 Constitution, Constitutional Amendment No. 29/2000 and the City Statute (Law 10,257). Its article 33 provided for the establishment of areas where it would be subject, by law, to the initiative of the municipal executive branch, as well as exemption from taxation of land with less than 250 m², whose owners do not have another property. It also provided that the areas where the Progressive IPTU would be related would be listed in Annex I of the PDD, which simply never integrated the official publication of the legal provision, making it impossible to regulate the application of the instrument. Despite this, the PDD in Rio de Janeiro established important mechanisms for the development of several policies of great value that, once implemented, would induce the transformation of Rio’s urban environment, contributing to making it more humane and just. According to the text “Charter on the Statute of the City”, elaborated by the Federation of Residents’ Associations of the City of Rio de Janeiro—FAM-RIO (2002), PDD “contains several important instruments for Urban Reform” of the city. In this sense, we highlight, among others, specific instruments for controlling urban density and for particularizing legislation on land use and occupation, as a function of the characteristics of the districts of Rio de Janeiro, the Urban Structuring Projects (PEU in Portuguese) and the Growth Areas Limited (ACL in Portuguese). The PEU was defined as the instrument capable of defining the use control, land occupation and actions of the city hall, considering the particularities of each neighborhood of the city, listening to the communities, obligatorily, at all stages of its elaboration. As an instrument of urban planning, it provides specific legislation for each neighborhood, which may contemplate the need to establish protection of cultural assets, as well as urban areas of local historical importance. Currently, there are only 22 PEUs established by law in the city, in a universe of about 160 existing districts. The PEUs would be able to bury definitively, the generic vision of city planning, consolidated in the 1970s, with the Code of City Work.

Despite the democratic advances provided by the CFB (1988), City Statute (2001) and incorporated by the PDD (1992), what was observed in the context of city planning was its slow and gradual replacement by the Strategic Plans produced in the mayors: Cesar Maia (1993-1996, Rio Forever Rio), Luiz Paulo Conde (1997-2000, Executive Council of the Strategic Plan of the City of Rio de Janeiro), Eduardo Paes (2009-2012/2013-2016, Rio post 2016—the more
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integrated and competitive Rio) and Marcello Crivella (2017-2020, Rio 2020: more solidary and more humane), which characterized the consecration of a neoliberal agenda based on the emphasis of the role of municipal governance as a generator of business opportunities, in substitution for the fulfillment of the social functions of the city, recommended by the PDD (1992).

According to Vainer [2], this change of direction of urban planning in Rio, observes that “the forms of power in the city” were redefined and led to the establishment of the “city of exception”, which would only be the affirmation, without mediations, of direct democracy Nuno Portas calls the phenomenon of “business planning” (“adaptive” or “business management”), which is based on the flexibility of pre-established rules and legal norms, in the case of Rio de Janeiro, dictated by the Master Plan, instrument was considered too rigid to follow the “fluidity of the whole system” [3]. In the official speech of the administrations that succeeded the first administration of Mayor César Maia (1993-1996), especially of his successor Luiz Paulo Conde (1997-2000), this position crystallized by weighing on the Master Plan of the City as immobilizing “strict”, “generic” and “backward”, was unable to respond quickly to the specificities arising from the demands of the population.

It should be noticed that the texts of these plans invariably point to cultural issues related to tourism and events. The major sporting and cultural events would be the main driving force and were prioritized in this process. The context delayed the general review of the PDD (in Portuguese) (1992), which was to occur in 2002, but occurred in 2011, nine years late (Complementary Law 111/2011). The planned annual and five-year reviews have never occurred, nor a 10-year review. According to the Brazilian urban context formed until the 1980s, it can be seen that the Federal Constitution (1988) materialized a concrete concern with the planning and ordering of Brazilian cities. Its text established the obligation to draw up Executive Plans, instruments considered capable of ordering the occupation of urban land. However, what was seen in the city of Rio de Janeiro, after successive municipal management, was the abandonment of the Master Plan, its main instruments and devices regulating land use, due to the adoption of planning strategies that aimed at the prioritization of economic and political issues. As already mentioned, the contempt for the document has reached the point where the authorities ignore fundamental details to the success of its application in the urban context of Rio de Janeiro, such as the periodicity of verification of its application and deadlines for its revision. The political framework established in the city for the last 20 years has become extremely unfavorable to urban planning strategies aimed at meeting the main aspect highlighted by the Federal Constitution, that is, the “full development of the social functions of the city”, with all its social and political implications. The publication of Law 10.257/2001 (City Statute) provided, theoretically, another advance to the process of Brazilian cities management, establishing new urban planning instruments for it. However, once again, in the political-administrative ambit of the city of Rio de Janeiro, there were difficulties in regulating the devices provided for in its text. The situation requires intense reflection and action by organized civil society, the wish to consolidate the means to form a fairer city, fully identified with its social functions.

5. APACs: Motivations and Political Contexts

Under the aforementioned context of redemocratization, in Rio de Janeiro, organized urban social movements emerged in the period 1980-1990, taking advantage of the new democracy which emerged in the country by that period of time, being structured since the founding in 1978 of the Federate Association of Rio de Janeiro residents (FAMERJ in Portuguese). As already mentioned, in 1990-1992, as
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5.1 The Period 1984-2000

The period demonstrated a clear role of the urban social movements for the structural improvements in the neighborhoods of Rio that contemplated the protection of their cultural patrimony and, consequently, of local memories. These movements found a certain acceptance in progressive managements and in the public debate, especially in the scope of the Legislative Power. Some mayors, even to the contrary, established areas of urban protection and a timid policy of incentives for the conservation of cultural heritage, instituted in 1986, by the exemption of IPTU for owners who kept their buildings protected. On the other hand, the engagement of technicians within the city hall, especially architects and urban planners, was observed in terms of creativity with the intention of preserving historical areas at risk of loss, by the degradation that condemned them to an unavoidable renovation.

In continuity and concomitantly with the protection of the districts of the port area, the first ones to be protected in the city by a specific urban legislation, came other mobilizations for the protection of urban groups located in other districts of the city, among other aspects. These movements culminated to the protection of areas located in and around the Center, such as the APACs of the Red Cross Hospital and surrounding areas (1987); of the neighborhoods of Santa Teresa (1984), Cidade Nova and Catumbi (1991). The vindictive framework built by the residents’ associations established a kind of “negative urbanism” that contrasted with the urban policies practiced since the 1940-1950, which emphasized the “economic ties”, which led to the renovation and verticalization of the urban dynamics of Brazilian cities [4].

The moment highlighted the right of traditional communities to live in central areas of the city where degradation prevailed, leading to an inevitable
expulsion through drastic urban renewal interventions [5]. It is important to notice that after the reestablishment of the direct elections for mayors of the capitals in 1985, the city had two mayoral administrations with progressive agendas, elected by direct vote, as well as in the legislative power, where the predominance of parliamentarians was affiliated to the Labor Democratic Party (PDT in Portuguese), which generated an environment more conducive to popular cause negotiations.

In this context the APAC of the Cultural Corridor (1983-1987) was established, which was the basis of studies conducted within the city’s own city hall, beginning in 1979, following the guidance of the City Basic Urban Plan, the Pub-Rio (1975-1977) which followed guidelines established in 1975 by the National Commission of Metropolitan Regions and Urban Policy (CNPU in Portuguese) which indicated the need for Brazilian metropolises to maintain their historical centers. It is needed to consider that, at the time, the region of the Center and surrounding areas, projected to be the financial center of the city since the beginning of the 20th century, already presented evident signs of economic degradation and emptying that caused a fall in the quality of life of its predominantly medium and low income [6]. This was due to the establishment of urban policies that stimulated the growth of the city towards the south (Copacabana, Botafogo, Ipanema etc.) and the west (Barra da Tijuca, Jacarepaguá etc.). This enabled the increase of real estate capital activities that provided the emergence of new poles of housing, service and commerce. The prohibition of residential use in the Central City Area (ACN in Portuguese) in 1976, through Municipal Decree No. 322, contributed to the situation described. ACN occupies part of the Center of Rio de Janeiro where it borders with the APACs of the Hospital of the Red Cross and adjacencies and Sagas.

As a result of the democratic advances achieved in 1989, the first president of the Republic, Fernando Collor de Melo, was elected. The new president brought to Brazil the adoption of an agenda based on neoliberal economic principles. The moment marked the change in the role of the capitalist states, which ceased to have an “administrative” approach, so characteristic until the 1960s, to make possible new forms of initiatory and “entrepreneurial” actions taken since the great recession of 1973 [7].

The two administrations of President Fernando Henrique Cardoso, who succeeded Collor until 2002, consolidated these premises characterized by the reduction of the state (privatizations) and public investments, among other types of actions. In the 1990’s, the neoliberal policies were reflected in the planning of the city. The “competitive city” model began to be outlined, starting in 1993, in the management of the Liberal Front Party (PFL, in Portuguese), carried out by Mayor Cesar Maia (1993-1996), who incorporated the principles of urban entrepreneurship, electing the Strategic Plan as the main planning tool of the city, abandoning the recently elaborated PDD (1992). Influenced by the “success” of the Barcelona Olympics, Rio’s mayoralty put aside the reformist agenda proposed democratically by the PDD (1992), emphasizing as a priority the “adaptation of local institutional forms to the objectives of competitive insertion”, through an agenda of physical interventions and changes in the legal and administrative structure to the market trends observed in the dynamics of the global economy. In this context, the “strategic power”, adopted by Catalan urbanism in Barcelona, was pointed as a reference of urban planning for the city, characterizing itself “clearly and precisely” an individualized and charismatic leadership, which was independent from political parties and controls and individually owned the business project of the urban homeland [2]. In other words, the cities, especially Rio de Janeiro, became apolitical organizations without social conflicts, being governed solely and exclusively by corporate interests. In this context, the city’s city
government launched in 1996 its first strategic plan, called Rio Forever Rio (1994-1996). Its text highlighted seven strategies to achieve the main objective of integrating the city in the contemporary globalized context, among them: Strategy four, called “Integrated River” that aimed at the construction of new urban centers and the restoration of the traditional Center of the city, with emphasis on the port area, Praça XV, districts of Santo Cristo, Gamboa, Saúde and Estácio; Strategy 7, called “Rio 2004 as a regional, national and international center”, emphasizing the traditional Center of the City as a potential “cultural market”, whose status as a cultural center should be strengthened, as well as the need to expand tourist activities and international events. Culture and cultural heritage were highlighted as strategic inputs, aimed at the tourism and cultural industry. During the period, there was an expressive emptying and demobilization of urban social movements in search of neighborhood protection, which resulted in a few years without the decree of new APACs in the city. It is observed that in the neoliberal view of the strategic planning imposed on the city, the built cultural heritage, when not adapted to the functions of museums or public cultural centers, only becomes “real estate” subject to the fluctuations of value imposed by the real estate market. In this sense, one observes in the city a policy of cultural patrimony that emphasizes the conservation of the great monuments, objects of tourist routes and postcards. On the other hand, protected sets of modest architectures, along with the diverse socioeconomic contexts given by their traditional communities, are simply at the mercy of the real estate valuation and devaluation movements, a phenomenon capable of rendering severe gentrification processes, among others. Under this logic, we see “side effects” from urban entrepreneurship combined with conservation of cultural heritage that are generally perverse. The “urban historical patrimony” is a seductive package that highlights it as an object of “cultural consumption” and investments in the real estate market that tends to “exclude from it the local or non-privileged populations and with them, their traditional and modest activities” [5]. Cultural heritage began to integrate city marketing strategies, the basis for the formulation of plans capable of economically enabling the conservation of historic fabrics in Western cities. This cultural posture has led to the production of images that generate a dangerous as well as false impression that any initiative of intervention focused on culture may be for the development of cities and their populations. Under a supposed positivity, the hidden consequences of the dispute between economic and financial interests originate a competitive “culture economy” and, consequently, a “market of culture”

5.2 The Period 2001-2006

Under the new world-wide neoliberal model, the great events have arisen especially in the successive administrations of the city of Rio de Janeiro, referenced as one of the great proposals that aimed at solving the economic and social imbalances inherent to the capitalist regime. In this context, Luiz Paulo Conde (1997-2000), who was the mayor after Cesar Maia, was the candidate who highlighted the project of Rio to be for the first time the city which applied for the 2004 Olympic Games, which had a Catalan consultant. Vainer [2] observes that the Catalans had indeed introduced the sporting vocation in the Strategic Plan of the City of Rio de Janeiro, dubbed Rio forever Rio, “but it could also be called Rio, finally Barcelona” [2].

From 2003 on, with the rise of the Partido dos Trabalhadores (PT in Portuguese) in the country, that identified with popular and progressive causes, national and regional levels of retreat were observed in relation to neoliberal doctrinal principles, verified in the resumption of strengthening institutional framework of the State, in the policy of social inclusion, among other issues. However, at local and
regional levels, the PT made some concessions, opening the doors of Brazilian cities to major events, stimulating competition between cities and encouraging the practice of urban entrepreneurship, among others. In this context, the city of Rio de Janeiro after a world competition was chosen to host the 2014 FIFA World Cup and the 2016 Olympics. Since the beginning of the 21st century, urban entrepreneurship has already been driven by the agendas of the city’s mayors, who initially pursued the goal of hosting the 2004 Olympic Games, but this did not happen. However, the city succeeded in hosting the Pan-American Games in 2007, highlighting the city as capable of hosting major international events, definitely engaging in the process of competition between cities.

From 2001 on, what was observed was a reversal of roles, that is, the city began to develop a great interest in urban protection, unlike the previous period, 1984-2000. In the period of 2001-2008, APAC was considered a powerful and fast alternative of urban control and the change of expansion vectors of real estate market activities, due to the nature and the consequent buildings. It resulted directly from its application in the urban environment. The city government established an agenda of protection acts to the city’s neighborhoods, especially those located in the southern zone, through municipal decrees, without the direct participation of the legislative power nor the local communities. The reports of technicians directly linked to the evolution of the instrument, since its inception, confirmed the administrative position revealing a very worrying picture. The option for authoritative forms of urban land management in the city included in the city’s agenda, the APACs elaborated quickly, written by technicians of the city hall, in very short space of time, practically in the absence of the communities, or supported by associations of neighborhood that are not representative of local interests [8].

Leblon (2001) was the first neighborhood in the southern zone to be “protected” under this logic. The neighborhood was the subject of an APAC 15 years after the elaboration of its PEU (1986), which, at the time of its elaboration, did not envisage the hypothesis of urban protection. The action was justified from a supposed “speculative attack” of the real estate capital on the spot, which was detected by the city that would avoid its undesirable density. The protection of the neighborhood generated a lawsuit of the residents against the city hall that soon received the adhesion of other districts of the south zone that were protected in the same period, as, for example, Ipanema and Catete. The municipal government of the city lost the action in all the legal instances which generated the injunction of instrument AI 701.065, contrary to the partial annulment of Decree No. 20.300/01, that established the APAC-Leblon. Through maneuvers and legal filigrees, the city hall maintained the protection of the neighborhood.

It can be observed that the city hall was enforcing, in a distorted way, the directive established since the forgotten PDD (1992) that pointed the west zone as an area of expansion of the city. The “protection” of the southern zone, through decrees of the mayor, would contribute decisively to the directing of the civil construction activities to the west zone, ironically associating the mayor’s name with the preservation of the cultural patrimony.

From 2001 to 2006, ten APACs were established in the city. In this context, a report from the Urban Municipal Secretariat (SMU in Portuguese), published official data for the period 2000-2004, which indicated a drop of 28% in the number of demolitions in the South Zone that fell from 97 to 69 buildings. The number of square meters of new works allowed, according to the aforementioned report, for the same period, also recorded decreases of more than 50%, that is, from 334,000 m² to 160,000 m². In the text of the document, statistics are considered positive effects for the urban context of Rio de Janeiro, strengthening the idea that APACs were deliberately used by the
city hall to produce, as a matter of priority, significant effects of decreasing urban renewal processes and population densities of parts of the city. What would be one of the consequences of urban protection (administrative limitations of the right to urban property) became the main cause of its application, leaving urban memory and the strengthening of local identities in the background [8]. The “misunderstanding” of APAC was in line with the process of deliberate abandonment, which was democratically elaborated based on discussions and debates with organized Carioca society. The democratic process that initiated with it should have had continuity in its planned revisions, a fact that would lead to the open debate between the municipal public power and the community of Rio de Janeiro. They would come up to conclusions about urban issues that would necessarily include the urban protection of culturally relevant areas and vectors of expansion of the city. As none of this occurred, the selection and decision to protect urban areas was left only to the mayor. Since then, the reality established in the city has created a new paradigm in the theoretical context of world urban conservation, associating the protection of urban areas with the repression of outbreaks of real estate valorization, urban renewal and authoritarianism of municipal management [8]. In fact, the establishment of the APAC instrument by the PDD (1992) should mark the beginning of a fruitful process of discussions and debates aiming at its improvement, involving all sectors of organized civil society. Instead, what was seen was the crystallization of a formula mistakenly interpreted as perfect to be applied eternally, without distinctions and touch-ups, throughout the city. After the period 2001-2006, due to the public opinion, of the instrument of protection mistakenly used and, therefore, questioned judicially by some communities, there was a kind of “forgetfulness” of the use of the APAC by the public power as well as debates and discussions on public opinion in the period 2007-2014. It should also be noticed that the municipality has never exercised any type of monitoring of existing APACs in relation to the urban and socioeconomic aspects of its populations, which would greatly contribute to the improvement of the instrument, as well as the formulation of new mechanisms to encourage conservation of what has been protected.

5.3 The Period 2007-2017

As previously mentioned, the path established for Rio de Janeiro’s planning since 1993 has finally made it possible to achieve the goal of hosting an international event, which was not the Olympic Games, but the 2007 Pan-American Games. The event paved the way for the city subsequently, two other major international sporting events: the 2014 FIFA World Cup and the 2017 Olympic Games. This process of internationalization of the city’s image, UNESCO award in 2012, classified Rio as an example of “cultural landscape”, which definitively inserted it in the tourist calendars and major world events. The “vocation” to host major events and a competitive city at the international level continued in the management of mayor Eduardo Paes (2009-2012), who in 2009 published a new Strategic Plan, entitled Rio post 2016—Rio more integrated and competitive. The new plan incorporated the old neoliberal directives established by the previous one, this time, more focused on the preparation of the city, in terms of infrastructure, ordering of its territory, quality of services aiming at the accomplishment of major events: World of 2014 and the 2016 Olympics. The plan described culture as something that was restricted to events and tourism. At no time it integrated the conservation of the 33 APACs of the city mentioned as a strategy for growth and improvement of the social context. The exception was made to the port area, considered as strategic in the accomplishment of the Olympics in 2017. In the item urban infrastructure it showed, among other actions, those buildings contemplated by the Porto Maravilha project, as a
goal to be achieved. This fact reveals that in the eyes of the city council, the port region deserved only a new infrastructure, in other words, it aimed at the viability of culture as it is understood: only as leisure resulting from the cultural production of concerts and the diffusion of artistic activities among the population, which is not enough to embrace the cultural complexity of a city like Rio de Janeiro [9].

It is also important to highlight that the aforementioned distinction of part of the Carioca site as a “cultural landscape of humanity” has ensured more public policies for the tourist areas, reinforcing the city orientation towards activities related to this industry and also to major events. Under this context, in 2012, Decree No. 35,879 rescued the cultural heritage conservation fund originally proposed by the PDD and created a new municipal cultural heritage body called the Rio Heritage Patrimony Institute (IRPH). The new cultural heritage fund, which had not yet been regulated, according to the text of the aforementioned decree, highlighted the objective of “providing resources for the planning and execution of programs and projects related to the City’s Cultural Patrimony policy”, without further details on where and how their resources would be applied, which implies consideration that only the sites highlighted by UNESCO as “Cultural Landscape” would be covered by it. They are: the Sectors Forest of Tijuca, Black Hills and Covanca of the National Park of Tijuca; the Pedra Bonita and Pedra da Gávea Sections of the Tijuca National Park; the Serra da Carioca Sector of the Tijuca National Park and the Botanical Garden of Rio de Janeiro; and the entrance of the Guanabara Bay and its water borders: Public Tour, Flamengo Park, Historical Forts of Niterói and Rio de Janeiro, Sugar Loaf and Copacabana Beach.

The value attributed to the Cultural Landscape of the City of Rio de Janeiro, was based on criteria established in items I, II and VI of the Operational Guidelines for the Application of the World Heritage Convention that highlighted the “human creative genius”, the exchange of considerable influence over a given period or in a particular cultural area on the development of architecture or technology, monumental arts, urban planning or the creation of landscapes, and the fact that it is directly or materially associated with living events or traditions, ideas, beliefs or artistic and literary works of exceptional universal significance.

Several measures were also established, including the creation of new APACs in the districts of Alto da Boavista, Tijuca and Grajau, due to the proximity to the Tijuca National Park, one of the landscapes highlighted by UNESCO. In this context, the APAC of the district of Grajau (north of the city) was created by Decree No. 39.102 of 08/19/2014, which was preceded by Decree No. 38.313 of 02/20/2014 that created the Special Environmental Interest Area of Grajau district, because it already had a forest reservation. The residents who are part of the protection committee of the neighborhood considered that the localization of Grajau is part of the city site declared by UNESCO. When it happened, APAC was brought back because it considered the site as a cultural landscape of humanity. It is worthy to say that, through this period of time, there was not any kind of debate with the civil society in order to improve the APAC, even with all the polemic situation observed from 2001 to 2006. It is true that the protection act happened after some public audiences that revealed the preoccupation of local population with the decharacterization of the urban landscape of this traditional neighborhood of Carioca society, which maintained these characteristics since the 20’s.

6. Conclusions

The results obtained by the research made it possible to observe that the use of the APAC by the city council, as well as its interpretation by the population of Rio de Janeiro, in general, has determined applications with diverse goals, many times distant from those originally idealized, aiming at strengthening local, regional and
national collective identities, according to the contemporary world conception of urban protection, observed in the specialized literature.

It is now observed that the protection of urban areas legally guaranteed the permanence of parts of the urban characteristics relevant to the architectural memory of the city. APAC resulted from organized social movements and expressed, among other important aspects, the yearning of urban communities for the preservation of their places of memory. The political and administrative contexts that followed in the city from the 1990s onwards set unfavorable environments for the evolution of the debate about the conservation of this patrimony, inserting neoliberal directives that established the entrepreneurship and actions derived from it, as priorities in the city agenda. The fact made unfeasible approaches to its improvement, incorporating social aspects related to cultural heritage, as established by the current stage of discussion of the conservation theory.

APAC as an urban protection tool had in the city of Rio de Janeiro in the 1980s a promising start in the context of an organized urban social movement that culminated in APAC-Sagas. The subsequent appropriation of the instrument by other residents’ associations of Rio de Janeiro, prioritizing the search for the permanence of memorandum references and guarantees of better quality of life, highlighted only one of the consequences of its application: the restriction to urban renewal. As a result, APAC was associated with urban control. This framework is reinforced by the abandonment of the DDA (1992) and, consequently, of the necessary debates to improve and update urban policies. The APAC, as the main instrument of urban protection of the city legislation, is nowadays an accessory for the control and protection of the buffer zones of the site delimited as a cultural landscape by UNESCO.

From this perspective, the experiences briefly discussed presented a worrisome picture, once the protection of urban environments in their materiality and immateriality no longer has the role of instrument of social inclusion and strengthening of local identities obtained by the full participation of the communities. The 21st century imposes the urgent challenge of conserving this extensive protected architectural heritage of the city that considers these premises, under penalty of high social costs, irreversible material losses.

References