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Abstract

The last decades have meant an increase in socio-spatial segregation in Brazilian cities. The advances of neoliberal urbanism, which involve a deep relationship between State and the market, have converted our metropolis into victims of a corporate management model, thus favoring real estate and financial capital in detriment of a democratic and fair urban development. In Brazil, the Federal law called Statute of the City [Estatuto da Cidade] has incorporated new instruments of urban management directly associated to the logics of the urban neoliberal business community. It contradicted the expectations generated by social struggles which had been set in motion nearly 20 years before by the National Urban Reform Movement [Movimento Nacional da Reforma Urbana], which fought for new ways of thinking the city based on democratized management and the social role of property. The approval of this law allowed for city administrations, especially in larger cities, such as São Paulo, Rio de Janeiro, and Belo Horizonte, to adopt the instrument of Operações Urbanas Consorciadas (OUC) as a tool to promote the city-company [cidade-empresa], making urban legislation more flexible and fomenting public-private partnerships. In Belo Horizonte, the OUC Nova BH has been developed as a large urban project in favor of private interests. However, a network composed of academic groups, social movements, and civil society has established an important form of resistance against this extensive project, which would encompass between 7 to 10% of the city's territory. In this sense, the Indisciplinar EA-UFGM research group has sought to bring together actors from the urban struggles in the city, by utilizing a technological dispute process which involved the production of information and the mobilization of digital networks, as well as the constant presence of urban activists in the streets.

Keywords: *Operações Urbanas Consorciadas*; Public-private Partnerships; Urban activism; *OUC Nova BH*; *Indisciplinar*

1 The Indisciplinar¹ research group weaving the city along with multiple networks of urban struggles for social justice

Our cities have changed into highly profitable products. In the age of global capitalism, with a post-Fordist emphasis, which expands the capital capacity to far beyond factories, the production of urban spaces is more increasingly guided by a planning which aims to extract the greatest economic advantages from the urban soil. As Harvey highlights:

Neoliberalism has transformed the rules of the political game. Governance has replaced the government, rights and liberties have priority over democracy, the non-transparent laws and public-private partnerships have substituted democratic institutions and the market and competitive entrepreneurship anarchies have replaced deliberative capacities based on social solidarity. (HARVEY, 2013, p.32).

The recent urbanization history in Brazil has shown that the implementation of the major urban projects has privileged punctual interventions instead of practical solutions for deeper urban problems. That has allowed markets to participate in a planning decision-making processes through public-private partnerships (PPPs), promoting continuous processes of gentrification and a consequent socio-spatial segregation. Many processes which hinder the insertion of low-income populations into qualified urban perimeters have been adopted in several State-capital action fronts.

To Lefebvre (2006), there is a new industry: the production of space. That leads us to constant questionings: whom are the cities for? Who produces them? According to which interests? The present paper is not enough to answer these questions, but it entails to shed light on these problems, as well as highlights the fact that the university should and can be weaving new modes of production of knowledge about the city, and thus, go beyond criticisms. The Indisciplinary research group has been basing its ethical positioning and praxis in a collective and cooperative production in networks of urban struggles, prioritizing its commitment with a production of space that connects academic production involving teaching, research, and university extension in a non-dissociated manner. That is to say, that theory and practice come along side by side, connected to the reality of urban struggles. The involvement of Indisciplinary group in the fight against the "OUC Nova BH" project was, thus, the starting point that consolidated the constitution of a research group which is openly militant and activist.

2 The meeting between the Statute of the City and the neoliberal reasoning in Brazil, and its repercussions on the city

The approval of the Statute of the City in 2001 (Federal Law 10.257) has regulated a series of tools, amongst them the "Operações Urbanas Consorciadas (OUCs)". As a regulatory milestone, the Statute of the City is the result of a long trajectory of struggles propelled by civil society in the political scenery, through the rise of the National Movement for Urban Reform (MNRU) in the 1980s, a period of re-democratization in Brazil. Through a clear opposition to the commodity-city, the MNRU presented a proposal for urban reform based on a democratic management of the city and the social role of property. The redefinition of the right of ownership and the right to the city, generally known as the right to housing and urban land, into environmental sanitation, urban infrastructure, transportation, public services, work and leisure, pointed to the urban issue as a key element to the process of re-democratization of Brazilian society and for the reduction of inequality.

These proposals culminated in a massive project of public Amendment, summarized in two articles of the constitution of 1988. In chapter II, "Da Política Urbana" ("Of Urban Policy", our translation), Articles 182 and 193 incorporate the principles of the social function of property and the city. However, the 1988 constitution did not define the scope of these terms, attributing this task to two other laws: the Master Plan [Plano Diretor], under the responsibility of the municipality, and a new federal law, which should regulate legal and urban instruments. This new law, which was passed 18 years later, is known as the Statute of the City. Such strategy has delegated to a local scale the task of defining what would be the social function of property, "probably in the hope that the correlation of forces in municipal sphere would be more favorable to the conservative representatives, the legislators ended up causing the retaking of urban local planning, with the launch of Municipal Master Plans already in 1989" (FERREIRA, 2007) thus delegating greater autonomy and responsibilities to the cities.

The Statute of the City incorporated a series of instruments which sought to foster – more than to regulate – the occupation of urban spaces, by enabling access to a toolbox that cities could use to promote a democratic management and assure a fair distribution of benefits and costs of the given urbanization processes. Some instruments were incorporated so as to regain the real estate valorization derived from investments in infrastructure paid by collectiveness, through taxes.

Nevertheless, the approval of the City Statute happened amidst the ascension of neoliberal ideologies in Brazil (VAINER, 2000). The fragile economic situation, always present in subordinated countries, together with the political crisis faced by the country at the time, allowed for defenders of the New World Order, directly associated with interests of agents of the process of globalization, to find spaces of convergence in the debate on Urban Reform. The incentives to the strengthening of local administrations in opposition to the centralized modern planning and the promise of inclusion of city governments in the network of global cities have generated a consensus among technicians and administrative agents regarding the benefits of a corporate attitude towards urban development.

Inside local administrations, the new model of urban management did not face significant obstacles. For experts, there had already been signs of a need to replace functionalism and the inflexibility of municipal legislations for instruments that allowed larger flexibility, efficiency and economic advantages for the city, all of these being premises of the neoliberal urbanism which have invaded Brazil since then. This new paradigm allowed the exception to be established as the rule, thus assuring that decisions were made at a convenient speed for capitalists, both national and transnational, involving material capitalism, but first and foremost, immaterial rentier capitalism. To Rolnik,

The formulation, approval, application and interpretation of the City Statute has been a history of dispute between different Urban Reform projects in the country. If, on the one hand, throughout the 80s and 90s, social movements and popular movements were able to guide the process or re-democratization through issues relevant to the construction of a rule of law – where access to land and its social stance have a key role –, on the other hand, the neoliberal project of urban policy, and the integration of the country to globalized circuits of capital and finance, as well as the way through which the political election game has been structured in the country in that period, equally guiding the paths of urban policy in the country, thus marking the process in an ambiguous and contradictory manner (ROLNIK, 2001, p.2).

Another point that complicates the real developing of the social role of the property is the conservative position of a significant portion of the legal system. In that sense, Maricato (AZENHA, 2017) emphasizes the need for social struggle to assure the compliance and the dissemination of these principles of law.

That being said, even with the recognition of the new urban order inaugurated by the Statute of the City, it is fundamental to critically analyze it through considering its contradiction and the conflicts generated during its implementation. In this sense, it is necessary to question the role played by the new instruments of urban management in the production of the space and why the protagonist of the OUCs in the main Brazilian cities.

3 Operação Urbana Consorciada: the great pact of the neoliberal city

Operações Urbanas Consorciadas is considered the set of interventions and measures coordinated by municipal administration, with the participation of land owners, residents, permanent users and private investors with the objective of reaching social improvements and environmental valorization in a scope of urban transformations. (City Statute, Section X, Art. 32, § 1º)

Although the legal definition of the instrument does not mention the PPPs and the real estate mega-projects, experiences have shown that the spread of values imposed by the neoliberal logics has oriented the implementation of OUCs.

The implementation of an OUC is connected to the approval of a specific municipal law and to the presenting of an Urban Plan (PU) which should contain, at least: (i) the boundaries of the affected area; (ii) the interventions, use and soil occupation plan; (iii) the economic and social attention plan for the population directly affected; (iv) the neighborhood impact study; (v) the compensations directed towards the land owners, permanent users and private investors; and (vi) the forms of control of the urban operation. Although the law opens the possibility of participation, as Maricato and Ferreira (2002), this will depend on the correlation of local forces.

An OUC must generate and manage its own resources, obtained through the collecting of compensations by the purchase of benefits generated by exceptions regarding current urban legislation. This resource must be used solely for the financing of construction works developed inside the perimeter defined in the Urban Plan (PU). With the goal of allowing local governments to be able to raise funds in advance, the Statute of the City has authorized the emission of Certificates of Additional Construction Potential (CEPACs). That means, the sale of real estate titles equivalent to the value of the excess building stock defined in the PU. In that sense, the CEPACs have meant an advanced financial strategy when compared to fundraising processes used in other countries.

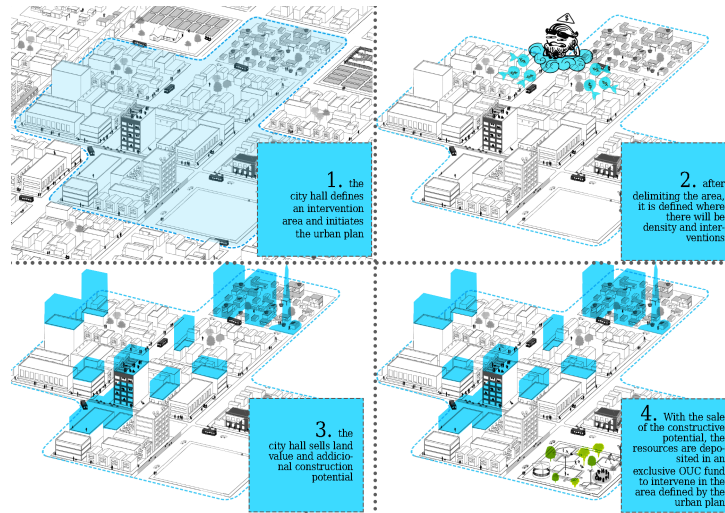


Fig. 1: Diagram created by the Indisciplinar research group in order to explain the working scheme of a *Operação Urbana Consorciada* – OUC. Source: *Operação Urbana Blog* - Indisciplinar. Available at: <http://ouc.bh.indisciplinar.com/?page_id=15>. Last accessed in 20 may, 2017.

The Statute of the City enables the use of several instruments that can increase municipal revenues. However, there is strong resistance by city administrations to the application of such tools (FURTADO, 1999). Nonetheless, despite the complexity involved in the use of OUCs, this instrument has been gaining priority when it comes to other possible tools. There have been attempts to justify this attitude through different reasons: (i) due to financial stagnation of cities along with great amounts of debt acquired throughout the years; (ii) due to a lack of public resources for the development of significant urban transformations; (iii) due to a belief that public investments generate capital gains which should be captured by city administrations; (iv) due to a belief that the flexibilization of mechanisms of control for the use and occupation of urban land should be used as a currency by the local government; and (v) due to an inability by current strategies for the use and occupation of urban land to incorporate singularities of each territory.

However, a consensus has been developed by several authors (FERREIRA; FIX, 2001. MARICATO; FERREIRA, 2002) that, in practice, the OUCs have been contributing to an excluding increase in real estate value, focusing investments in privileged areas, besides disregarding urban regulations to the advantage of speculative real estate interests, which accentuate the valorization of real estate and increase socio-spatial segregation, promoting the direct or indirect removal of low-income families. The urban transformations, which have come about as a consequence of this instrument, have caused multiple exclusions of vulnerable groups, promoted by removals unfolded by interventions foreseen in the PU and by the increase of the region socioeconomic level.

Fix (2009) demonstrates how resources raised in an OUC are transferred to the private sector through the mandatory creation of exclusive OUC funds, which limits the use of these resources to territorial boundaries, making it impossible to redistribute the resources in the city, and promoting the concentration of investments. This strategy of elitization of spaces is desirable – and necessary – to the increase in land value (and of CEPACs) in an OUC. In that sense, the Urban Plan works as a preliminary pact between the local government and the market, thus assuring profits to the private sector when ensuring that interventions will be built in the designated space, even though there are more pressing urban problems in other parts of the city. Fix (2009) highlights, moreover, how the untying of property and the additional building rights reached by the commercialization of CEPACs have helped build a new type of financial real estate speculation, in which anyone can buy the title, independently of the property possession.

Although the OUCs have been incorporated by the Statute of the City with the goal of stating collective interests and reducing socio-spatial inequality, its use translates the paradigm of the company-city (HARVEY, 1996), meaning a growing subordination of urban policy to private interests of land owners, real estate agents, and large contractors. The urban transformations offered are enabled through an increase in urban land prices and the support of private property.

4 OUC Nova BH: production of neoliberal space in Belo Horizonte

The urban instrument OUC was instituted in Belo Horizonte in 2010, through the Municipal Master Plan. Based on Transit Oriented Development (DOT), priority areas were defined for urban densification close to important transit corridors, public transport corridors, in the vicinities of metropolitan transport integration stations (Estações BHBUS) and on the north axis of urban expansion (Northern Vector). Practically 30% of the state capital's territory was destined to the development of OUCs.

Since then, the technical team of the Municipal Office of Urban Planning (SMAPU) has considered the axis of Presidente Antônio Carlos and Dom Pedro I Avenues as a priority for the implementation of an OUC, because at that moment, the project of expansion of these avenues had already been completed, and the works for the implantation of the corridor exclusive to the system of fast transport by bus (Move) were in progress. In that same year, the first studies for the elaboration of the Urban Plan for this OUC took place.

The restructuring of this important public transport axis was a scenario consistent with the objectives of this urban planning instrument since the interventions enabled the regaining of the surplus generated. The Urban Plan, elaborated by the city's technical team, was developed simultaneously with the complementary studies – Neighborhood Impact Study (EIV) and Financial and Economic Viability Study (EVEF) – carried out by consulting companies².

However, in contrast to experts' opinions, the interest of private sectors focused on neighborhoods near the central region and the Contorno Avenue, heading East, an area which was already being receiving municipal investments³. This issue motivated the development of studies for the Urban Plan of the "Eixo viário Leste-Oeste" (East-West transit axis, in free translation), composed by Andradas Avenue, Tereza Cristina Avenue, and the Express Way, simultaneously with the OUC Antônio Carlos/Pedro I studies. In the same way, complementary studies (EIV and EFEV) for these areas were developed by consulting firms contracted through a bidding process⁴.

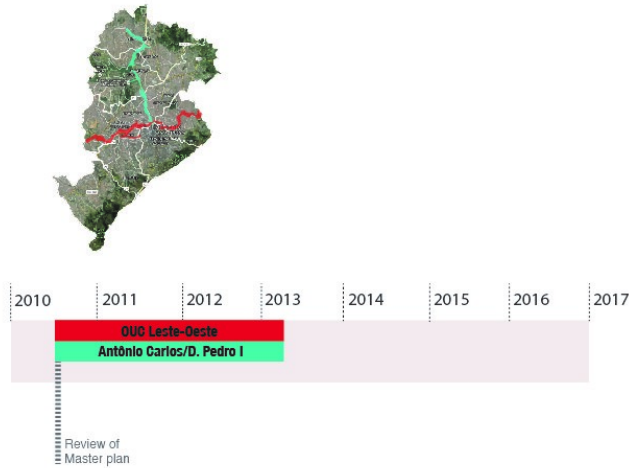


Fig. 2: Info-graphic indicating the OUC Antônio Carlos / Pedro I and OUC Eixo viário Leste-Oeste. Source: Nassif, 2016. Modified by the authors, 2017.

Over two years, these studies were developed without public participation, except a couple of meetings carried out with small groups of civil societies during the elaboration of the urban diagnose of OUC Antônio Carlos/Pedro I. Only in October 2013, did the municipality of Belo Horizonte present, for some selected people, the Nova BH project, which gathered both urban operations. The OUC Nova BH comprised approximately 7% of municipal territory (25 Km²), with 58 directly affected neighborhoods, where about 170.000 people lived⁵. The project was presented through a reduced marketing piece⁶. The images of the interventions proposed aimed at seducing the population, who received a finalized project, without any possibility of participation. Curiously, all images were located in the areas of market interest.

The studies for both OUCs – Urban Plans, EIVs, and EVEFs – were drawn separately. Besides being a very extensive and complex area, it was the first time that the municipality of Belo Horizonte would use the instrument OUC and CEPACs, which represented a series of political and financial risks. When the Nova BH project was presented, there was an intense conflict between the technical experts team and the political decisions being made, clearly directed towards the interests of the real estate industry.

Simultaneously to the development of the OUC Antônio Carlos/Pedro I, renowned real estate companies started to develop studies for the area of special urban interest "Vale do Rio Arrudas" (Arrudas River Valley, in free translation), the focal point of the Nova BH project. This private sector intervention was enabled by the "Authorization for expression of interest"⁷, directed towards the contractors Andrade Gutierrez, Barbosa Mello and Norberto Odebrecht, which allowed these companies to carry out urban, economic, financial and legal studies for the maintenance of the sector through a common concession or public-private association.

Surprisingly, the authorization for private intervention in a public area was made possible a month earlier by the Municipal Decree nº 14.657/2011⁸, which instated the procedure of Authorization for expression of interest of Private Initiative (MIP) as a possible practice in accordance with the Municipal administration.

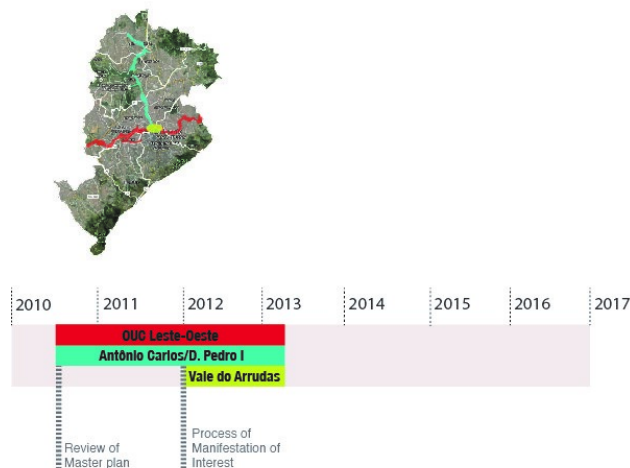


Fig. 3: Info-graphic indicating the overlapping between the zone of special urban interest "Vale do Rio Arrudas" area and the focus of the OUCs Antônio Carlos/Pedro I and Eixo Leste-Oeste. Source: Nassif, 2016. Modified by the authors, 2017.

The overlapping between the study areas may not have been accidental. The involvement of these companies in the project enabled the access to confidential studies elaborated for the OUCs inside the SMAPU. That way, a small parcel of the private sector had access – and intervened – on the definitions of the Urban Plan of the Nova BH project. Indeed, private sector participation in planning decisions contributed to the elimination of the ends of the Eixo Leste-Oeste [East-West axis], areas with higher infrastructure scarcity, which could eventually be improved through a redistribution of funds raised through the marketing of CEPACs. In conclusion, when the OUC Nova BH was presented, its boundaries corresponded to the market interests.

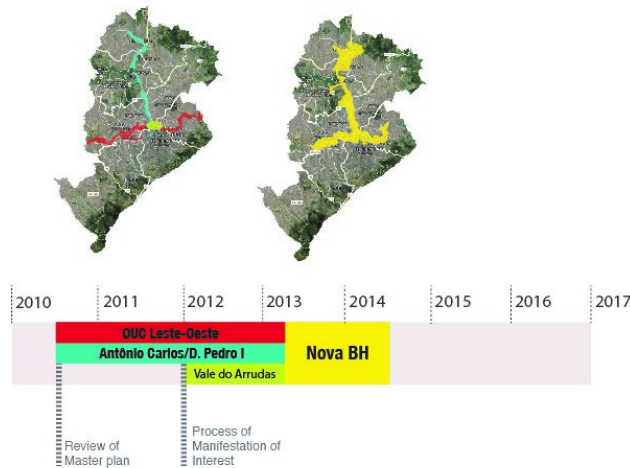


Fig. 4: Info-graphic indicating the origin of the OUC Nova BH. Source: Nassif, 2016. Modified by the authors, 2017.

The Nova BH project illustrates how the correlation between forces within the local sphere privileges real estate interests, thus generating a city drawn up by capital. Besides harming the principle of democratic management, by excluding residents and users from the construction of the Urban Plan, a small private group intervened directly on the elaboration of the Nova BH project. These actors would directly benefit from the flexibility of regulations and the definition of urban interventions. The search for major economic advantages for the city culminated in a process filled with irregularities which were only hindered by interventions from civil society when the Indisciplinary research group contacted Public State Prosecutors of Minas Gerais (MPMG). In sequence, several civil society protests and urban struggle movements, as a network, arose around the city.

5 #Não vai ter Nova BH: resistance and action by the Indisciplinary research group

Way before the launch of the Nova BH project, the Mayor Marcio Lacerda had already been developing several actions in benefit of the private sector, without public participation. These apparently isolated actions caused countless acts of resistance by civil society. Amongst the actions, we may cite: (i) the cutting of centennial trees of the ficus⁹ species, which were curiously located quite close to the area where the city administration (PBH) had already announced the construction of private underground parking lots through public-private partnerships; (ii) the launch of the public tender for projects for the New Municipal Administration Center at Lagoinha neighborhood¹⁰, the execution of which would imply in the expropriation of several traditional residents from the neighborhood; (iii) the start of the constructions for the Cultural Corridor¹¹ in the vicinities of the Santa Tereza viaduct, which caused the removal of the Duelo de MCs movement (in free translation, MCs Duel) and other political and cultural activities from the area¹²; (iv) the announcement of a possible removal of the Vila Dias community from the Santa Tereza neighborhood for the construction of an architectural complex called "The biggest tower of Latin America"¹³ and the flexibilization of urban regulations in order to allow the construction of hotels to supply the inferred demand of rooms during the Fifa World Cup. Thus, when the OUC Nova BH project was uncovered, Belo Horizonte had already witnessed a series of interventions that announced quite the neoliberal stride throughout the city.

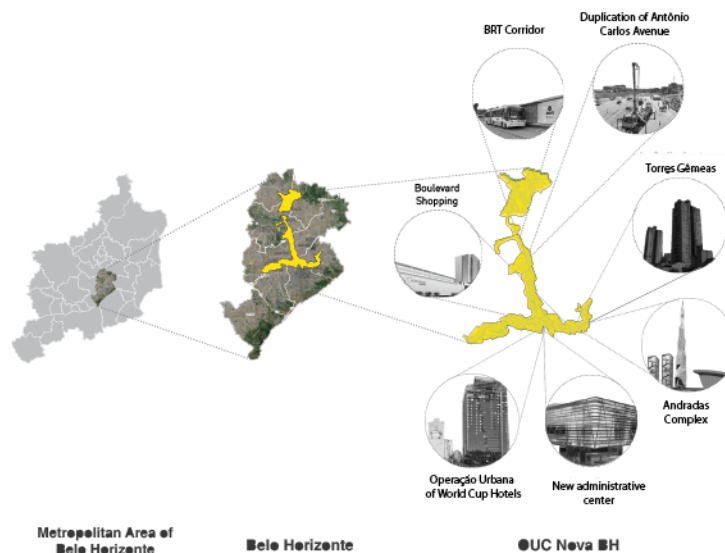


Fig. 5: Operations undertaken by PBH at the borders of the OUC Nova BH. Source: Daniela Faria. Modified by the authors, 2017.

The case of the Vila Dias community is a significant example of strategies used by the capital-State to move towards territories close to the central area of Belo Horizonte. In her Undergraduate Thesis, Chagas (2013) crafted cartography of public-private interventions which sought to attract investments to the Santa Tereza Neighborhood area, where the Vila Dias community is located, which produced the start of a gentrification process in the region which threatened the existence of a small favela. Several other events can be calculated by the gentrification process in the region: the requalification of the Arrudas Boulevard, the fire which reached two unfinished buildings, occupied since 1995 by 164 families, known as Twin Towers¹⁴ and the inauguration of the commercial center Boulevard Shopping. This confluence of factors illustrates the way in which the region was already being prepared to receive the OUC Nova BH project.

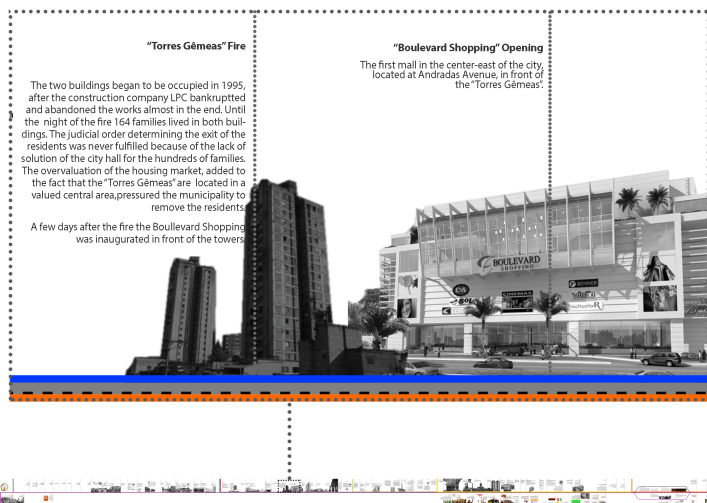


Fig. 6: The "Twin Towers" fire and the inauguration of the Boulevard Shopping center. Source: Crafted by the authors, 2017.

After the announcement of the construction of the "Biggest Tower in Latin America"¹⁵, in July 2012, in a local magazine¹⁶, protests by civil society were intensified.

The landmark building was part of a large project: the Andradas Complex, conceived by the FarKasVölgyi architecture office, and the PHV construction company. The municipal regulations for this sector did not allow such a project, and its premature announcement revealed how the real estate industry was anxiously awaiting the flexibility of urban legislations, which would only be possible through the OUC Nova BH (MAYER, 2015). After mobilizations against the project on social networks, Marcello Faulhaber, the Secretary of Development of the City of Belo Horizonte at the time, declared that the project had already been presented to the city hall, and confirmed the idea of "make an Urban Operation in that region and (that) the land is being studied under the concepts of the urban plan" (TAKAHASHI, 2012).

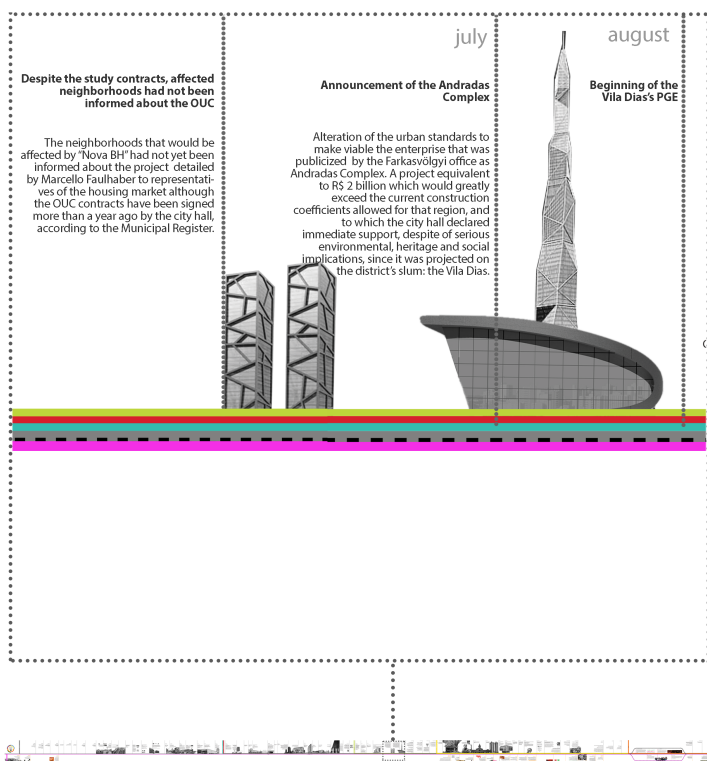


Fig. 7: Skyscraper named "The tallest Tower in Latin America". Source: Drafted by the authors, 2017.

Another critical point of the project was its implementation over part of the Vila Dias territory, a fact that the president of the PHV construction company, responsible for the controversial project, declared in an interview that "the areas [were being negotiated] with the City Hall, including when it comes to the removal of the low-income community residing in the region. Other regions are being studied to relocate these residents" (TAKAHASHI, 2012). Indeed, a month after the skyscraper

announcement, experts from the governmental Urbanizing Company of Belo Horizonte (URBEL) initiated a series of meetings for the elaboration of a Specific Global Plan (PGE)¹⁷ of Vila Dias, which sought to bring about a large diagnosis of the Vila Dias situation. These issues highlight the fact that the community's location represented an obstacle to the advancements of real estate capital.

The imminent threat to Vila Dias mobilized the Indisciplinar group (along with counterparts who lived in the area), which started following the whole process, acting side by side with the directly affected population and demanding transparency by the public sector. These actions had the direct participation of the Indisciplinar research group (EA UFMG); the collectives: Brigadas Populares¹⁸, Salve Santa Tereza¹⁹, in.Graffiti²⁰, Pópôcô²¹, the city counselor offices of Gilson Reis²² e Pedro Patrus²³, among others (CHAGAS, 2013). Through these participations, a network of support to the residents of Vila Dias was created to fight against the elitist domain of the city.

This network has questioned public offices about the mentioned urban operation, crafted several types of graphic material for spreading the word online – through the "Fica Vila" Facebook page, and organized many resistance protests on the streets – through theatrical spectacles, actions and barbecues – intending to raise awareness on local residents about the imminent impacts and the support for the permanence of the Vila. These were, thus, actions that combined social network activism with street protests.

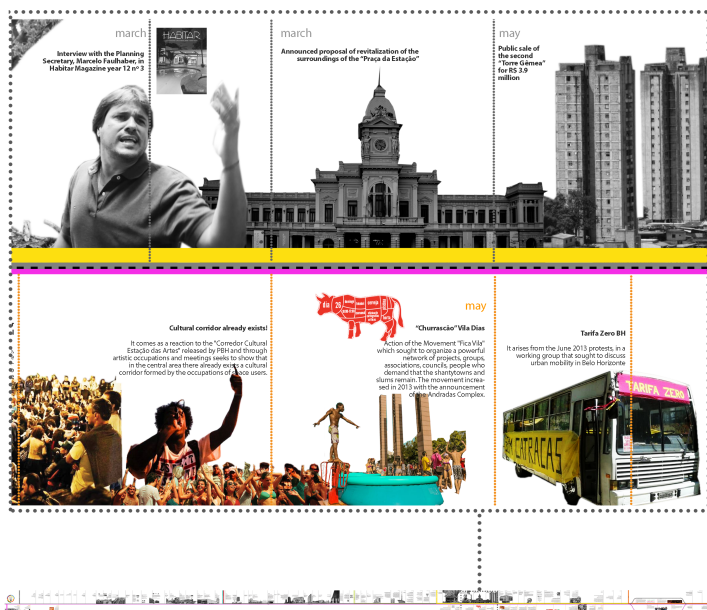


Fig. 8: "Churrascão da Vila" event-action, organized by the Indisciplinar group and the activism network of supporters of Vila Dias to discuss action strategies with the community. Source: Drafted by the authors, 2017.

Faced with these events, the Indisciplinar group researchers developed a sort of mapping of privatizing processes that were happening in the city. This methodology allowed for an identification of the growth of neoliberal projects in the capital and the revelation of several relations – both territorial and timely – which exist among many projects, generating a critical and emancipatory standpoint for those involved in the struggles. These neoliberal projects, apparently independent, in fact, as previously mentioned, announced the coming of a large urban project: the OUC Nova BH, which was being elaborated in secrecy by the colluding Contractors-City Hall partnership.

When the Nova BH project was announced, in October 2013, the systematic follow-up of municipal actions by the Indisciplinar research group had already produced a vast material which included the compilation of

Laws, decrees, publications on *Diário Oficial do Município* which referred to administrative acts regarding the preparation for the pretexts of *OUC*, requirements and notifications of information access, news, articles, power point files with maps, infographics, time lines, informative (anti)appendix, posters regarding activities organized by Indisciplinar and the outstanding final undergraduate thesis by Fernanda Chagas, the product of a cartographic co-research. (MAYER, 2015, p.107).

The above-mentioned material was an integral part of the representation (accusation) supported by architects, urban planners, lawyers and undergraduate students from the research group. The representation, sent in August 2013 to the State Prosecutors on Justice regarding Housing and Urban Planning Office of the Public Prosecution of Minas Gerais²⁴, contained the description of facts regarding the *OUC* Nova BH (MAYER, 2015). After doing so, the Indisciplinar research group started providing technical support to the Public Prosecution in all actions related to this vast urban project.

The information produced collectively fed the social networks, allowing a free and unrestricted access of the civil society to information. This production served as a subsidy for action in other social movements against the *OUC* Nova BH. The technological action undertaken by Indisciplinar, by occupying the streets and social media, earned the hashtag #NãoVaiTerNovaBH and was divided between networks (blogs²⁵ and fanpages²⁶) and streets (conferences and activities together with the community and urban movements, as well as counselors through supporting the MPMG investigations).

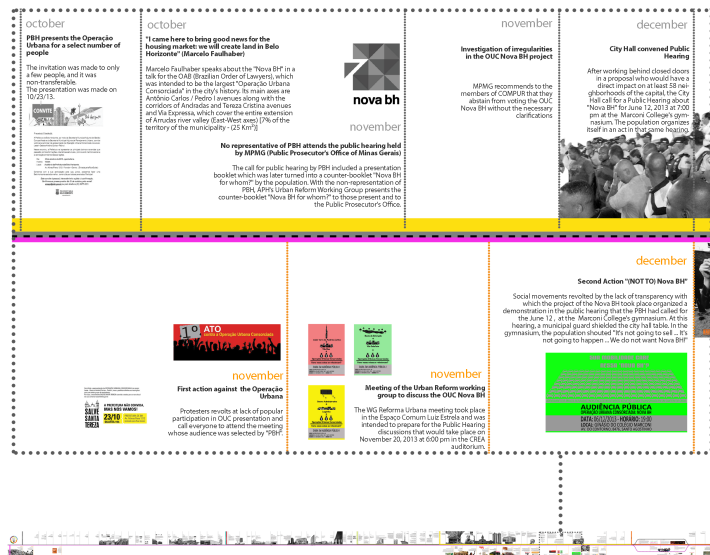


Fig. 9: Actions of resistance to the OUC Nova BH project. Source: Drafted by the authors, 2017.

Resistance movements grew intensely, thus causing an explosion in movements connected to the fight against the OUC Nova BH, among them: the "Fica ficus"²⁷ (Stay, Ficus, in free translation) movement, originated from dissatisfaction caused by the cutting of the centennial Ficus trees (as priorly mentioned); the ephemeral "Corredor Cultural já Existe"²⁸ (Cultural Corridor already exists, in free translation) movement, triggered by capital-State actions related to gentrification projects for the central "Cultural Corridor" region, which included changing the cultural dynamics of the streets in the vicinities of the Santa Tereza²⁹ viaduct, and "Brasiliinha do Lacerda, não!"³⁰, against the construction of a new administration center for the municipality, among many others. From there, onwards, the Indisciplinar research group started the action front Nova BH, which has unfolded to this date towards many other action fronts which investigate neoliberalization and financing processes within the city: Urbanismo Biopolítico³¹ project e BH S/A³² project.

6 From the OUC Nova BH to the OUC ACLO

Faced with a lack of participation and other illegal acts that counted in disfavor of the municipality when it comes to the implementation of the OUC Nova BH, the Public Prosecution Office sent, in November 2013, a recommendation to the Mayor suggesting to not send the project to the City Council before analyzing more carefully what Brazilian Constitution had to say about civic participation and the publishing of technical studies for such projects. The action undertaken by the Public Prosecution Office culminated in the suspension of this vast PPP. This achievement was credited

overall to the mass pressure, spread through communicational and relational networks throughout the city (community associations, social movements, class entities, left parties, progressive terms, etc.) and to the legal action undertaken by the public prosecution office (also a result of the former), the OUC Nova BH was defeated (MAYER, 2015, p.109).

It was only by the end of 2014, through a legal agreement signed between PBH and the Public Prosecution Office that the OUC project was reinstated, now with a new name: Operação Urbana Consorciada Antônio Carlos/Pedro I + Leste-Oeste (OUC ACLO). In this agreement, the municipal administration took responsibility for a series of obligations to bypass irregularities present in the OUC Nova BH, especially concerning the lack of civilian participation and the violation of the legal principals of the city's democratic administration, as stated in the Federal Constitution and the Statute of the City.

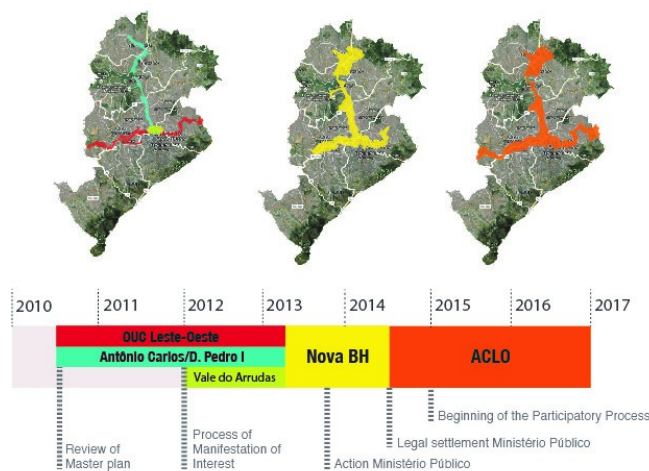


Fig. 10: Info-graphics indicating the origins of the OUC ACLO as following actions of resistance which culminated in the intervention by the Public Prosecutors Office of the State of Minas Gerais. Source: Nassif, 2016. Modified by the authors, 2017.

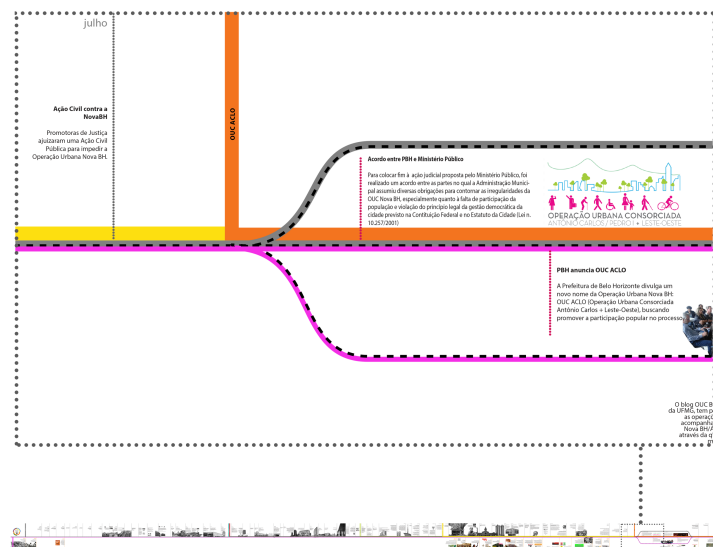


Fig. 11: Agreement between the MPMG and PBH and the announcement of OUC ACLO. Source: Crafted by the authors, 2017.

As previously stated by Nassif (2016), the participation process of OUC ACLO comprised seven institutional formats – institutional workshops, counselor workshops, regional debates, field trips, workshops with the civil society, technical groups and public hearings – in a total of 42 events organized and coordinated by the SMAPU technical team, which took place in November and December 2014, and April 2015. During these meetings, a massive presence of three different groups was noticeable: PBH employees, the organized civil society, and the academy.

At first glance, the number of people who have signed the presence list at the OUC ACLO forums – approximately 1,300 – cannot be celebrated in term of representativeness, when it comes to a project which comprises 10% of the city's territory of about 2.375 million residents (NASSIF, 2016, p.79).

Although the Urban Plan of the OUC Nova BH did suffer a couple alterations based on the proposals presented at the IV Urban Policy Conference (CMPU) and the contributions suggested in the process of civil participation, the basis of the new Urban Plan were still basically the same as the plan structured since 2013 (NASSIF, 2016).

The main alterations to the previous document were: (i) the addition of east and west extremities, as defined by the Master Plan of 2010, which allowed the application of resources in these areas, which are considerably poorer; (ii) the reconsideration of the parameters of typologies, which should be compatible with the proposals of the IV CMPU³³, making the new parameters or the OUC dependent on the approval of the new Master Plan of Belo Horizonte; (iii) the incentive to housing typologies with only one bathroom and one parking space, as intended for public transportation users; (iv) the forecast of different steps for the implementation of the OUC, thus assuring the redistribution of resources from areas with a surplus to areas that carry a deficit; (v) the improvement of the Economic and Social Care Plan; (vi) the implementation of the CEPACs auctions as divided by steps, according to the execution of the construction work, thus allowing for a regaining of land added value; (vii) the defining of the management structure as divided into a group of general management and a group of local management for each sector of the OUC; and, finally, (viii) the planning of a the prediction of social housing construction (HIS) with resources from the OUC.

In this last item, there was a considerable alteration, once the proposal for the HIS as defined in the Urban Plan of the OUC Nova BH limited the public production to the relocation of removed families due to the construction work and the investment in areas already inhabited by low income communities and irregular urban allotments, whenever interventions for improving the articulation of these areas with other changes foreseen in the plan were necessary. The reconsideration of this proposal allocated funds towards the public production of HIS, 70% of which were allocated to demands of families with incomes between zero and 3 minimum wages. When it comes to the production of HIS by private initiative, before, this incentive for the private sector was 1 CEPAC for each 5m² of HIS built. The new plan offers 100% of the net area of the HIS venture in building potential for any OUC area. In both proposals, the requirements are the presence of non-residential use in, at least, 5% of the total constructed area and at least 70% of the total constructed area of the enterprise destined to HIS for families with income from 0 to 3 minimum wages.

7 Conclusions

The OUCs in all formats enable the production of a privatized city when establishing the legal basis to assure benefits to financial and real estate markets, transforming lands into commercial titles for stock markets, for instance. These effects can be seen in OUCs promoted in São Paulo (Faria Lima and Água Espraiada), Rio de Janeiro (Porto Maravilha), and also in Belo Horizonte, as described in this article.

The OUC Nova BH is another example of how entrepreneurial management principles define the development of our cities. In this case, it becomes evident how the city administration takes a position in favor of private interests when changing legal apparatus and loosening urban regulations to benefit large projects. Besides disregarding the mandatory participation of residents and users in the elaboration of the Urban Plan, the municipality creates (legal) conditions for the direct participation of real estate capital in the decisions made during planning, disrespecting even the recommendations of the MPMG.

The investigation promoted by the Indisciplinary research group anticipated the launch of this OUC. The militant participation of the University, faced with social injustice and irregularities present in this vast urban project, was of utmost importance for the development of a quick action by resistance networks. The method of Cartografias Indisciplinares³⁴ enabled the development of critical stands by investigators, residents and others involved in these actions. By recognizing the potential of including digital media in contemporary urban life, the Indisciplinary actions comprised both real and virtual spaces, transiting through networks and streets, fomenting urban struggles against neoliberal efforts undertaken by the city administration.

The group's investigation-action method, which is a day-to-day construction, motivated the monitoring of other neoliberal projects promoted by the city³⁵. We believe that the knowledge generated amongst many in the engagement with urban struggles, in a multi-scale way, bringing together local efforts as well as a systemic understanding of these issues in both urban and regional scales, has been the key role of the research group: to act on the blind spot of the struggles. That is to say that knowledge is produced as devices by a theoretical "toolbox" along with day-to-day actions, thus contributing to developing useful knowledge which comprises common knowledge, such as urbanism, the law, geography, economy, and communication, among others.

It is important for the University to enable encounters between the multiple voices of the actors who produce the city, strengthening the exercise of the rights to participation and more democratic management provided for in the Statute of the City. The long journey undertaken by the struggle networks also brings to light the fact that these rights are still not fully recognized by members of the legal system and that only public pressure has been able to sustain this dispute. In the case of OUC Nova BH, Mayer (2005) highlights that despite the fact that the legal agreement meant an important precedent in the struggles for democratic management and a defeat to the company-city model, the Municipality's obligations set forth in the judicial agreement signed with the MPMG were, in fact, the very minimum that should have been set in order to enable citizen participation, which does not ensure justice in the production of urban space.

For this reason, the Indisciplinar research group continues to monitor the developments of the OUC ACLO within institutional spheres, through the attendance to meetings, the inquiry of information based on the law of access to information, the sending of concrete proposals, such as the composition of the managing board³⁶; and, also, through the academic militant production, within conferences, debates and, mainly, through the blog ouc.bh.indisciplinar.com, in which information is being continually updated so that everyone can follow up and act on the struggles while being fully informed.

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¹Indisciplinar is a research group linked to the Brazilian National Council for Scientific and Technological Development - CNPQ, and is headquartered at the Architecture School of the Federal University of Minas Gerais - EA/UFMG. Indisciplinar actions focus on the contemporary production of urban space. For further information, access the group's blog at <<http://blog.indisciplinar.com/ogrupa/>>. To access the group's news blog, go to: <<http://indebate.indisciplinar.com/>>.

²In February 2010, the Diário Oficial de Belo Horizonte (Official governmental news publication) presented the results of the public notice which classified the Tectra Consortium – Transport Technicians, Amaral D'Ávila Engenharia de Avaliações and GPA&A Gustavo Penna Arquiteto e Associados as the Consulting team for the viability studies for the "Operação Urbana Consorciada" at Avenida Antônio Carlos / Pedro I", through a contract of R\$ 902.400,00 (nine hundred and two Thousand and four hundred reais). More in: <http://portal6.pbh.gov.br/dom/iniciaEdicao.do?method=DetalheArtigo&pk=1074844>.

³See Chagas, 2013.

⁴In October 2012, the Diário Oficial de Belo Horizonte presents the results of the public notice 2012/003, which selects the Aal Serviços de Engenharia e Consultoria S/C Ltda company to develop the consultancy for the EVEF for the OUC of Andradas Avenue / Tereza Cristina Avenue / Express way, under a contract Worth R\$ 450.000,00 (four hundred and fifty Thousand reais). More on: <http://portal6.pbh.gov.br/dom/iniciaEdicao.do?method=DetalheArtigo&pk=1088476>.

⁵INDISCIPLINAR. OUC Nova BH/ACLO. Available in: <<http://pub.indisciplinar.com/ouc-nova-bhaclo/>>. Last accessed in 19 may, 2017.

⁶For the marketing pieces of the Nova BH Project, check: <http://portalpbh.pbh.gov.br/pbh/ecp/noticia.do?evento=portlet&pAc=not&idConteudo=129779&pIdPlc=&app=salanoticias>.

⁷This authorization was published in 21 December, 2011, in the Diário Oficial o Município. Check: <http://portal6.pbh.gov.br/dom/iniciaEdicao.do?method=DetalheArtigo&pk=1071614>.

⁸The decree was published on November 22nd, 2011, in the Diário Oficial do Município. For more, go to: <http://portal6.pbh.gov.br/dom/iniciaEdicao.do?method=DetalheArtigo&pk=1069796>.

⁹See Revista Natureza Urbana Magazine, 2014, p. 26-33.

¹⁰See PBH lança concurso para projeto arquitetônico do Centro Administrativo. Available in: <<http://www.sinarqmg.org.br/pbh-lanca-concurso-para-projeto-arquitetonico-do-centro-administrativo>> e GPA&A vence concurso do Centro Administrativo de BH. Available in: <<http://blog.gustavopenna.com.br/2014/07/projeto-da-gpaa-vence-concurso-do-centro-administrativo-de-bh/>>. Last accessed in 19 may, 2017.

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13See CHAGAS, F. A Parceria Público-Privada na Produção de Espaço. 2013. 120 p. Bachelor Thesis – Escola de Arquitetura, Universidade Federal de Minas Gerais, Belo Horizonte, 2013.

14Twin Towers is the name given to two buildings whose construction was never finished, situated between the Santa Tereza Neighborhood and the Vila Dias Irregular occupation. They were occupied by 164 families, in 1995, after the construction company LPC went bankrupt and left the construction site. In September 2010, the families were removed by the fire department due to a fire which hit one of the buildings and, months later (may 2011), one of the towers was sold in an auction.

15Currently, the 80-storey tower became a project of three separate towers, 24-storey each, as part of a Simplified Urban Operation (*Operação Urbana Simplificada*), and the struggle of the Salve Santê movement has been reinstated. For more, go to: <http://indebate.indisciplinar.com/2017/05/08/operacoes-que-simplificam-o-caso-das-torres-de-santa-tereza/>.

16Encontro Magazine. Belo Horizonte: july, 2012.

17The PGE consists in a cross-disciplinary study carried out in small communities, favelas and housing complexes which seeks to understand urban, social, economic and legal aspects related to the areas analyzed.

18More: <https://brigadaspopulares.org.br/>.

19More: <https://www.facebook.com/Salve-Santa-Tereza-381632345284758/>.

20More: <http://intervencaoGraffiti.blogspot.com/>.

21More: : <https://www.facebook.com/coletivopopoco>.

22More: <http://www.gilsonreis.com.br/>.

23More: <http://www.pedropatrus.com.br/site/>.

24More: <https://www.mpmg.mp.br/areas-de-atuacao/defesa-do-cidadao/habitacao-e-urbanismo/apresentacao/>.

25More: <http://oucbh.indisciplinar.com/>.

26More: <https://www.facebook.com/Opera%C3%A7%C3%A3o-Urbana-Nova-BH-307039529420846/?fref=ts>.

27For more, go to: <https://www.facebook.com/fificicus/>.

28For more, go to: <https://www.facebook.com/AOcupacao/>.

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30For more, go to: <https://www.facebook.com/brasilinhadolacerdaNAO/>.

31For more, go to: <http://pub.indisciplinar.com/>.

32For more, go to: https://www.facebook.com/projetobhsa/?ref=br_rs.

33The buffering zones of the OUC should have the parameters of the urban structuring category, as approved in the IV CMPU.

34To know more about the method used by Indisciplinar Research group, go to: <http://contested-cities.net/working-papers/2016/grupo-de-pesquisa-indisciplinar-metodo-ativismo-e-tecnopolitica-na-defesa-dos-bens-comuns-urbanos/>

35Besides the OUC ACLO (former OUC Nova BH), the Indisciplinar- EA/UFMG research group created the web page [oucbh.indisciplinar](http://oucbh.indisciplinar.com/), whose purpose is to gather and publish all that has been investigated about Urban Operations (*Operações Urbanas*) and Public-Private Partnerships (PPPs) in Belo Horizonte. For more Information, go to: <http://oucbh.indisciplinar.com/>.

36For more Information, go to: http://oucbh.indisciplinar.com/?page_id=1096.