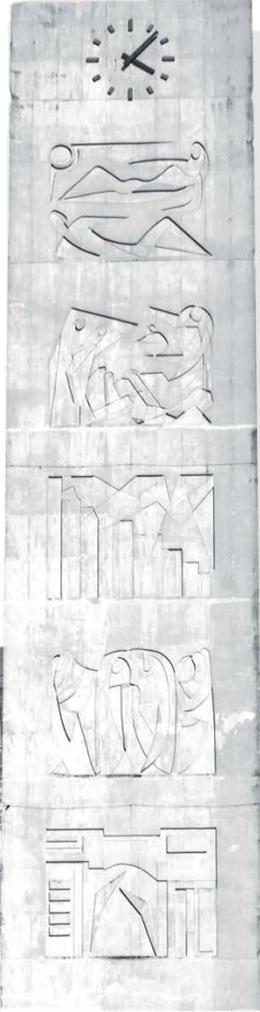


# Book of Abstracts

**WORKSHOP**

## Cities, Climate and Social (In)Equality



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**Responding to poverty through the realization of the right to equality and non-discrimination:** An investigation on the practical experiences of the Inter-American Court of Human Rights and the Brazilian Supreme Court, through the lenses of international human rights law.

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The eradication of poverty and hunger has been a key goal of Brazil in the 21st Century. Until recently, the country was presented as a success case, and it exported knowledge on strategies against hunger and poverty. In 2014, Brazil had gone out of the UN World Hunger Map, and one could see the representatives of the Brazilian Ministry on Social Development and Fight Against Poverty at the UN headquarters in New York, presenting the progress of the State on the field of poverty and hunger and sharing best practices. However, in recent years the country has faced significant retrocessions in its hunger and poverty levels, and it is facing setbacks in the process of reducing social and economic inequalities, all of which have affected acutely certain vulnerable groups. It is in this context that the present research is inserted. It aims at identifying whether and to what extent the Brazilian Supreme Court (STF) has applied the principle of equality and non-discrimination to support state policies against poverty from 1988 and 2021. The approach taken by the STF will be compared to that of the Inter-American Court of Human Rights (IACtHR) in interpreting the content and scope of equality in the context of poverty. This comparison gains particular relevance since, in late 2020, the Inter-American Court ruled against Brazil for the violation of the right to equality derived precisely from failure to address poverty. The research is structured in three main parts: first, the thesis provides a theoretical discussion on the link between poverty and inequality; second, it discusses the definition of poverty in light of different measurements and analyses the evolution of the poverty levels in Brazil in the 21st Century; lastly, it describes the practice of the STF and the IACtHR and engages in a comparative analysis of the strategies adopted by the two courts for considering poverty in their equality jurisprudence.

## Innovation and acceleration of phased planning processes

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### The stagnant system of power grid expansion in Germany

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#### The starting point

Germany ratified the Paris Agreement in 2016. Since then, the legislative power implemented (more or less restrictive) greenhouse gas reduction goals (new: § 3 Climate Protection Act [KSG]). The government believes in a “mix of policies” to assure that the output of climate-damaging gases decreases about 65% - compared to 1990 – until 2030. The conversion of the German energy-landscape definitely has to be a great part of that “mix”. Therefore, the legislator decided that Germany will stop the power generation by burning coal by 2038 at the latest. In addition to that, and as an answer to the catastrophe of Fukushima, the nuclear power generation will be stopped by the end of 2022. At the same time, we see a global boost of power demand by the rise of e-mobility and digitalization. As a result to all of that, the demand on „green“ energy (meaning electricity generated only with the help of wind and sun) is getting bigger and bigger. Germany’s main-challenge originates in the peripheral exploitation of energy, because the places of production and use diverge geographically. To sum it up, there is a higher need for the expansion of a long distance power network.

At the end of March 2021 the Federal Network Agency (BNetzA) stated that since 2009 just 20 of 101 focused grid expansion projects – with a total length of circa 12.234 km – have been completed. Eight others have been permitted in all segments. For another 5.436 grid-kilometres the permission procedure is still in progress. And for 27 other projects, with a length of 3.458 kilometres, the procedures are not even initiated yet.<sup>2</sup>

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<sup>2</sup>[https://www.netzausbau.de/SharedDocs/Downloads/DE/Monitoringberichte/Monitoring\\_2021-Q1.pdf?\\_\\_blob=publicationFile](https://www.netzausbau.de/SharedDocs/Downloads/DE/Monitoringberichte/Monitoring_2021-Q1.pdf?__blob=publicationFile)

## Acceleration Legislation

We know that such long administrative procedures often have the effect that the initial assumptions made tend to be outdated when projects get actually finished. The muddle of regulation, the complexity of facts as well as undermanned government entities are not only main critics but also main reasons for the slow progress.<sup>3</sup> The government's „magic bullet“ is the so called „Beschleunigungsgesetzgebung“ that might be translated to Acceleration Legislation.

### The basics of power grid expansion in Germany

The main goal is obvious: Speeding up the roll-out. But the questions of „How is the legislator able to accelerate it?“ and „What has to be accelerated exactly?“ remain nonetheless.

The relevant procedure(s) of power grid expansion are primarily dependent on voltage-level-categories. As one challenge is how to transport huge amounts of peripheral generated power through the country and across borders, today's focus should be on high and maximum voltage lines (power grids).

In the above-mentioned sector a phased and interdependent planning system has been installed to calculate the demand that has to be satisfied and to allocate and to permit the corresponding lines. This system, its dependencies and settings will be shown and analysed to search prospects of innovation, acceleration and flexibilization with the goal to secure a safe, fast and conflict-free framework.

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<sup>3</sup><https://www.faz.net/aktuell/wirtschaft/klima-energie-und-umwelt/energiewende-strom-wird-teurer-und-teurer-17536885.html?premium;>  
<https://www.faz.net/aktuell/wirtschaft/unternehmen/e-on-chef-birnbaum-warnt-vor-kostenlawine-energiewende-in-gefahr-17536773.html?premium;>  
<https://www.dnr.de/fileadmin/Positionen/2021-09-09-offener-brief-planungsbeschleunigung.pdf>.

## **Between necessary, possible and impossible: urban reform and housing policies in the twenty-first century in Brazil**

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The first two decades of the 21st century was a remarkable period in Latin America due to the emergence and decline of progressive governments. In Brazil, it also represents the simultaneous end of democratic and popular strategy runned by the Workers' Party and an institutional cycle of Urban Reform. This course is marked by an institutionalization process whose important milestones are the City Statute and the Ministry of Cities, legal and institutional frameworks that gave international prominence to Brazil as they are linked to the New Urban Agenda. This document points out national urban laws committed to guarantee social rights, to implement social function of property and to improve housing conditions of informal settlements, some of the guidelines of Urban Reform that have been institutionalized in Brazil. This scenario indicated the possibility of improving living conditions in cities, but soon the convictions and utopias were questioned, resulting in criticism and analysis on limits and contradictions of Urban Reform proposals. This reinforces the importance to inventory this experience surrounded by the democratic and popular strategy in Brazil and by the progressive governments in Latin American. This research takes the city of Fortaleza as an exploratory case and uses literature review, documentary and data analysis, interviews and fieldwork as methodological resources. It argues that the Urban Reform, institutionalized in a triple movement and assumed as a component of the democratic and popular strategy, was not abandoned, reduced or betrayed, but carried out under conditions to which its internal contradictions and limits pointed out.

## Double inner development through urban planning law

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In actual terms, there is the problem of the continuing high use of open space for settlement and transport purposes. Therefore, at the national political level, the national sustainability strategy has set the goal of reducing land use to 30 hectares per day by 2030. In order to achieve this goal, urban planning that conserves open space should, as far as possible, be based on the planning concept of inner development. However, increased densification leads to consequential problems within the municipality area. Therefore, not only the densification of the already populated municipality area should be promoted, but also the provision of green and blue spaces within the area to be densified, in the sense of so-called double inner development. The research question of the project is to what extent national urban planning law in the form of the BauGB and the BauNVO has instrumentally taken up and implemented the planning concept of inner development and its expansion in the form of double inner development. In particular, urban land-use planning in the form of the land-use plan and the various types of development plans are the subject of the work.

## Facing urban risk in the perspective of climate justice: the case of abandoned buildings occupied by social housing movements in São Paulo

**Author:** Julia Moretti<sup>1</sup>

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Housing movements have long questioned the Brazilian's exclusionary pattern of urbanization and their strategy to occupy abandoned buildings has to be understood as more than civil disobedience and seen beyond transitory acts standing against vacancy rates in centrally located neighbourhoods. Based on the idea of promoting the social function of property, the right to adequate housing and the right to the city, social movements are creating a long-standing way of living, a housing opportunity with access to urban services and infrastructure that is often denied by the State and its policies. Through daily practices dwellers in their organization are able to increase safety measures, qualify the use of occupied buildings and reduce vulnerability, hence also reducing risk. However, these measures usually do not meet legal standards regarding safety neither fulfills requirements of constructions and land use regulations. This problem puts light in the way urban risk is understood and tackled: risk is not natural nor objective, but socially constructed. It also can be seen as an issue aligned with climate change and the fact that it exacerbates risks related to exclusionary urbanization. Therefore, responses to climate change impacts demand mitigation and adaptation measures that support transformations tackling structural inequalities and helping to overcome vulnerabilities. In that sense, the use of vacant buildings in central areas promoted by social movements is aligned with the inclusive confrontation of climate change (climate justice), increasing housing opportunities without increasing the demand for new land, discouraging peripheral growth, the suppression of green areas or even the increase in displacement and energy expenditure with their associated environmental consequences.

## Finances, territory and urban development in contemporary Brazil

**Author:** Giuseppe Filocomo<sup>1</sup>

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The research is about the liaisons between Brazilian urban development, national territory and State action through public finances, from a social, historical-economical and regulation theory's approach. The empirical investigation focuses on the federal budgetary resources between 2000 and 2016. Primary budgetary data are provided by the Federal Government, which are also weighed through related literature, legislation and technical and budgetary reports. This way, as a product of urban and regional planning's field of study, is presented an evaluation on the fiscal funding of urban and housing infrastructure during Brazil's recent history. This funding counted on the reserve or allocation of more than R\$ 350 billion and the spent or liquidation of more than R\$200 billion originating from the Federal Budget for the year 2016, and concerned most of the municipalities of the country. From a theoretic and methodologic's point of view, relations between urban space and State action prove themselves as an explicatory power, also representing a possibility for the Brazilian cities, climate and inequalities problematics.

## Between transparency and illusion: the cognitive regressiveness of the Brazilian tax system

**Author:** Pedro Sales Araújo<sup>1</sup>

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My research aims at analyzing the effects caused by fiscal illusion in the choices that structure the Brazilian tax system and how it manifests itself through our legal system. Within this perspective, this research presents the theory of fiscal illusion and defines it as the study of a group of strategies in the public finance field that aims at concealing from the citizens the amount of tax burden undertaken by each one of them. Based on this theory, this investigation analyzes how fiscal illusion acts in the reduction of social resistance regarding the fiscal activity of the State, interfering in the perception of tax burden, as well as masking the destination of these resources in public expenditure. It demonstrates how the high complexity of Brazilian taxation, combined with excessive indirect incidence, assist the perceptive distortion observed in relation to the distribution of tax burden amongst social classes. The result of this research exposes that there are elements that validate the existence of fiscal illusion in the fiscal activity of the Brazilian State and detects the typical effects of this phenomenon in our society. It demonstrates up to what point the phenomenon opposes itself to the project of society adopted by our Constitution, not only interfering in the economic development of the country but also interfering in the consolidation of the principle of fiscal transparency and the formation of substantive citizenship. It will be argued that in such a scenario, the effects of fiscal illusion in combination with social inequality in the country influences the self-recognition of the poorest groups of society as integrated members of our political community. This research gave the name of cognitive regressivity to this hypothesis.

## Organisation

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