

For a landscape policy in urban municipal planning – The paradigm of Salvador-BA, Brazil

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Abstract— *This text reflects on what comes to be landscape, through a visit to its history in brief lines, and what is its role in law. How the latter supports it in the Brazilian ordering from federal to municipal level. Likewise, it explores the curious theme under the construction of a historical teleological hermeneutics, touching on the sense of managing the landscape to maximize the socioeconomic well-being of the population of Salvador. The research carried out was of a descriptive nature, the method, which provided the logical bases, was the hermeneutic-phenomenological method. The collection of data and information was carried out through bibliographic searches. It is concluded, at the end, that the Master Plan of Salvador needs regulation in landscape matters, complex and dynamic cultural asset, which needs its own Landscape Plan, in a law that guarantees popular participation, under the terms of the Right to the City, in pursuit of sustainable development. To this end, it is essential to have a Public Policy in favor of the landscape, whose aim is to improve the quality of social and economic life and to accommodate movement within the city to stimulate income distribution.*

Keywords— *Landscape, Municipal Planning, Urban Law, Gentrification.*

I. INTRODUCTION

The construction of Salvador's landscape, aiming the maximization of social well-being through investments that mitigate the socioeconomic discrepancy, are part of a conception that faces the need to implement a landscape policy - this article's theme. The delimitation of the theme arose from the observation that, although there is still no national landscape legal system, nor specific law that provides for it, the protection of the landscape has gained strength in the Brazilian legal system, with its positivism in Federal Constitution of 1988. Since it is little explored, its protection gains greater importance as the demands of environmental comfort increase.

In this context, the Municipal Urban Master Plan of Salvador – Law 9,069/2016 decides to implement legal devices for the protection of the landscape in its core, already provided by the Federal Constitution of 1988. The concern with the protection of the landscape is due to the very need for obtaining a better quality of life for the population of Salvador, mainly due to the disorderly growth of the city. Thus, by becoming law, the landscape protection, at the municipal level reveals more than ever

the importance of the institute for improving the quality of life of the city and preserving the urban environment.

However, despite the Municipal Urban Master Plan, as a municipal legal system, having incorporated the protection of the landscape, it is still very discreet when it comes to landscape management. We must recognize the legitimate attempt, however timid to protect small sites, with the provision of areas such as Cultural and Landscape Protection Area, with guidelines that, however, are not effective in planning and managing the landscape. On the other hand, it indicates that studies will be done for a law that regulates the provisions in the matter. At this point, it is essential to create a public policy aimed at regulating landscape planning, in harmony with the concept of landscape as a human right, already recognized by the European Landscape Convention of 20 October 2000.

Unfortunately, due to the absence of the regulation of Landscape Plans, what we have today in the Brazilian landscape order appears more as an adjective than as a program, not getting the relevance it deserves within the creative process of the city. Thus, the aim of this article is to perceive the landscape as the way to maximize

socioeconomic well-being, since empty urban spaces, belonging and aesthetics are inseparable for the construction of quality of life. Fundamental rights are inherent to human beings who, when they are in clearly degraded space constructions, which are reflected through the landscape surroundings, affront human rights.

The approach methodology used was descriptive, aided by the phenomenological hermeneutic method, which led to the criticism of the institute in the current form that is prostrated in the local order, and also its being in a perspective of time and axiology. This manuscript is divided into six topics, including this introduction; the second topic is a historical revisitation of the landscape, its history, context, and concept, until the approach of its legal sense. In the third topic, the reader is invited to reflect on the legal production of landscape in the Brazilian system. In the fourth topic, its studies landscape protection at the level of the Municipality of Salvador. Finally, in the last topic, it presents the conclusions, with the identification of a segregating reality and the need to elaborate a landscape policy in favor of creating Landscape Plans for Salvador in order to decrease gentrification.

II. REVISITING THE LANDSCAPE

Landscape is a plurivocal term, it encompasses cities, forms its characteristic outline, also a signaling of the quality of life in the dialectic of human nature in search of harmony. The landscape is influenced by culture, its complex and polysemic, due to what Anthropology, Geography, History, Ecology attribute to it. Thus, the landscape that is built or protected, occurs, from inversions of public policies or their absence in a flow of space and time, being the result of their economic relations [1].

Nowadays, the mass consumer society prints the values of waste, an impression that occurs through gentrification planning, reflected in a concave way in the city, making it into a risky society. Thus, people's rights and domestic law, in some nations, add forces to curb the wear and tear caused by disorderly growth [2]. This need to protect the landscape is at the heart of the circle of technical revolutions that culminated in the Industrial Revolution.

This "brought catastrophic consequences for the cities, whose urban landscapes showed a reality of degradation and low quality of life for the majority of the population" [3]. Developmentalism constitutes fuel for the stratospheric increase in production and demand and the impetus of the revolution transformed provincial cities into busy and chaotic centers and removed people from the countryside and the domestic environment, concentrating them on the urban peripheries.

It turns out that this growth was not added to sustainability, because poverty persisted. Also, pollution, deforestation, the disordered occupation of urban, rural and natural spaces, as well as social segregation, increased. The growth of cities occurred in an accelerated and anarchic manner, giving rise to deplorable health conditions. The dominant ideology of progress went hand in hand to these technical revolutions, taking for granted "that the growing dominion of nature by man was the very measure of the advance of humanity" [4].

In the West, the old motto of the 19th century, "where there's mud, there's money" is perfectly suited for today, when Public Policies are gentrification. Likewise, with the prevalence of individualism, sites of transtemporal importance went down in favor of speculation, allowing subjects to become millionaires with the construction of a single well-located building. As Eric Hobsbawm explains, city centers, large and small, have been reinvented, "incidentally destroying medieval cathedrals in cities like Worcester in Great Britain or Spanish colonial capitals like Lima, Peru", and the historian says that "the decade of 1960 is likely to be the most disastrous in the history of human urbanization" [5].

With the advent of globalization, everything becomes more contingent and faster. In the same way that it is produced with a greater quantity in a shorter period, it is also discarded in the same measure, and cities do not escape this logic. According to the teachings of Ngairé Woods, globalization would be composed of four aspects: "internationalization, technological revolution, deterritorialization and liberalization" [6]. The first element (internationalization) is related to greater interdependence between nations, due to the increase in agreements, investments and capital flows; the second (technological revolution), the way in which the new media have made distance and location an irrelevant factor, mainly due to the advent of the internet; the third (deterritorialization) is linked to the decrease in the influence of local powers, as well as the fall of borders in which there had been particularities and a great local cultural diversity before; and the fourth and last (liberalization) is related to the distancing and weakening of the State in the economic sphere, as well as to an increasing timidity in relation to social benefits.

In other words, the landscape undergoes a new configuration in view of the aspects because in globalization there is a universal tendency to standardize spaces and, in underdeveloped countries, this uniformity occurs through social segregation, printing on the landscape all the distortions caused by the globalizing perspective [7]. When witnessing such a scenario of socio-

environmental crisis from the second half of the 20th century to the present 21st century, with the explosive urbanization of the globe, especially in the third world, with more than half of the world population living in cities (see the example of Brazil: "in 1940 the urban population was 26.3% of the total and in 2000 it was 81.2% ") [8], there is a concern for the protection of an institute little debated in the legal scenario, namely: the Human Right to Landscape.

This was born as a natural evolution of Environmental and Urban Law, as a necessity, in terms of the pursuit of sustainable development. It is that the citizen is not satisfied only with the supply of basic needs, but goes further, aiming at the realization of his subjective right to enjoy the quality of life, a concept that brings together aesthetics. In this way, in history, through which man travels, the landscape appears as a social and legal phenomenon, as a diffuse and collective interest, a fundamental right of third generation [9].

The administrative action, then, interferes in sectors and areas that "because they are natural like life itself, there is always the moment in which the habit has been the object of intervention[10]", and so it happens, also, with the consumables, susceptible of exhaustion. But the landscape is never exhausted. There it remains, in constant transformation, and may reflect heaven or hell. And it is precisely because of its dynamic essence that, over time, the landscape transmutes. Thus, it transforms and degrades, being worthy of planning.

In addition, we must never forget that growth is "a journey with more shipwrecks than navigators - it excludes much more people than it is capable of integrate" [11]. In fact, attempts to achieve first world status led to third world countries, unwillingly, to develop underdevelopment. Brazil is a clear example since gentrification persists. For Sérgio Buarque de Holanda, "in Brazil, where, since ancient times, the primitive type of the patriarchal family reigns, the development of social imbalance is a mark, whose effects remain alive today" [12]. If before in this country it was seen "if not the true earthly paradise, undoubtedly a simile in everything worthy of it"[13], what would those navigators of the 16th century say if they unshipped Brazil in the 21st century? Perhaps they thought they had succumbed and sent to limbo. For, in countries where social inequality prevails, urban life is a purgatory.

In risk societies, there is a collective malaise due to the unfair distribution of income and social pressures from the periphery to the center. And precisely for that reason, there are also movements in response to the crisis caused by

progress. The protection of the landscape is, in this way, identified as one of these movements, necessary for the achievement of sustainable development. For, the landscape is necessary in a spiritual, aesthetic, economic and quality of life sense, because it is healthy and pleasant to contemplate it, and it is necessary that it can also be economically evaluable. In other words, a landscape, as a regulatory outline, "is a guarantee against the arbitrary, because provides the satisfaction of the spirit" [14].

Thus, throughout history, the social machinery, deeply disturbed, oscillates between an improvement of historical importance or a catastrophe. And it is up to Law, through the defense of diffuse and collective interests, to make sure that this dazed social gear generates a historical improvement for the population, and the protection of the landscape is essential for this improvement. Precisely because the protection of the landscape is associated with the very idea of citizenship: "houses make a city, but citizens make a citizenship. The ability to translate into symbolic forms and human models a representative portion of a culture is the city's hallmark" [15].

As public policies must accompany the historical teleology that ensured the protection of the landscape as a legal institute. It must be created, transformed, and reinvented through urban planning that is committed to maximizing the city's socioeconomic well-being, also exalting its history. In this way, in order to protect the landscape, it is essential to know its transformation, identify its main features, characterize and balance its primordial estimates; so that, based on this holistic understanding, be able to act in safeguarding and strengthening this set of urban and environmental values together with the participation of the population - which define their character and identity. Paying particular attention to empty urban spaces for the purpose of democratize them.

The landscape can be conceptualized as a complex reality, as it is the result of material and immaterial, tangible and intangible components; dynamics, the result of environmental, cultural and social processes that have taken place over time in a certain space, marked by the ways of life, policies, attitudes and beliefs of each society; a sign of quality of life, also very important for tourism and internal movement of the city. There is a tendency for people to increasingly close themselves in clusters, excluding the rich city from the poor city. Landscape plans aim to democratize the space, leading to the most sensitive regions attractive to people living in other regions of the city, stimulating a movement that will directly influence neighborhood economies by promoting income

distribution, thus, the landscape must be inserted in the Public Policies to come.

III. LANDSCAPE PROTECTION IN THE BRAZILIAN LEGAL ORDER

It should be noted that the landscape protected by law is dynamic and can be improved or worsened. But, despite the apparent confusion that these indeterminate terms ("worsened" and "improved") could cause, the doubt that hangs over them is clarified by constitutional and legal hermeneutics, according to their historical-teleological sense. Historically, the landscape is the result of Environmental and Urban law, it protects the spiritual, aesthetic, and economic sense of quality of life. Teleologically, it exists to protect and develop the urban and natural environment, in the dictates of Constitutional leadership.

The governing Brazilian Constitution of 1988, with its programmatic norms present in article 23, 24 and 216, protects remarkable natural landscapes, the environment, forests, fauna, and flora. It also requires observing the balance between development and well-being. It emphasizes the protection of the landscape heritage and determines the liability for damage to the environment and property and rights of landscape value. And adds that the assets of a material and immaterial nature, taken individually or together, bearing references to the identity, action and memory of the different groups that form Brazilian society, which include urban and rural groups, are part of the Brazilian cultural heritage. sites of historical, scenic value [16].

As per the Brazilian Federal Constitution of 1988, in article 23, III, it is the common competence of the Union, the States, the Federal District and the Municipalities to protect goods of historical and cultural value, remarkable natural landscapes and archaeological sites. Complements with article 24, items VII and VIII, when determining that it is up to the Union, the States and the Federal District to legislate concurrently on protection of the landscape heritage; liability for damage to the environment, property and rights of landscape value. Finally, it complements with its article 216 affirming that assets of a material and immaterial nature, taken individually or together, bearers of reference to the identity, to the memory of the different groups forming Brazilian society, which include urban complexes and sites of landscape value, are part of the Brazilian cultural heritage [17].

The tutelage of the institute radiates from the Constitution to hierarchically inferior norms, such as the City Statute, Law no. 10,257/2001. This regulates articles

182 and 183 of the Brazilian Federal Constitution of 1988 and, when establishing the general guidelines of urban policy, define as scope, in its article 2nd, order the full development of the social functions of the city and urban property, through the protection, preservation and recovery of the landscape heritage. In other words, it already exalts the importance of aesthetics, albeit implicitly, as it refers to improving the landscape through recovery.

City Statute (Law 10,257/2001) goes further, as provided in its article 37 on the Neighborhood Impact Study, which will be carried out in order to contemplate the positive and negative effects of the enterprise or activity on the quality of life of the population living in the area and its surroundings, including the analysis of the urban landscape. This article corroborates the perception of the dynamics of the landscape, as it reveals that an intervention may cause worsening or improvement in the landscape aspect of a given territory. When it comes to the construction of an industry, i.e., cannot escape the elaboration of a Neighborhood Impact Study, which may reveal the coherence or not of the enterprise, and the interest in seeking a more sustainable alternative [18].

Legal norms, in reality, already provided for the protection of the landscape long before the 1988 Brazilian Constitution, when in Decree Law no. 3,365/1941, in its article 5, considered that the protection of the landscape is a case of public utility. This decree deals with expropriation for public use, revealing the importance that the legislator offered to the landscape, decades ago. This device complements what has been stated so far in terms of landscape protection [19].

Furthermore, among so many attributions conferred to the Public Ministry, in the exercise of its investigative function, Law 8,625/1993, article 25, determines that this body must ensure the protection, prevention and repair of damages caused to goods of landscape value. It is up to the institution, when promoting its inquiries and public civil actions, to ensure the conservation of good landscapes. Once again, the legislator makes clear the importance of the institute [20].

In addition, the protection of the landscape in Brazilian law provides for sanctions of the last ratio against activities harmful to the landscape. Law no. 9,605/1998 clarifies, in article 63, that the alteration of the aspect or structure of a building or place protected by law, administrative act or judicial decision, due to its landscape value, without authorization from the competent authority or in disagreement with the one granted, may be penalized with imprisonment from one to three years and a fine. In article 64, determines the penalty of detention from six

months to one year for those who promote construction on non-edible land or in its surroundings, thus considered due to its landscape value. Once again, the importance given to the institute is clear, since even criminal law typifies behaviors that damage the landscape [21].

It should be noted that criminal sanctions do not exclude administrative sanctions for the same reasons mentioned in the previous paragraph. Decree no. 6,514/2008 imposes fines from R\$10,000.00 (ten thousand reais) to R\$200,000.00 (two hundred thousand reais) for altering the aspect or structure of a place protected by law or construction on unbuildable ground or in its surroundings due to of its landscape value [22].

It is worth clarifying that this work does not intend to exhaust all the laws in landscape matters, nor does it provide material for a compilation of Landscape Law. Precisely for this reason, it will not mention all the legal provisions that aim to protect the institute, such an assumption would be totally incompatible with the object of this research. Thus, a final analysis of the rule will be made, as it deals with the Law of the State of Bahia with hierarchy over the Municipal Urban Master Plan of Salvador.

Law no. 10,431/2006 article 5, identifies the landscape as a natural resource, and environmental degradation is characterized by altering the characteristics of environmental resources resulting from activities that, directly or indirectly, affect aesthetic conditions, urban image, and landscape. In turn, the degrader is a person or legal entity, public or private, responsible, directly, or indirectly, for an activity that causes environmental degradation. It also emphasizes that the environment is the totality of elements and conditions that, in their physical, chemical, biological, socioeconomic and cultural complexity, and in their interrelationships, support all forms of life and determine their existence, maintenance and propagation, covering the natural and artificial environments. Thus, an urban park also fits the concept of the environment [23].

With the combination of the values listed above, it will be possible to fill the gap in the concepts of “better” or “worse” landscape. It will be better the closer you get to the principles listed above and grasped by constitutional and legal, historical-teleological hermeneutics. And it will be worse the further you are from these principles [24].

So, it is easy and safe to assess whether a road project or construction of a building, or intervention, will improve or worsen the landscape dynamics. It is possible to measure in which places of the layout of a road, or of civil construction, the landscape can be improved with its

execution, as well as what damage it may cause. There are also ways to calculate the damage done and the compensation amount. This evaluation will be carried out through a survey that considers local customs, recreation, aesthetics, history, botanical relevance, or the auspices of the local population, all in the dictates of Brazilian constitutional system.

IV. THE RECEPTION OF THE LANDSCAPE PROTECTION IN SALVADOR'S MASTER PLAN

The Municipal Master Plan of Salvador lists as pillars, the foundations expressed in the Federal Constitution, in the Constitution of the State of Bahia, in the Organic Law of the Municipality of Salvador and in the Statute of the City (Federal Law no 10,257/2001). It states that the Municipal Urban Master Plan of Salvador must consider the provisions in the national and state plans and laws related to the urban development, mobility, housing and sanitation policies, and the environmental plans and policies. Such provisions of article 1 of Municipal Law no. 9,069/2016 - Municipal Urban Master Plan of Salvador, reaffirm the above understanding that the gaps regarding the protection of the landscape must be completed from a historical-teleological interpretation of the constitution and other laws that provide for landscape [25].

In article 2nd, it is stated that the Municipal Urban Master Plan of Salvador is part of the ‘Salvador 500 Plan’ - it is the strategic development plan for Salvador, with a horizon until the year 2049. In this plan, they establish guidelines and strategies for socioeconomic, cultural, and urban environmental development institutionalized in the Municipal Urban Master Plan. It is the plan proposed by the city in 2014, with the objective of ordering and controlling the growth of the city and is subject to principles and rules, many of them listed by the Municipal Urban Master Plan of Salvador itself [26].

Indeed, in its article 10, the Municipal Urban Master Plan of Salvador brings the principles that govern the Urban Policy of the Municipality of Salvador. Firstly, there is the right to a sustainable city, which implies a series of transformations in the form of production and consumption of cities with the aim of covering marginal urban areas. Likewise, the sustainable city corresponds to socially justice, environmentally balanced and economically viable development, aiming to guarantee quality of life for present and future generations [27].

This principle brings with clear objectives, set out in article 11. of the Municipal Urban Master Plan of Salvador, which states that the scope of the Municipal

Urban Policy is to raise the quality of the urban environment. The improvement in quality would occur through the preservation and recovery of natural resources, the use of clean energy and technologies, the promotion and maintenance of environmental comfort. And finally, the protection of the landscape heritage.

In addition, it lists as guidelines of the Municipal Urban Policy the preservation of memory and local identity, by maintaining the symbolic and material characteristics of the spaces, scenarios and monuments that define the image of Salvador. That is, with its viewpoints, corridors, spaces, and visual cones, which privilege the elements of the natural and built landscape. Thus, it brings to light that it matters little whether the landscape is natural or urban, it must be preserved or improved; never deteriorated in favor of real estate interests. What we have in mind is that the Municipal Urban Master Plan of Salvador protects the interest of the population of Salvador and the right to the landscape is intertwined with the principle of a sustainable city.

Still in the guidelines, the Municipal Urban Master Plan of Salvador states, in its article 43, that the areas that contain landscape elements and that are configured as opportunities for cultural development must be identified. This is intended to preserve the landscape sites, as they directly reflect on the quality of life of the city population. Thus, the principle of sustainable cities is respected. The Municipal Urban Master Plan of Salvador itself already identifies some relevant areas, including landscaping sites (Area of Cultural and Landscape Protection).

Along this path, in his article 129, the Municipal Urban Master Plan of Salvador goes on to state that it is the objective of the Municipal Urban Policy to promote the conservation of the original landscape units. Likewise, the remnants of the different ecosystems in the municipal territory. Such preservation must occur with the possibility of its coexistence in the city space as elements of environmental comfort, economic development, and urban qualification.

The Municipal Urban Master Plan of Salvador creates a system of protected areas, which is extracted from article 126, when he affirms that the structuring elements are the axes that constitute the urban space with characteristics that allow to achieve greater balance between the built areas and the open spaces. Among these, the System of Areas of Environmental and Cultural Value is comprised. This is constituted by a set of spaces of relevant interest and environmental quality and by the landscape set, among others, becoming landmarks of the city, also comprising parks and squares for the population to live together.

The Municipal Urban Master Plan of Salvador, in article 194, further determines that the Law on Land Use and Planning should classify land use in relation to the negative in the urban landscape. It is admitted, as already mentioned, that the landscape is dynamic. Interference can worsen the landscape, and this is not in the Municipality's interest. This worsening should only happen when, in a weighing of public interests, there is no other way; and that the right to be protected is more important, in that panorama, than the protected landscape.

In its article 130, the Municipal Urban Master Plan of Salvador characterizes macrozoning as the instrument that defines the structuring of the territory in view of the strategic urban and socioeconomic development actions established for the duration of the Urban Master Plan. Such structuring aims to constitute the spatial basis of other instruments of the Urban Master Plan and to combine social and economic demands with the needs of environmental conservation and the enhancement of the urban landscape.

Corroborating this understanding, the law determines, in article 156, the objectives of the territorial conservation of the Environment Conservation Macro-zone. Specifically, it would have the function of guaranteeing the conservation of the Cultural and Landscape Protection Areas, members of System of Areas of Environmental and Cultural Value. It remains clear the cohesion of the Municipal Urban Master Plan of Salvador when it comes to protecting the landscape. From principles to delimitations, Municipal Law No. 9,069/2016 provides sufficient legal grounds for the protection of the institute, as it values its preservation and improvement. In other words, it is harmonic with the constitutional and legal norms listed in this work.

Regarding macro areas, in almost all of them, the Municipal Urban Master Plan of Salvador provides for enhancement and protection of the landscape. For this work, the most important devices that refer to macro areas are articles 158 (reference to the enhancement of the landscape), 143 (values the quality of the landscape), 150 (improvement of the urban landscape) and, especially, article 151, as it deals directly with the conservation of the areas that are part of System of Areas of Environmental and Cultural Value and the Cultural and Landscape Protection Areas, mainly with the preservation of environmental quality and landscape attributes. In other words, it protects the macrozones of environmental conservation in several articles.

Such an approach expresses the self-sufficiency of devices in favor of protecting the landscape in the

Brazilian legal system. Although there is still no Brazilian law that deals with the landscape in isolation, which would be positive, as it would give greater security to the Justice in the application of the institute, since the sparse norms when concatenated can be said to form a national landscape system, although still timid that there is no one hundred percent law dedicated to the topic. Thus, it is proven that in Brazil, from the constitutional to the Municipal level, there is an immense list of rules and principles in various laws in favor of the protection of the landscape, but still lacks in public policies in its favor.

V. CONCLUSION

As mentioned, the landscape is a complex and dynamic cultural asset. In other words, its transformation, with a view to bringing improvements to the population, results from the development of society, whether from the micro or macro dynamic point of view. However, the construction of the desired landscape must undoubtedly be sponsored by the government, through the production of a public policy aimed at improving the landscape and the historical conservation of the Salvador memory, with a view to bringing not only comfort to the population, improving their quality of life, but, in the case of Salvador, also for the economic stimulus through tourism.

With regard to the city of Salvador, the main owner-entrepreneur agents are companies, individuals, the State, associations and churches, with real estate companies having the land ownership of most of the land related to this universe, 32.6%, and of built area, 51.1%; meanwhile, State production is restricted to a paltry 2.8%. The commercialization of access to urbanized spaces is patent and restricted to the minority of the population that has the monetary capacity to be inserted in these commercial relations [28].

Very soon, the Municipal Urban Master Plan of Salvador of 2016 brings in its center couple areas considered as Area of Cultural and Landscape Protection, wanting to give guidelines for the use and zoning of them, what is verified, in reality, is the construction of the landscape not by the State, which leads to the risk of the city's disorderly, gentrific and unequal production. The profit maximization logic makes the real estate companies, in the production of space, not interested in investing in infrastructure devices for the population. There is the implantation of these structures in 'clusters', with leisure equipment structured only to enhance the rich. The State then has a fundamental role in the redistribution of these investments since the capitalist logic deepens the segregation of space. In fact, housing is a commodity that

requires a high level of resources for those who want to access it. In Brazil, there is a historic inequality of income distribution, the logic is repeated, to the point of reproducing wealth in the hands of a few. The role of the State is essential to equalize this balance. It happens that the State is controlled by the dominant bureaucracy, this one, conducts its actions and thoughts in the sense that corresponds to the interests of the social group of which it is a part, and from this the production of life is sponsored and by ricochet, the production of space.

City statute required direct and substantial popular participation in the implementation and execution of the Master Plans in all urban planning processes. Scientific positivism applied to public administration, in the urban-rationalist and purely technocratic realm, without popular participation, leads to the mismatch and disruption of the singularity of individuals, their traditions and history. The consequence of this is the expulsion of low-income populations to the most extreme areas of the city with inadequate services and equipment.

It is up to the State, then, not only to present texts such as 'dead letter', in guidelines that will never be realized. It is essential that, initially, through a policy in favor of the landscape, a landscape plan is established for these regions, with their conservation, development, restructuring or tipping and allocation of resources, depending on the case, but always with a view to reducing inequalities and provide access to the landscape for the population that needs it most. Thus, there is an urgent need for the creation of a law that establishes a Landscape Plan for Salvador and that assure popular participation in this process, to guarantee the human right to landscape.

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