

## **A Portrait of 'Illegality': the *favela* of Pavão-Pavãozinho and the perceptions of its residents**

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### **Abstract**

This paper explores the manifestations and consequences of illegality within one squatter settlement or *favela* in the city of Rio de Janeiro, Brazil. The paper paints a portrait of all those issues or areas of activity within the *favela* that may be termed 'illegal', examining their characteristics and how the residents of the settlement perceive and cope with those issues. The paper describes how Pavão-Pavãozinho, as a physical manifestation of illegal shelter practices, has developed over time. It does not attempt to explore how the state should cope with *favelas* by bringing them within the law, and instead focuses on how the residents of *favelas* cope with the illegal processes and activities that they depend upon for survival and that at the same time act to perpetuate their exclusion. On the basis of this exploration, the paper concludes by reflecting on the advantages and disadvantages of illegality, arguing that while the residents of *favelas* gain from some aspects of illegality, the long-term consequence is their social, economic and political exclusion from resources that could act to reduce their poverty and enhance their rights.

### **1 Introduction**

The *favela* of Pavão-Pavãozinho (meaning Peacock and Little Peacock, named after the birds kept in the gardens of a mansion at the foot of the *favela*) is located on a steep hillside overlooking the middle-class and tourist neighbourhoods of Copacabana and Ipanema in the Zona Sul (South Zone) of Rio de Janeiro. Like many *favelas* in Rio, the initial settlement of the hill dates back to the early decades of the 1900s, with sources placing the arrival of the first settlers on the hillside anywhere between 1907 (SETH, 1985) and 1931 (IPLANRIO, 1981). The Population Census of 1920, for example, recorded the presence of 16 houses on the hill (Guimarães, 1953).

From its origins 70 or more years ago right up to the present day, the Pavão-Pavãozinho remains illegal. According to the 10 year Master Plan of Rio de Janeiro, ratified in 1992, a *favela* is "... an area predominantly of housing, characterised by the occupation of land by low-income populations, precarious infrastructure and public services, narrow and irregular layout of access ways, irregular shaped and sized plots and unregistered constructions, breaking with legal standards" (SMU, 1993). In Pavão-Pavãozinho, its residents are not legally entitled to reside on the hillside as ownership of the land is registered to the state government. The houses in which they live, built through their own labour or with the assistance of paid unskilled labour, break with building codes that dictate housing standards. The layout of the settlement, with no

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roads, narrow pathways, staircases of uneven tread and width, also break with the established legal norms. Property purchase and rental markets within the settlement are vigorous, yet such exchanges of land and housing have no legally recognised validity. Small commercial establishments are numerous, yet none are registered and none pay tax on the goods and services they sell. The settlement is 'protected' by a gang of drugs and arms dealers, who pedal their illegal wares and engage in sporadic gunfire with rival gangs and the police.

Examining these manifestations of illegality in detail, this paper sets out to explore the consequences of illegality for the residents of Pavão-Pavãozinho and how they cope. Living outside of laws which govern property rights, housing standards, commercial transactions, property exchanges and such like is, of course, in the first place a coping strategy of the poor. Because of their low-incomes they are excluded from legal markets for the purchase of legal dwellings in well-located and serviced areas. *Favelas* are thus a physical manifestation of the coping strategies of large numbers of people, forced to seek alternative forms of land occupation, shelter, and income because their incomes are too low to allow them to access shelter built for profit by commercial developers or built by the state but with insufficient levels of subsidy to make them economically viable to the poor.

It is easy to romanticise these illegal coping strategies, venerate the community spirit and organisation spawned by the need to develop make-shift infrastructure or self-help housing, downplay the significance of insecure tenure, and promote informal sector enterprises as a viable means to generate economic growth. While the illegal practices which give rise to *favelas* are a coping strategy of the poor, they are not without consequences and the residents of *favelas* have to go on living with and coping with the consequences of being outside of the law: insecure tenure, poorly built houses, informal property markets, substandard infrastructure and services, unstable incomes, and in the case of Rio, the criminal activities of drug traffickers who operate out of the *favelas*. It is these coping strategies that this paper seeks to explore. While the paper does describe government interventions in Pavão-Pavãozinho to improve conditions in the settlement and begin a process of legalisation, it does not explore how the state should cope with illegality, or even question the validity of the legal frameworks which establish some activities as within the law and others as beyond it. Instead it is an attempt to see illegality from the perspective of those who depend upon it but have also to live with its consequences.

## **2 A portrait of illegality in Pavão-Pavãozinho**

### **2.1 Land tenure**

From its original settlement to the current day, the residents of Pavão-Pavãozinho are not recognised as the legal occupiers of the hillside. The first settlers on the hill came from a nearby *favela*, and current residents tell the story of Pavão-Pavãozinho's pioneer invader going in search of new land to settle, and then distributing plots of free land to families he invited to join him. Soon after its foundation, however, Pavão-Pavãozinho's occupiers were threatened with eviction as the 1930s and 1940s saw waves of government investment in the wealthy neighbourhoods of the Zona Sul. This was the

beginning of the first real housing policy for what was then, the capital city of Brazil, and that policy was to raze the *favelas* in the Zona Sul and rehouse their residents in purpose built public housing estates. Unlike some of its neighbouring *favelas*, however, Pavão-Pavãozinho was poorly located on land so steep that it offered no attraction to developers, so the settlement escaped the fate of other *favelas* that were bulldozed to make way for profitable commercial and residential developments.

It was the settlement's poor location that also saved it from being razed in the 1970s when, under the military dictatorship, state government agencies began to ruthlessly enforce a policy of resettlement that was as much an instrument for economic growth as it was political and social control. Thus, despite Pavão-Pavãozinho being sandwiched between Rio's prime tourist districts of Copacabana and Ipanema, the *favela* continued to expand vertically and horizontally while neighbouring *favelas* were razed. By the 1980s, residents had their houses registered with the settlement's Residents' Association, but this register has no legal status and refers only to ownership of dwellings rather than land, which remains in the hands of the state government.

In 1982, Leonel Brizola was elected state governor on a populist ticket of improving public education, increasing food subsidies and regularising land tenure. For the latter, he launched the Cada Família Um Lote (CFUL) (One Family One Plot) programme, aiming to distribute over 1 million freehold land titles to *favela* residents. Pavão-Pavãozinho and the neighbouring *favela* of Cantagalo were singled out for a model upgrading project, and CFUL was to legalise all the land in the settlement and distribute deeds to each household. After compiling a cadaster, the state government had then to register the land with the municipal authorities who were to issue the definitive titles. This process was never completed, however, and of the 716 households who should have received freehold deeds, just 436 received provisional deeds (CEHAB, 1986) for which they paid a symbolic fee. Cumbersome bureaucracy, exacerbated by political resistance to the objectives of CFUL by a conservative element within the state government, and finally, the loss of the state elections by Brizola's party (the PDT) in 1986 all ensured that CFUL was abandoned and that the final deeds were never issued to Pavão-Pavãozinho's residents.

More than 70 years of illegal land tenure has left some residents of Pavão-Pavãozinho with a legacy of insecurity and fear of eviction. Ironically it is those residents who have lived in the *favela* the longest who appear to feel the least secure, while those who are relatively recent arrivals regard tenure rights as largely irrelevant given the size and consolidated character of contemporary<sup>2</sup> Pavão-Pavãozinho. Representing the perceptions of the former group, Maria, a elderly woman who is the daughter of one of the first settlers in Pavão-Pavãozinho, expresses her continual fear of eviction:

“We always said in the past that any day the *favela* could be razed. And now with the way things are, the *favela* will surely be razed. If a governor is elected who

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<sup>2</sup> Data referring to current day (late 1990s) Pavão-Pavãozinho and quotes from interviews with residents are derived from research undertaken for the author's PhD. Statistical data are derived from a sample survey of 100 dwellings which resulted in the completion of 186 questionnaires.

doesn't like *favelados*<sup>3</sup>, and there are many of them who don't [...], the *favela* will be removed. My son heard a radio interview with someone, I don't remember who, but he said that if he became mayor, then the first thing he would do would be to demolish Santa Marta<sup>4</sup>, and if they can get rid of Santa Marta, they can get rid of us. Especially if the apartments at the bottom of the hill depreciate further in value, and some of them are now empty [...]. According to the radio programme, it doesn't matter if the houses are pretty, and here there are many good houses, and it doesn't matter because the residents don't have tenure. Why would they not remove this *favela* when there is gunfire all the time and the apartments down below are all devalued?"

Despite the continual illegality of tenure in Pavão-Pavãozinho and the insecurity that is still felt by some residents, most of the residents of Pavão-Pavãozinho now appear to consider themselves the *de facto* owners of their land. Indeed by 1996, nearly 80 per cent of residents regarded the land on which they lived to be their own. The reflections of João, a married man in his 40s who originally came from the Northeastern state of Ceará, shed some light on residents' attitudes to security of tenure:

"It's like this, in the beginning the *favela* started through an invasion of the land, and those that invaded it didn't think about land tenure. Why not? Because at that time the people who lived here didn't bother anybody. There weren't the problems that we have today. It was even good that there were landless people living here, because then there was no middle class, just rich and poor, and the rich ladies got their cleaners and housekeepers from here, and would have dozens of servants working in their houses. It was better for them that they lived nearby and didn't have to travel in from the edge of the city. The people who were here were good, honest people [...], so nobody thought about land tenure, and nobody felt uncomfortable being a *favelado* [...] well, the *favela* grew and grew and grew, independently of which politician was in power. Each government has a different mentality. The governments of Lacerda and Cavalcanti, they had policies of *favela* removal [...] to clean up the city and put all the poor people on the edge of it [...]. So with the removals people started to feel the pressure, and the people who had never feared demolition started to. Then things went quiet, the demolition of *favelas* in the Zona Sul stopped, and Pavão-Pavãozinho was still here. But with Brizola, people definitely felt more secure, he invested a lot of money here. Now I think that people have better things to worry about, they know they won't be evicted any more".

The growing irrelevance of the illegal status of land tenure in Pavão-Pavãozinho is also evidenced by the expansion and consolidation of the settlement over time. By 1950, Pavão-Pavãozinho had a total of 1,460 residents (Census of 1950, cited in Guimarães, 1953), while by the end of the 1970s, its population had grown to around 3 thousand, of which an estimated 75 per cent were from the Northeast of Brazil (IPLANRIO, 1981). Over 3,300 people were counted in 1982 (CEHAB, 1986), and during and immediately following upgrading of Pavão-Pavãozinho in the mid-1980s, the settlement grew rapidly. Little, if any, empty land now remains and instead the settlement is growing vertically as

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<sup>3</sup> A *favelado* is person who lives in a *favela*.

<sup>4</sup> A *favela* similarly located on a steep hillside in the Zona Sul.

additional floors are built on existing houses. By 1996, informal estimates of the population varied between 8 thousand and 15 thousand people. Similarly, as described below, houses have been improved and consolidated over the previous decades, and now brick structures predominate in the settlement, attesting to the security most residents feel to invest in their properties, despite their lack of any legal right to reside on the hillside.

## 2.2 Housing

In 1981, houses of up to three stories were recorded in Pavão-Pavãozinho and 30 per cent of dwellings were made of brick, while the majority were wooden structures, and the rest were made from wattle and daub (IPLANRIO, 1981). By 1984, 50 per cent of families lived in brick houses, but with certain areas of the *favela* being largely of wood, or wattle and daub buildings (Fundação Leão XIII, 1984). However, by 1996, over 88 per cent of houses in Pavão-Pavãozinho were built of brick, more than 56 per cent had concrete roofs and 42 per cent had glass windows. In addition, over 35 per cent had three floors with there being cases of five storey houses. It appears, therefore, that illegality of tenure has not acted a barrier to residents investing in their homes over time. However, despite the majority of homes being brick structures, construction problems are extremely common and include bulging or cracked walls, weak foundations on the steep hillside, damp floors and walls, infiltration of rainwater from flat concrete roofs, or simply poor design resulting in wastage of space. The building of houses without any reference to architectural plans and without the use of skilled construction labour has ensured that no houses in Pavão-Pavãozinho conform to the building codes regulating construction standards and dictating norms for things such as ventilation, ceiling heights, strength of foundations and such like. On such a steep hillside, construction problems such as weak foundations pose obvious dangers to life, but in addition, damp and overcrowded housing continually expose residents to less dramatic health risks.

Keeping down the costs of building and improving houses has meant that nearly 50 per cent of residents improved their houses over a period of five years, while over 11 per cent took over 15 years and nearly 10 per cent took over 20 years to complete their homes. In addition, the use of skilled labour is rare, for while over 73 per cent of households paid somebody to do some construction work on their homes, contracting of construction labour is on the basis of trust and skills levels are low, so residents have no recourse to complaint or compensation when work is substandard. Five construction workers were found to be working full time on house construction in Pavão-Pavãozinho and all were self-taught. According to Paula, a woman who built her home on top of the flat roof of her husband's parents' house:

“All the houses I have been into on the hill have some sort of construction problem, and the problems reflect the abilities of the builders [...] we contract people who we are told are brick layers, but they don't have training for their job. They learnt with their father, or uncle or whoever, and we have no guarantee of the quality of their work. If the roof leaks or collapses, we have no way of complaining or getting our money back. The people who build often do so out of necessity or curiosity rather than for professionalism. They contract someone, but it gets too expensive, so they start to do it themselves, then they get paid to do a job here or there, and the next

thing is they have become a builder [...] here on the hill we don't really have a choice [...], the majority of people who work in construction on the hill don't know what they are doing. They charge a lot and often they don't know what they are doing. Bricklayers here at the top of the hill charge US\$ 40 per day and they don't have any qualification as a bricklayer [...] A good bricklayer from the street would never want to come up the hill to work, they would have to climb all the way up, they think that it's dangerous".

While then, Pavão-Pavãozinho has grown and become consolidated despite its illegality of land tenure, residents rely on informal building practices that ensure the affordability of their homes by allowing them to upgrade them over long periods of time. Construction labour is not, however, cheap with prices for poorly skilled self-taught builders working in Pavão-Pavãozinho comparable to construction labourers in the formal sector, and the low skill levels ensure that housing is generally of a low standard. While building codes and regulations in most developing country cities are totally out of step with the bulk of constructions, instead reflecting the aspirations of planners and the inheritance of colonial regimes, it remains important that houses are built to socially acceptable minimum standards, reflecting what a society and culture finds acceptable at any one time. Within the *favela* of Pavão-Pavãozinho houses which are damp, poorly ventilated, densely occupied, and in some cases, in danger of collapse, are not considered acceptable to their occupiers, yet they have neither the material resources nor the legal right to demand housing to higher standards.

In addition, while informal building processes allow residents to upgrade their homes over long periods of time as they gradually and sporadically acquire the financial resources to buy materials and labour, such processes are extremely inefficient and wasteful, ensuring that the end result is property that is of a low standard and of a high cost which cannot be recovered when houses are sold, especially if the *favela* residents do not possess legal land tenure. The following extract from an interview with João, for example, gives an idea of how residents regard the discrepancy between the value they invest in their homes and the value they can recover through exchange on the informal market:

"I've invested a huge amount of time and money in this house over the years. I've just finished tiling the floor in here, and that alone cost me about US\$ 500. If I think of all the work that's gone into it, all the materials, the saving, having to stop when we didn't have enough money, I don't know. It's worth a lot. If we sold the house though, I don't think I'd get much more than US\$ 7,000 or US\$ 8,000. Nobody wants to live up here with all these bullets and guns around. I'd have to accept a huge loss. Anyway, my mother lives next door, and my daughter in an extension on the road, so I'd have to take them into consideration. They wouldn't want a stranger living here. I don't think we'll ever sell".

## 2.3 Property Markets

An informal market for the exchange of land and houses has long existed in Pavão-Pavãozinho, with anecdotal evidence suggesting that it was only the initial settlers who acquired their land free of charge. In the early 1980s, for example, it was reported (Fundação Leão XIII 1984) that there was much demand for housing in Pavão-Pavãozinho, including rented accommodation, due to its favourable location in Copacabana. Control of Pavão-Pavãozinho's land and housing market is exercised by the Residents' Association, which oversees transactions, operates a property register to record the names of house owners, changes in ownership and the sub-division of property, and also captures a percentage of sales proceeds to cover the costs of producing the necessary documents and updating the property register. Yet despite the legal status of the Association, these documents have no legal validity and the property register of the Association is inaccurate and out of date.

While some residents express concern at the way in which the Residents' Association manages the property market, especially regarding the ultimate destination of monies deducted from sales proceeds, residents appear not to question the right of the Association to oversee transactions, even though they are well aware that the deeds of exchange it issues are of no legal significance. The feelings of Maria mirror those expressed by other residents:

“[The Association] doesn't pass on any of the benefits they get from managing property sales. If I were to sell this house, because I don't pay my Association membership fee and never have done, I'd have to pay the Residents' Association all that I owe them, plus a cut of the sale price. Where would that money end up? Would it benefit the community? No it would not [...]. Yet I would have no choice but to pay them”.

In Pavão-Pavãozinho, because of the lack of empty land for new building, it is the subdivision and extension of existing property that now fuels the property market. In 1996, for example, among those residents with less than 10 years living at their current address, 83 per cent had attained new housing by buying subdivided units. However, given the illegal status of property transactions and land tenure, those buying or building subdivisions frequently experience problems when they wish to sell to their units as they have no claim to the freehold, and indeed are often residing in structures they have built on the roofs of friends and relatives and they feel unable to sell their homes. According to Paula, for example, living on top of her parents-in-law's house:

“... it was never discussed what would happen if we wanted to move. If one day we had the money to move, I think we would have to give this place to someone else who is family or leave it empty”.

Those who rent property within Pavão-Pavãozinho have even less security. The market for rental property is vibrant and lucrative, for example, in 1996, nearly 43 per cent of tenants reported that they paid US\$ 100-150 per month, mostly to rent single rooms or one-bedroom flats. The rental market also houses the majority of new arrivals in Pavão-Pavãozinho, mainly migrants from the state of Ceará, attracted to the *favela* by its close proximity to jobs in the tourist industry of Copacabana. However, no control, be it legal or illegal is exercised over the rental market; rules are unwritten and tenants and landlords

act on the basis of trust. Indeed, in 1996, just two cases of tenants with written rental contracts were found.

The high price of rental property in Pavão-Pavãozinho reflects the ideal location of the *favela*, while the amount of rental property on the market reflects the need for owner-occupiers to earn extra money, or to avoid losing money by selling homes whose full value cannot be recovered. For example, according to Maria:

“When people don’t want to stay, they often rent out their houses, divide them in rooms and rent them out for US\$ 100 per month, and at the end of the month you have a good income. Better than selling the house for US\$ 10 thousand and not getting enough to buy another house elsewhere”.

While according to the President of Pavão-Pavãozinho’s Residents’ Association:

“The economic massacre of the poor in this country is so severe, that those same poor people have then to massacre each other. It’s ridiculous that somebody has to pay US\$ 150 to rent a room, but at the same time I’m not going to tell someone to stop putting rice in their child’s mouth [...]. The easiest way for him to better his situation is to extend his house to four floors and rent out two of them, yet it’s making money out of other people’s misery, but the government itself behaves in such a way, with politicians more concerned about their own financial and professional security than with the social problems of Brazil”.

Informal housing and rental markets within Pavão-Pavãozinho thus offer various opportunities for exploitation, of owner-occupiers by the Residents’ Association, of tenants by landlords. They offer a means to acquire relatively cheap property, though of low standard, in an ideal location, but they do not offer any security to tenants against possible eviction or extravagant rent increases, and nor do they offer a means for residents to recover the value they have invested in their homes. While the markets are illegal, they have developed their own dynamism and rules which in many ways mirror those of formal property markets, yet without affording residents any of the security and legal rights enjoyed by the better off.

## **2.4 Infrastructure and Services**

By 1950, Pavão-Pavãozinho had nearly 1.5 thousand residents (Guimarães, 1953), but its residents had no basic infrastructure or access to official services. Water was carried from a standpipe two blocks from the bottom of the hill, though while Copacabana underwent a property boom in the 1950s, with houses being demolished to make way for high-rise blocks of luxury flats, residents were sometimes able to get water from nearby construction sites. Wood for cooking was chopped from trees on the hillside or purchased locally, though some families had paraffin stoves. Light came from kerosene oil lamps or from the illegal tapping of electricity cables at street level. There was no sewerage system, with waste running down the hill in open gullies, and pathways were made of earth, with wooden or stone steps over steep parts of the hill.

It was not until 1964, under the state administration of Carlos Lacerda, that Pavão-Pavãozinho received any attention from government. Partial electricity, water and sewerage networks were installed, staircases were paved and two rubbish shoots built, however, no geological work was done and there were landslides in 1966 and 1979, the former resulting in loss of life. In 1981 the residents of Pavão-Pavãozinho were asked by the municipal government what their priority needs were and they replied that firstly they wanted legal land titles; secondly, electricity from the federal company Light; then, improvement of the water and sewerage systems; paving of staircases and passages; a local police presence; and lastly, medical and social services (IPLANRIO, 1981). In 1982, residents received electricity from Light, replacing the system previously administered by the Residents' Association, but legal land titles were never provided and the other priority demands of residents have never been fully or permanently met.

The upgrading project by the Brizola administration in 1984 consisted of the construction of two apartment blocks (to resettle those made homeless by a landslide which killed 18 people and left 198 homeless (Treiger, 1985)), the construction of a funicular railway up the hillside, the laying of sanitation infrastructure, drainage and public lighting networks, the establishment of rubbish collection systems, and the paving of passageways and staircases. The upgrading was never fully completed, however. In the run up to the state elections in 1986, resources became scarce and assigned to agencies according to their political allegiances, and by late 1986, not only had financial resources dried up, but so too had political will. When the Brizola administration came to a close, the loose ends of the upgrading remained untied: paving and geological engineering work were incomplete, sewerage and water systems were badly designed, and a scheme to offer technical and financial assistance for house upgrading had never got beyond the planning stage.

While the Brizola upgrading project may have acted as a short-term boost to the standards of housing and the neighbourhood, the subsequent lack of maintenance of infrastructure undermined the gains made by residents, failing to enhance the standards of the neighbourhood to socially acceptable levels. Following upgrading, the public companies responsible for water, sewerage and rubbish collection services all adopted schemes to devolve operation and maintenance responsibilities to the Residents' Association, and in turn, to hired community labour. By the late 1990s, the municipal rubbish company, COMLURB was locked in a dispute with Pavão-Pavãozinho's Residents' Association over employee numbers and pay, while the state water and sewage company, CEDAE, had consistently failed to provide the materials and technical support needed by the community workers.

By 1996, much of the infrastructure installed 10 years earlier was in a sorry state. Water supplies were erratic throughout the year and in the summer months, taps and pipes were dry for six days a week as alternate parts of the settlement received water on different days. The pipes and tanks designed to carry away sewage were cracked and leaking, with few resources available for their repair. Rubbish was collected regularly, but the sheer quantity to waste meant that the handful of community cleaners could not cope. Only electricity supply remained of a reasonable standard, while telephone connections could take over a year to have installed and letters were delivered only as far as the Residents' Association. Finally, the funicular railway was in desperate need to

repair, leading to bans on the transport of construction materials and frequent shutdowns.

It is unsurprising then, that in 1996 over 80 per cent of residents declared they were dissatisfied with service levels, especially sanitation. Reflecting this dissatisfaction, 47 per cent of residents only paid their electricity bills, while just 13 per cent paid for both electricity and water, yet 72 per cent of residents declared they would be willing to pay more for their services if they were of a better quality. Currently the municipal government is committed to gradually upgrade the public services and infrastructure of all of Rio's *favelas* (where they are not in areas of natural hazard or environmental protection), however, where the residents of *favelas* cannot or will not pay for utility services and do not pay property taxes, they have no legal recourse to demand the maintenance of the services and infrastructure provided. As community contracting becomes the norm in *favelas*, contrasting with traditional systems of service provision in the formal city, it appears thus far to have transferred the burden of maintenance to communities whose ability to demand socially acceptable service standards is undermined by the continuing illegality of the *favelas*. Community contracting, in the case of Pavão-Pavãozinho, has only served to absolve the utility companies from providing services to an acceptable standard.

## 2.5 Commerce and trade

By the end of the 1970s, the majority of the male population of Pavão-Pavãozinho worked in the construction industry, in commercial and service sectors, as messengers in offices, chauffeurs, security guards and door keepers (IPLANRIO, 1981), while the women were mainly employed in nearby houses and hotels as domestic workers. In 1981, just six informal commercial establishments, mainly small bars and shops, were recorded in the *favela* (*ibid.*), though by 1982, their numbers had risen to 21 and to 44 by 1988 (Treiger, 1988). Such an increase coincides with a period of economic recession in Rio (and Brazil as a whole), which forced the already poor to find alternative or supplementary sources of income. In the case of Pavão-Pavãozinho, a popular option was to open small commercial establishments and to rent out rooms. Indeed, in 1996, over 30 per cent of residents reported that they had used their homes at some time to generate income, and of these 44 per cent had operated a shop or bar, 22 per cent had taken in washing, while other uses were repair workshops, sewing and clothes making, and there was one case of an accountancy and graphic design service run from home.

With the growth in numbers of informal enterprises, competition has become fierce, however, and the incomes derived from shops and bars in Pavão-Pavãozinho are minimal, as described here by Fatima, the owner of a shop at the top of the settlement:

“We do [open our shop everyday] but we don't get anything from it. Today we stayed open all day and didn't even get US\$ 5. In the beginning we used to sell a lot. Now there is a lot of competition. With the various economic plans of the government, incomes fell and unemployment went up, and people started to open up shops. Up here nobody pays taxes so it's an easy way to make some money. Now everybody just sells a little everyday, hardly anything. Those that sell the most are at the bottom of the *favela*. Those at the top are poorer. It's all about the same

type of product, small basic things like beer and cigarettes, but it's not cheap. The prices are usually twice as much as they would cost in the street. People pay that much because they don't want to go all the way down the hill to the street. You also have to pay somebody to bring all the stuff up, which is really expensive”.

The ease with which residents can open up informal, unregistered and untaxed businesses, to replace or supplement other sources of income has thus become less and less attractive owing to the scant profits to be made. Should these businesses become subject to regularisation, in the case of Pavão-Pavãozinho, no doubt the majority would close. While they remain open, residents who have no easy access to commercial establishments owing to their residence on the steep hillside, are forced to pay prices for basic products which are double those of formal sector shops.

## 2.6 Criminality

A great deal of the social stigma attached to living in a *favela* in Rio is a result of media coverage which paints the victims of drug related violence as the city's middle classes and its perpetrators as the city's *favela* residents. While the rival gangs of drugs and arms traffickers use the city's squatter settlements as their base, those who suffer most from this illegal trade are the *favela* residents. Not only do they suffer from violent disputes between rival gangs, but also from police persecution and repression, which is especially felt by young black males living in *favelas*. They are also the victims of stigma, fear and prejudice. According to Paula, for example:

“There are places where if you go you can't say you live in a *favela*. My aunt is a masseuse, and works in the houses of wealthy people, but she only has three clients who know she lives in a *favela*. She is frightened that the others will discover. At the moment she has complete freedom in their houses, they leave her alone in the living room, but the day that something goes missing, if they know she lives here, they will think it was her who stole it. Even for us to get a job, we are afraid of giving our addresses for fear of being refused the job. It's the same when you apply for credit in a shop”.

While according to the President of the Residents' Association:

“The press creates a negative image of *favelas*. The press have power, and if you are a *favelado* you have no right to respond or express yourself in any newspaper. The press represent the views of the population that live down below on the street and they are afraid of us. The people here are honest, work hard and are productive, but they have limited opportunities to get an education and suffer for having an address in a *favela*”.

In part, it was the long absence of the state in Rio's *favelas* that explains the ability of the drug trafficking gangs to flourish and establish their control over the *favelas*. In many cases they would also provide a service to the community, giving much needed resources and protection from other gangs. In the case of Pavão-Pavãozinho, for example, during the settlement's upgrading in the mid-1980s, the then gang leader, Antônio José Ferreira, was arrested, leading over one thousand residents to protest at

the police station, putting a stop to the upgrading project until the police relented and allowed his release (*Jornal do Brasil*, 07.07.85). Reflecting on this loyalty, Paula commented:

“In the past, they served the community. If you needed something then all you had to do was ask, they helped with everything. Once they gave me money so I could pay for the statue of the saint to be restored, they gave money to the samba club, they would lend money to those who needed it”.

However, over time as the state has attempted to regain control of the *favelas* and the corrupt police forces have at times attempted to take a share of the profits to be made from the drug trade, the levels of violence within Rio’s *favelas* have escalated, with the main victims being the *favelados*, as illustrated by Maria:

“Fear there certainly is and it’s because of gunfire from the police below, and from the rest of them up here. Nobody knows where to hide when they start shooting, I always panic. My house isn’t secure, it’s made of wood and zinc, the bullets from above hit the zinc roof. The only place that provides some protection, and even then I have to pray a lot, is the bathroom, because the building in front provides some shelter. There I have to stay during one or two hours of gunfire. The rich living down the hill think that we are all the same, but it’s not true. Just like them we fear stray bullets”.

Of all the manifestations of illegality within Pavão-Pavãozinho, it is the criminal trade in drugs and guns has the most extreme and adverse impact upon the residents of Pavão-Pavãozinho. They do not benefit from the profits made by the traffickers and instead are victims of the violence of traffickers and police alike, as well as suffering from social stigma and prejudice perpetuated by the media.

### 3 Conclusions

To date, debates over the illegality and informality in developing country cities have tended to concentrate on how to make legal frameworks more appropriate to the reality of those cities, and on how the state should regularise or legalise those illegal processes and activities through which the poor have sought shelter, services and income. Attempts to understand those processes from the perspective of the poor have frequently romanticised the illegal or underestimated the hardship and vulnerability caused by living without secure land tenure and with substandard housing and services.

In Pavão-Pavãozinho, a *favela* which has been surrounded by some of the wealthiest neighbourhoods in Rio for over 70 years, most of its residents continue to live below the poverty line. In 1996, over 56 per cent of residents had failed to complete even first grade education, while nearly 43 per cent declared that their household income changed from one month to the next, and most households fell within the low-income bracket, earning between one and four minimum salaries<sup>5</sup> per month. Acquiring shelter through illegal practices has enabled the residents of Pavão-Pavãozinho to put a roof over their

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<sup>5</sup> At the time of the research, one minimum salary was worth US\$ 100.

heads but it has not provided a foundation on which they could escape their poverty. Indeed, those very illegal practices which enabled them to find housing have dictated that their housing is of a low standard, that they cannot recover the value they invest in their homes, that they have limited power to exercise their right to essential public services, and that despite living on the same hillside for decades, the land still does not legally belong to them. In addition, the illegality of the *favela* enabled the state to be absent and the drug traffickers to establish their violent hold over the community, further segregating its residents.

Attempts by the state to improve conditions in Pavão-Pavãozinho have had only limited and temporary success. The most substantive intervention by government occurred over 15 years ago and was an exercise in populism after years of dictatorship had ignored the needs and rights of the poor. Yet that intervention did little to change the legal status of the community and of the activities and processes within it. Had land tenure legalisation been successfully completed, for example, a legal property market could have emerged that would have allowed residents to realise the value invested in their homes, enabled them to access formal financial systems, given them the right to access services of a certain standard, and escape the violence and social stigma of living in a *favela*. The residents of Pavão-Pavãozinho have consistently expressed the desire for better living conditions, improved housing and services, and greater security from the fear of eviction or violence. To date, the illegality of the settlement has served only to perpetuate their inability to access essential resources and exercise their rights to acceptable standards of shelter and services. As such, the residents of Pavão-Pavãozinho remain excluded by their illegality.

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