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Brazilian Environmental Code and the Case of Il Campanário Villagio Resort

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ABSTRACT

This study examines the geographic and economic dynamics established on capital and space appropriation process, generated by large tourist developments in Florianópolis, using as object of study the case of Il Campanário Villagio Resort. The environmental law principles; the Brazilian environmental code, the urbanization evolution in Florianópolis, the emergence of large tourist developments in the capital of Santa Catarina, and their relations with local communities where they operate; are some of the main aspects identified. We finalize, analyzing the relations of Florianópolis' large tourist developments and the Government, which violate principles of environmental law and the Brazilian environmental code. It requires a theoretical framework that enables the understanding of environmental and economic relations, responsible for public policies that will determine and assure the equitable distribution and preservation of natural resources for future generations. Historically, natural resources have always been linked to global economic development, serving as fuel to sustain this growth. Therefore, it is necessary to balance the relationship between the use of natural resources and economic development so that future generations do not have to pay, even with their lives, for the mistakes caused by the misuse of such resources. The method used in the research is deductive: from a major premise we come to a minor premise. The analysis of the Brazilian Environmental Code, which is governed by the environmental law principles, culminates on a specific hypothesis: the violations to the environmental law principles and to the Brazilian environmental law that emerged in the case.

Keywords: Sustainable Development; Environmental National Policy; socio-environmental impacts.

Introduction

This research analyzes the ineffectiveness of the environmental law in favor of economic interests, using the case of Il Campanário Villagio Resort as the object of study. The environmental law, many times, is not respected, evidencing the influence of economic power over political power. In order to assure the developments' materization, codes have been altered, with the benefit of certain economic groups.

This article identifies, in the first section, some of the environmental law principles related to the case of Il Campanário Villagio Resort. In the second part, the Brazilian environmental code associated with the case is described, pointing out the Environment National Policy – Law 6.938/81 – and two of its instruments: Environmental Licensing and the Environment Study Impact, as well as the Public Civil Action Law (Lei da Ação Civil Pública) – Law 7.347/85.

The urbanization and emergence of large touristic developments in Florianópolis is described in the third section. Finally, the fourth section presents a brief study on the Public Civil Action Law (ACP) involving Il Campanário Villagio Resort, a development located in Jurerê Internacional beach, in the northern region Santa Catarina Island. Currently, large corporations dictate the organization of Florianópolis' hotel industry, in alignment with the unruly goal of profit increasing, at the expense of its citizens' quality of life.

The proposed study is based in a theoretical-methodological framework that allows the understanding of multiple approaches (Marx) – political, economic, cultural, and natural. Therefore, we use as the main instrument of analysis the socio-spatial formation Marxist axial category (SANTOS, 1977). This category was defined by Marx and Engels (Capital, The German Ideology, among other works) and developed by Lenin (The Development of Capitalism in Russia). Milton Santos' task, in his article entitled "Sociedade e espaço: formação social como teoria e como método", was to enlighten the relevance of its use in the Geography field. According to this author, "history is not written outside space and there is no society non-spatial. Space itself is social". Therefore, he demonstrates the impossibility of separating spatial dimension from this category, configuring an essential theoretical perspective in the geographic studies. This category involves notions of unequal development and the capitalist structures survival.

In the same line of thought, the study of law is not separated from concrete or contextual conditions from which it emanates; since, otherwise, we would run into the law's metaphysics or into the law's supra-historical perspective, already surpassed in the last decades.

Environmental Law Principles related to the case study

In 1972, the United Nations Conference on Environment and Human Development took place in Stockholm, Sweden. United Nations (UN) summoned developed and underdeveloped countries to a debate on environmental issues. In that moment, various influences for several countries' internal laws were produced, although not defined as obligatory rules for the attendants. One of its main characteristics, in the realm of Brazilian law system, was the start up of a modern environmental protection code, based on environmental law principles (ANTUNES, 2006, p.276).

In 1987, the World Committee for the Environment and Development produced the report "Our Common Future", or "Brundtland Report". In this report the term "sustainable development" crystalized, evidencing a concern on resources depletion, so they would be used sustainably, assuring its access for future generations. The report reaffirms its critical perspective on the development model adopted by industrialized countries, pointing out the risk of the excessive resources use, not considering the ecosystem support capacity.

During the conference ECO-92, besides the declaration of principles, the Letter of the Earth was approved, encompassing three conventions: Convention of Biodiversity – which based our biodiversity Law; the Convention Framework of United Nations on climate change – sheltering several particular agreements, as the Kyoto and Montreal's Protocol; and the Convention of Desertification. Principles on forests and Agenda 21 were also declared; establishing programs countries must accomplish in relation to the environment.

The case analyzed here emphasizes the importance of the sustainable development principles and of participation. The principle of participation includes social awareness and control for the management of environmental issues. The community has the duty of taking part in public assemblies and hearings on the theme, in order to guarantee an ecologically balanced environment for present and future generations. In light of societies' diffuse and collective interests, participation is intended to the environment's conservation, a tendency that started on the second half of the 20th century (MACHADO, 2006, p.88).

Sustainable development is another principle addressed here. It was first mentioned in the United Nations Conference on the Human Environment, held in Stockholm in 1972, and in later conferences dealing with the same theme. Resources are not inexhaustible; this assertive defines a context of use that must not disregard this fact. The relationship between economy and environment must exist, not without conflicts; however in a capitalist economy, where capital and its means of accumulation are - almost limitlessly – resources' consumers and nature's transformers, this relationship is unstable. Development is al-

lowed, but in a projected and sustainable way, in order we do not deplete our current resources (FIORILLO, 2006, p.27).

Humans are not the only concern on sustainable development. And humans must also be aware of nature. Not always humans will be the center of environmental policies; frequently, in order to sustain human life, it will be necessary to preserve animals and plants in areas considered inaccessible to humans. It seems contrary to the common sense adopting a solution that hinders human access, decision that, in the end, must be made by humans themselves (MACHADO, 2006, p.56).

The relevance of environmental principles in the law system was observed, and they can be applied in different areas. Although arranged in groups, and subdivided in distinct categories, they praise a similar goal. They help legislators on codes' elaboration, interpretation, and also on their application within different law realms. It is worth pointing out that, independently of what arrangement was given by each author, the final objective must prevail: ultimately, the maintenance of an ecologically balanced environment.

Brazilian Environmental Law

The National Policy Law on Environment (PLNMA), among other goals brought to the world of Law the concept of environment as a specific object for protection in its many aspects. It institutionalized the National System for the Environment (SISNAMA), which offers integrative planning activities joining multiple government agencies through national policies for this sector. It establishes the polluter's obligation for repairing the damages he caused, based on the principle of objective responsibility (or not guilty) in a judicial action started by the Public Ministry.

Instruments are means, measures and procedures through which the Government executes environmental policies that must always focus on the environment's preservation, improvement and recovering and on the ecological balance (SÉGUIN, 2000, p.165).

The terms Environmental Impact Study (EIS) and Environmental Impact Report (EIR) are related to distinct documents. EIS is more comprehensible and incorporates EIR; it includes the study of related scientific and legal literature, field works, report analysis and the report's writing itself (MACHADO, 2006, p. 224).

EIS is one of the instruments of the National Policy for the Environment, as established in the 9th article, 3rd paragraph of the Law 9.638/81. The notions of study and assessment are complemented by Law 6.803/80 constitutional precept and its ordinary law precepts. The verification and analysis of an EIS finalize with a judgment of value, or in other words, in a favorable or unfavorable project's evaluation. An EIS that fails to provide a project's evaluation is not accepted (MACHADO, 2006, P. 217).

The imposition of a preliminary EIS for the construction of potentially or effectively polluting projects is a constitutional delegation. Nevertheless, it has been demonstrated that the constitutional code still raises many doubts and divergences regarding its appropriate comprehension (ANTUNES, 2006, p.275). An EIS is a necessary instrument for characterizing that a development may cause a significant environmental impact. Every time an EIS is not required, there is a potential damage for the conservation units in the area encompassed by the project (MACHADO, 2006, p.233).

The EIS and EIR requirement links both the public agency for the environment and a multidisciplinary team. When the public agency already possess relevant information that must be part of an EIS or EIR, it must make this information available for the multidisciplinary team, which in turn must confront and integrate the received data to the other information gathered. Otherwise, the EIS and the EIR would become fragmented, turning the whole procedure invalid. Therefore, the public agency cannot ignore any of the elements contained in an EIS and an EIR (MACHADO, 2006, p. 224).

Another important environmental law, as relevant as the National Policy for the Environment Law, is Law 7.347, signed on 24/07/1985. It defined the principle for Public Civil Actions, as a specific law instrument for the protection of the environment and of other diffuse and collective interests. It finally turned any environmental violation into a judicial case. Through this law, civic associations gained power to act judicially, and joining with the Public Ministry (MP) they could partially stop inconsequent violations to the environment (MILARÉ, 2004, p. 120).

It is important to stress that the Environment has on the Public Ministry (MP) an ally and actor in a Public Civil Action, with powers to perform efficiently and independently. The civil investigation, a constitutional attribution of an MP, will serve for an efficient collection of proofs to stand as the judicial action's foundation. It should be emphasized that this institution has been proposing a high number of environmental public civil actions, in which, as defendants, are included the Federal and State Governments, as well as other public and private companies (MACHADO, 2006, p. 128).

It is also worth mentioning that the right of calling the Judiciary System for the defense of trans-individual interests was granted by law: to the MP; to state judicial institutions; to public administration services and agencies, directly and indirectly, even when not as a juridical personality; to associations with a minimal number of representatives; and where there is no coincidence of the damaged property's owner and the defendant (MILARÉ, 2004, p. 845).

Urbanization in Florianópolis and emergence of Major Touristic Developments

It is important to mention the three urbanization phases in Florianópolis (Bastos, 2000). Bastos affirms that they are linked to the rising and decay of the Azorean's small commercial production and to the territorial and social work's subdivision, impelled by the industrial development in Brazil. The urbanization phases are as follows: 1st phase – linked to the condition as an exports node (from the 18th century to 1875); 2nd phase – linked to the condition as an imports node (1875 to 1960); 3rd phase – linked to the Brazilian insertion in the industrial capitalist context (1960 to now). In this latter phase, the tourism industry expands as a new capital accumulation and circulation means, with the emergence of megaprojects followed by high environmental impacts, financed by private national and international investments.

The first phase comprises the rise of the Azorean small commercial production, which, due to its strategic geographic location (between Rio de Janeiro and Buenos Aires), became an exports node for food products (manioc flour, salted fish, whale oil, etc.) in the turn of the 18th to the 19th century. This phase is also linked to the establishment of the Portuguese army to defend the territory and organize the administrative function in southern Brazil.

In the second phase, Florianópolis shifts to the condition as an imports node, with the objective of serving the Germanic and Italian colonies settled in the Atlantic valleys of Santa Catarina. This urbanization phase meant the substitution of the Azorean merchants by the Germans Heopcke, Mayer, Born, Muller, among others; this process led to the amplification of commercial relations with Europe, reflecting in the commercial and port activities' modernization. Nevertheless, 55 years after this phase's installation, the loss of Florianópolis economic vitality occurred in the regional and national contexts. A condition that was propelled by the industrialization process in other regions of the State, and by the establishment of a new pact of power in the national scenario. It had regional unfolding, causing the 1930's Revolution between colonial great landed-estate-owners (not feudal "lords") and the industrial bourgeoisie, destroying the power of imports and exports merchants, which commercial moneys were linked to in Florianópolis.

Finally, the third urbanization phase refers to the insertion of Florianópolis in the Brazilian capitalist context, even with a strong resistance by part of the commercial local moneys, main beneficiaries of the previous phases. In the mentioned phases, traditional commercial moneys were substituted by national commercial capital, as the example of the corporations Colombo, Arapuã, Pão de Açúcar and Ponto Frio, as well as regional ones, such as, Cassol, Imperatriz and Casas da Água corporations. This phase's unfolding can be observed in the fishing activity (industrial fishing incentives by Sudepe); in the transforma-

tion process of Florianópolis in a beach-culture place; in the modernization of public institutions through the installation of public universities – Federal University of Santa Catarina (UFSC) and University for the Development of Santa Catarina (UDESC), Eletrosul, Celesc, Besc, Telesc, DNOS, DNER, etc.; and infrastructure works, such as the construction of the road BR-101, the landfills of Baía Sul and Saco dos Limões, Colombo Sales and Pedro Ivo Campos bridges, as well as several other works, which the amount of public investments *per capita* was one of the highest in the country during the military period. Real estate expansion started in the third urbanization phase, and consequently the speculative process directed to tourism in Florianópolis. It starts in 1970s and intensifies during the 1990s.

Nowadays, large companies dictate the real estate market's organization in Florianópolis, consonantly with the unstoppable goal of profit increasing, at the expense of the citizens' quality of life. The Group Habitasul configures a representation of this situation, as well as other new developments, such as Marina Porto da Barra; Portobello groups' development, located in Barra da Lagoa (eastern part of the island); shopping centers, such as Iguatemi (central part of the island) and Floripa Shopping (north part of the island). The majority of them have brought irreversible socio-environmental impacts to the region and to the communities in their area of influence. They either confront the environmental code, or use their political influence to change codes, imposing a model that promotes segregation and impacts.

During the licensing process of the mentioned shopping malls, Public Ministry and Federal Police participated in what was called "Green Currency Operation", which indicted, and eventually imprisoned influent municipal politicians and technicians involved in the traffic of influence.¹

Villaça (1997, p.141) addresses urban segregation in his work "Espaço intraurbano no Brasil". For this author, the production occurs through capital relations in a regional scale, while consumption, the focus of this article occurs in the intra urban space. This is easily verified in large developments' relation between Santa Catarina's Capital tourism industry and the government and communities where those developments are located. Easy access to loans and Master Plan modifications are examples of government benefiting tourist sector's large developments. Those relations happen in a regional scale. The socio-environmental impacts, in turn, happen in the intra urban space scale.

Besides access to money and land, we have observed that great touristic and commercial developments have frequently pursued a non-transparent, and even corrupted, form of relationship with the government, as mentioned in the Green Currency Operation, violating the environmental code.

1. This cases illustrate this article's theme: as confrontations to the environmental code that have mobilized, besides the Public Ministry, the organized society - public and popular manifestations by social movements that faced the Federal Police; and the Green Currency Operation judicial unfolding.

Initially, urban segregation was not present in Santa Catarina's capital. The pioneer occupation occurred in the surroundings of Praça XV de Novembro, mainly because of the main water source location at the square's eastern side. In this moment, both commerce and dwellings were in the same core, with no distinction of wealthier and poorer houses locations.

The appropriation of communal lands was a character of the Azorean spatial structure, in the northern side of Santa Catarina island, which constitute today the beach neighborhoods of Canasvieiras and Jurerê. Those became the most praised beach areas in the island, even with an incipient road network, which was due because the main transportation mode within the Azorean vicinities (Rio Vermelho, Lagoa da Conceição, Sambaqui, etc.) was maritime.

State government started promoting large urban equipment installation on the second half of the 20th century; since then constant changes in the land use and occupation code have been carried out.

The first Master Plan for Florianópolis, approved by the City Council as Law 246/55, proposed a 30 meters wide avenue in the northern shore and allowed buildings up to 8 stories high. In the decade of 1960s, Avenida Beira-mar Norte was implemented, and this intervention became the precursor of the current Via de Contorno Norte-Ilha expressway.

During the 1950s and 1960s, while the university campus' location was being discussed, with the belief that it would turn into the city's main economic magnet, the State government was promoting a number of public equipment investments, such as the Government Palace, the Naval District and Celso Ramos Hospital, in the northern direction of the central peninsula. Within this scenario, traditional families Ramos and Bornhausen, among others, were dictating the local political situation, benefiting from the northern and northeastern land's valorization, with the construction of Federal University of Santa Catarina in the vicinities of Trindade, which consolidated Via de Contorno Norte-Ilha expressway.

The 1976 Master Plan included an expressway insertion that would connect the southern bay filled land to the Federal University of Santa Catarina, crossing a tunnel at the neighborhood of Prainha. Therefore, the occupation expansion by higher-income class groups occurred in the island's southern direction. Thanks to local oligarchic interests, this project was not put into effect back then.

A study on traffic carried out by COPAVEL S/A in 1976, defined that the fastest growing area, and the one that most needed expansion interventions, was where higher-income population was located, i.e., along Avenida Beira-Mar Norte and surroundings, even though access through the southern university road were more utilized. Thus, construction of the road portion linking Avenida Beira-Mar Norte to the Federal University of Santa Catarina was prioritized, instead of building this connection through the expressway to the south.

Beach neighborhoods, touristic interests areas and the parts adjacent to the urban zone were privileged by Law 1.570/78, which altered 1976's Master Plan.

According to the engineering final project, the Via de Contorno Norte-Ilha expressway had as main goal enabling a fastest access to the touristic areas situated in the island's northern and eastern sides, as well as to the Federal University of Santa Catarina.

During the decade of 1980's, the state government continued the public companies transference process - such as ACARESC, PRODASC, CIASC, CIDASC, CERTI, ASTEL, and CELEC - to regions closer to Trindade and Itacorubi; as well as investing in infrastructure, equipment and services. Thereby, the region would attract private sector investments, as real state developments, commercial businesses, schools, banks and social clubs.

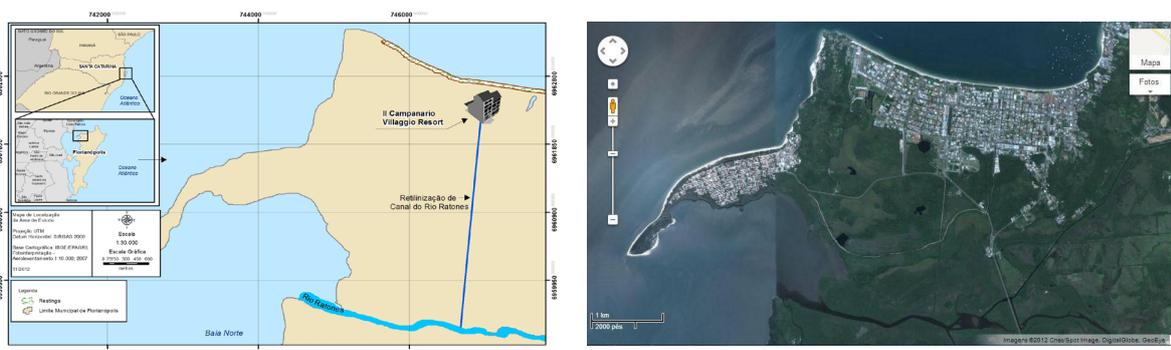
Public and private investments' concentration in the island's northern and eastern directions was directly influenced by the construction of Via de Contorno Norte-Ilha expressway, generating a model of segregation and socio-environmental impacts promotion in Florianópolis' urban structure. Ouriques (2006) points out that high-end touristic developments, located to the north of Santa Catarina island, such as Costão Golf, Costão do Santinho and Il Campanário Villaggio, employ a very little amount of local labor, contradicting these developments' discourse as job generators in the region. The environmental impacts generated by them are much more intense than the local economic and social compensation.

Map 1

Location of Il Campanário Villaggio Resot, Ratonos River - source: Áthila Gevaerd Montibeller.

Figure 1

Location of the area analyzed.
Source: Google Maps.



The study of the case of Il Campanário Villaggio Resort that follows exemplifies that the Public Ministry, the critical public opinion and the environmental movements were not strong enough to stop it. It will be seen how in the following analysis. Nevertheless, it is important to mention some other examples of current civilian resistance that is occurring in Florianópolis, where some developments are pressuring the City of Florianópolis and municipal public agencies for their immediate approval, as the cases of Ponta do Coral, Shipyard OSX and Fosfateira in Anitápolis. Thanks to the resistance by environmental agencies and the organized civil society, they have not yet been approved to this moment.

Figure 2

Demarcation of the analyzed area.

Source: Bing Maps
23/01/2013, Satellite
GeoEye 2010, Operador
Digital Globe.

Author: Glauco Ladik
Antunes



Public civil action involving Il Campanário Villagio Resort

Many changes on the Florianópolis Master Plan brought direct benefits to the tourist industry developments. A good example is the alteration, in 2006, of Florianópolis' municipal law that regulated the hotel sector. Such alteration was investigated by the Federal Police, and initiated the Green Currency Operation²,

² Brazilian Federal Police operation that investigated the negotiation of environmental licenses in the city of Florianópolis. The operation culminated with the temporary imprisoning of 19 out of 22 people charged by the Federal Police.



Figure 3

Il Campanário
Villagio Resort

Figure 4

Il Campanário
Villagio Resot -
Drainage

in 2007, period when many entrepreneurs were benefiting from the new law.

The Public Civil Action (ACP) - # 2006.72.00009533-0, that addresses the case in study, asked for the defendants solidary condemnation through the recovering of degraded area due to the construction of the development named “Il Campanário”, located in Quadra Cinco at Jurerê Internacional neighborhood in Florianópolis. It included the demolition of buildings erected in the area, debris and equipment removal, besides the Environmental Restoration Technical Project, as well as the adoption of other repairing procedures as indicated by the technical inspection.

The ACP evidences that the development presented some problems: reports and corresponding data were not publicized to the society; lack of participation by communities and by critical public opinion groups.

The action postulated the specific condemnation of the Brazilian Institute for the Environment and Renewable Resources (IBAMA) and of the Foundation for the Environment (FATMA) by their inconsistent abstention on the grant of licenses in tidal marshes areas of Santa Catarina Island. The municipality was also condemned and should verify every property with a permit application in course, confirming their location or not in permanent protection areas (APP).

According to the Public Civil Action previously mentioned, after IBAMA's information, in 2004, on Group Habitasul's intention for building a hotel development in Jurerê Internacional, an administrative procedure was initiated by the Attorney General of the Union/SC. Notifications were sent to qualified agencies, in order to obtain more data related to that development, as well as a copy of the respective licensing process. In that opportunity FATMA was adverted on the necessary requirement of an environmental impact study (EIS) and a neighborhood impact study (NIS), at the risk of being responsible for its non-compliance.

According to what was verified: (a) the EIS was neither required nor presented,

instead only a simplified environmental diagnosis on the intended area was done; (b) the developer presented a private judicial report stating that IBAMA's approval was not necessary – even taking into account that the area surrounded the ecological station of Carijós, a federal conservation unit – linked to the argument that IBDF (Brazilian Institute of Forestry Development) had already approved the development's implementation in the 1980s; (c) notwithstanding IBAMA's considerations - stressing that existing permanent protection areas (tidal marsh plains located less than 300 meters from the high tide line and existence of a water course flowing into the ocean) - and the report directed to the Attorney General of the Union (AGU) on the federal agency's approval, FATMA, based on the developer's information, focused only on the ecosystem's geological aspects, and approved the Preliminary Environmental License (LAP) with a 6 months validity, followed by the Installation License (LAI) valid for 42 months.

In the municipal realm, it is alleged that the Neighborhood Impact Study (Law 10.257/2001 – City Statute), was not required, and the instruments of Law 4.711/65, with regard of the zoning adaptation to land use and occupation interests, were not applied.

Moreover, MFP (Federal Public Ministry) formally notified FATMA, the Health Surveillance agency, and the Urbanism and Public Services Secretary (SUSP), questioning them on those irregularities, as well as on the existence or not of a fire prevention project and the sanitary system viability, since the responsible developer did not include any data on the estimated population. FATMA, did not comply with the notification, and did not address the necessity of IBAMA's license, limiting to the arguments that there were no tidal marshes or water springs on the site. It alleged also that in normal growth conditions, the designed sewage system would be sufficient for the development, and only the new connections' monitoring would be necessary to avoid the network's saturation.

The Health Surveillance agency, not basing its arguments in technical data, responded that the treatment system (septic cesspits and canals linked to Habitasul Treatment Station) would not harm the groundwater.

MFP emphasized that during the whole year of 2005 meetings were held in order to negotiate a solution among the several procedures and judicial processes, involving Jurerê International development. The final judicial decision is still pending on issues related to the archaeological site of Rio do Meio, and on some of the intervention phases' intentions.

In this sense, MFP stressed that, in September 2005, a Term of Adjustment of Conducts (TAC) was signed among the interested parties. The Administrative Process that originated the Public Civil Action was linked to it. It approved the implementation of Il Campanário development conditioning it to a “special clause regarding the legality of the grant and licenses and approvals by the appropriate public agencies”, according the to Public Civil Action.

Later, in February 8, 2006, the 4th Council of Coordination and Revision of MFP

changed its ratifying decision, excluding the area related to the action. The reason for such change was due to a technical report written by Geologist and Professor Jorge Cravo, with IBAMA's technicians, after field surveys and documents analysis, presenting some important conclusions related to the development.

Based on this context and informed on the preparations for the beginning of the work, MPF asserted that it had contacted FATMA and IBAMA for the adoption of the needed procedures. The state environmental agency, after inspection done in June 8, 2006, concluded for the maintenance of the granted licenses, adducing IBAMA, which could not take any action to paralyze the work, based on the agreement signed and ratified in the action 99.00.08090-4.

Finally, according to inspection done by MPF's 4th CCR Technical Directory, in June 2006, when the development started the earth excavation/leveling work for the foundations, the water source that flowed to Quadra Cinco's stream also dried. The main reason for the groundwater level reduction and superficial drainage loss, according to the technicians, was the pumping done by Il Campanário development' civil engineering works. It supported, thus, the immediate approval of the restraining order postulated, addressing the gravity of damages caused to the environment by the construction of the development.

The conciliation hypothesis defeated, it was granted to the developer, as defendant, a deadline of 15 days to prove the compliance with the signed agreements in the realm of ACP 99.00.0809-4, analyzed in this case study.

A contradiction between the capital appropriation and the space dominance is evidenced with regard to the environmental protection and the socioeconomic development of local population. This contradiction raises issues on the impossibility of conciliating themes as sustainable development, a principle of the environmental law, with economic development grounded on a neoliberal and capitalist basis.

Final Remarks

Historically, resources have always been linked to global economic development, serving as fuel to sustain its growth. It is necessary to balance the relation between the use of resources and economic development; so future generations do not have to pay, sometimes with their own lives, for the mistakes caused by the misuse of resources.

Many changes on Florianópolis Master Plan directly benefited great touristic developments. The case study shows that the environmental code frequently does not come into effect. The control carried out by appropriate agencies generally fails, and in order to avoid violations to the environment, it is necessary to debate these failures on the environmental code application control.

In the case studied, it becomes clear the lack of supervision of the Municipal Master Plan, and its accommodation to the developer's interests with zoning alterations to benefit the private capital. Master Plans frequently have not guaranteed the protection of resources.

Besides the lack of supervision, some laws are inefficient, as the Law of Environmental Crimes, which obliges the repair of environmental damages and establishes penalties for the ones that commit them. The environmental damages are many times irreversible; and punishments are transformed in fines that represent an irrelevant percent in comparison to the developer's capital, as well as light penalties that hardly ever come into effect.

The capital appropriation and the space dominance evidences a contradiction in relation to the environment's protection and the socioeconomic development, being the local population exploited as cheap labor. This contradiction raises issues on the impossibility of conciliating themes as sustainable development, a principle of the environmental law, and the economic development guided by a neoliberal and capitalist basis.

Nevertheless, this work stressed that unveiling damaging actions toward the environment, caused by the lack of concern and prevention by large touristic developments and public power, is not sufficient if the information is not disclosed and openly debated with society. It is essential that, through community's participation and control, forces be put together in order to demand government's responsibility for the creation and fulfillment of laws that will guarantee the population's quality of life. This research was intended to contribute with the debate on the direction of socio-environmental issues of a city in an island.

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