

A Study of Brazilian Case: The Benefits for the Community in Participating in the Administration of Their Own Resources

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Abstract

The growing pressures for the environmental protection reflected also in Brazil, and forms were created for the protection and the conservation of the environment with the law 9.985 of 2000, that established the National System of Units of Conservation. These units of conservation are divided in indirect and direct use. The first ones are those destined to the integral protection of the natural resources. On the other hand, the direct use ones are those related to sustainable uses. Collection and use, commercially or not, of the natural resources are allowed in the way to guarantee the renewal of the environmental resources and the ecological processes. It is important to bring out that the units of conservation destined for maintainable development allow the presence of traditional populations with their life way based on maintainable systems for the use of the natural resources. This case study is about the Reservation of Maintainable Development of Mamirauá, in the State of Amazon. In 1990 that State created the Ecological Station of Mamirauá with 1.124.000 hectare in the flooded forests of the Central Amazonian. In 1993, the area was recognized by the RAMSAR Convention, as one of the five in Brazil. The State of Amazon, in anticipation of the elaboration of a federal law, created a new category of protected area, identified as Reservation of Maintainable Development (RDS) and transformed the Ecological Station of Mamirauá to the first RDS in the state. That politics would be only added to the federal legislation in 2000, with the elaboration of SNUC. To guarantee the sustainability and the environment understanding it was prioritized the community's participation in the administration of the RDS resources, such as : forest, fishing, family agriculture, art, ecotourism and creation of alligators.

Key Words: *maintainable development - traditional populations - protected areas*

I - ENVIRONMENTAL CONCERN: THE ESTABLISHMENT OF THE NATIONAL SYSTEM OF UNITS OF CONSERVATION.

There are protected areas in Brazil since 1937, in the modality of National Parks, but with the growing pressure about the natural resources and the evident environmental degradation, it became necessary to improve the methodology used for the protection of natural areas and of traditional populations.

Brazil, as well as so many other countries, was influenced by the American model of guaranteeing the protection of natural areas without human intervention

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constituting spaces for relaxation in certain periods of the year. In the United States the units of conservation were created to be a logical complement of a stressful life, however high pattern, that needs relaxing weekends. (SANTILLI, 2005. p.116).

Considering the type of territorial and economical occupation of the Brazilian population, the not use of natural areas and with the man's exclusion in those territories, this was not accepted as the most appropriate alternative. In that it weighs the argument that the Brazilian legislation also possesses protected areas in which the permanence of populations is impeded in their limits.

In 1992 a law project was directed to the National Congress that intended to create a model of unit of conservation addressed to the protection of the species and ecosystems to avoid the biodiversity loss.

Until its final composition the initial project suffered alterations to allow the inclusion of areas destined to the maintainable use and the occupation by traditional populations, with the objective of guaranteeing the community's participation in the process of environmental protection, and at the same time, to guarantee life quality for communities that would be expelled from the inhabited areas, because the same ones were being destined for the creation of protected areas and in some cases without right of any type of economical compensation for they possess not a property title.

And, finally, in 2000 it was promulgated the law n.9985, that instituted the National System of Units of Conservation (SNUC), bringing the following objectives (art. 4): to contribute for the maintenance of the biological diversity and of the genetic resources in the national territory and in the territorial waters; to protect the threatened species of extinction in the regional and national extent; to contribute for the preservation and the restoration of the diversity of natural ecosystems; to promote the maintainable development principles for the natural resources; to promote the use of the principles and practices of conservation of the nature in the development process; to protect natural landscapes of notable scenic beauty; to protect the relevant characteristics of geological nature, geomorfological, espeleological, archeological, paleontological and cultural; to protect and to recover water and edaphic resources; to recover or to restore degraded ecosystems; to provide means and incentives for activities of scientific research, studies and environmental management; to value economical and socially the biological diversity; to favor conditions and to promote the education and environmental interpretation, the recreation in contact with the nature and the ecological tourism; to protect the necessary natural resources to the subsistence of traditional populations, respecting and valuing their knowledge and their culture and promoting them social and economically.

And, among its guidelines (art. 5), stands out the one that assures the effective participation of the local populations in the creation, implantation and administration of the units of conservation; the one that looks for the support and the cooperation of non-governmental organizations, of private organizations and natural persons for the development of studies, scientific researches, practices of environmental education, leisure activities and ecological tourism, monitoring, maintenance and other activities of administration of the units of conservation; and the one that motivates the local populations and the private organizations to establish and administer units of conservation in accordance to the national system.

SNUC established two groups of units of conservation. The one of integral

protection or indirect use and the one of maintainable protection or direct use. The first are those that have for objective to preserve the nature, liberating it as much as possible from the human interference. Therefore the rule is to the use of the natural resources, in other words, it doesn't involve consumption, collection, damage or destruction of the natural resources (MILARÉ, 2004. p.246). In this group there are the following categories of units of conservation: ecological station, biological reserve, national park, national monument and wildlife refuge.

However, the units of conservation of maintainable protection or of direct use are those that make compatible the conservation of the nature with the maintainable use of the natural resources. Or better, they seek to reconcile the environment exploration to the warranty of the perennial renewal of the environmental resources and the ecological processes, maintaining the biodiversity and the other ecological attributes, in a way socially fair and economically viable (MILARÉ, 2004. p.251). The categories of this group are: areas of environmental protection, areas of relevant ecological interest, national forest, extraction reserves (RESEX), fauna reservation, reservation of maintainable development (RDS) and private reserves of the natural patrimony.

The category that stands out in this study is the one of reservation of maintainable development (RDS) that the law defines as being: a natural area that shelters traditional populations, whose existence bases on maintainable systems of exploration of the natural resources, developed along generations and adapted to the local ecological conditions and that play a fundamental part in the protection of the nature and in the maintenance of the biological diversity.(art. 20).

RDS has as basic objective to preserve the nature and to assure the conditions and the necessary ways for the reproduction and the improvement of the manners and the life quality and exploration of the natural resources of the traditional populations, as well as to value, to conserve and to improve the knowledge and the techniques of environment management, developed by these populations.

As most of the traditional populations is without property titles on the areas that they traditionally occupy, the law determined that RDS is of public domain, and in having private areas included in their limits these will be dispossessed. The ownership and use will be regulated by a contract of concession of real right of use.

RDS will be managed by a Deliberative Council, constituted by representatives of public organs, of organizations of the civil society and of the resident traditional populations in the area, as disposed in regulation and in the action of creation of the unit.

The activities developed in RDS (art. 20, § 5) should obey the following conditions: To permit and motivate the public visitation, since it is compatible with the local interests and in agreement with the determination in the Plan of Handling of the area; to permit and motivate the scientific research related to the conservation of the nature, to the best relationship of the resident populations with the environmental education, submitting to the previous authorization of the responsible organ for the administration of the unit, to the conditions and restrictions for this established and to the norms foreseen in regulation; it should be always considered the dynamic balance between the size of the population and the conservation; and the exploration of components of the natural ecosystems is admitted in regime of maintainable handling and the substitution of the vegetable covering by cultivating species, and subjected to the zoning, to the legal limitations and the Plan of Handling

of the area.

The legislation authorizes that the traditional populations continue to inhabit the areas protected in the modality of RDS, therefore, it is necessary to identify them.

II - THE DIFFICULT IDENTIFICATION OF THE TRADITIONAL POPULATIONS

The law of SNUC didn't define what to understand by traditional populations in spite of mentioning them several times in the body of the text. Therefore it is important their identification to know which the people's groups would be entitled of staying in the areas protected in the modalities of RDS and RESEX.

The Temporary Measure n. 2186-16/2001, that disciplines on the access to the Brazilian genetic patrimony, disposes that local community would be the human "group, including communities' of quilombos remainders, different for their cultural conditions, that are organized, traditionally, for successive generations and own habits, and that conserve their social and economical" institutions.

The Instituto Brasileiro de Meio Ambiente e Recursos Naturais Renováveis-IBAMA (The Brazilian Institute of Environment and Renewable Natural Resources) by the directive n. 22/92 determined that those communities are the ones that "traditional and culturally have their subsistence based in the extraction of renewable" natural resources. But in reality this identification should be made by the social sciences partners in reason of their proximity with the communities and, therefore, the possibility to establish mechanisms of identifying them.

It will be adopted the definition proposed by Dra. Santilli based in researches of Diegues and Arruda, that present the following concept for traditional populations:" human groups differentiated under the cultural point of view, that reproduce historically their life way, in more or less isolated manner, with base in the social cooperation and own relationships with the nature. Such notion refers to indigenous people as much as for segments of the national population, that developed peculiar manners of existence, adapted to specific" ecological niches. (2005. p.132). It can still be detached that the traditional extractivist populations possess a regime of common property in a community base of resources, which is related "to the physical qualities of systems of resources, and not to social institutions to them associated." Community property or common regime of property can be identified as "the arrangements of property rights which the users' groups divide rights and responsibilities on the resources". (MCKEAN; OSTROM, 2001. p.80).

The rules of use of the common goods should be environmentally correct to make possible the recovery of the explored environment, as form of guaranteeing the traditional community's sustainability along the time. The punishment, case the rules are broken, also aids in the traditional community's control for the ceasing of the illegal activity that can cause deterioration to the common resources of the common regime.

The distribution of rights and the taking-decision should be fair, in the presence of the community, to avoid attritions to weaken them. Because if "any of the subgroups feels swindled in relation to other subgroup, it will become disinterested in participating in taking-decision, in investing in the maintenance or protection of the common resources, and motivated to damage them. (MCKEAN; OSTROM, 2001. p. 91).

The rules of conduct just constitute an example as the traditional communities can establish their organization, since all the traditional communities that use common resources differ from one another. Therefore, it is fundamental do not impose patterns of conduct, because each one possesses singularities that distinguish them of the others.

Therefore the public "politics need to be modified to accommodate local differences, since no global pattern is applicable the all the commons of the world. When seen, in loco, there are not two commons similar." (GOLDMAN, 2001. p. 50).

That proves the need to recognize the autonomy of decision for the traditional communities in the use of their natural resources as well as of their produced knowledge. Knowledge that aids in the preservation and maintainable use of the available natural resources in the reservations they inhabit.

III - SMALL REPORT ON THE RESERVATION OF MAINTAINABLE DEVELOPMENT OF MAMIRAUÁ

The proposal of creation of the unit of conservation was made by José Márcio Ayres, biologist, with the intention of protecting the habitat of the primates uacari-white and monkey-of-smell-of-head-black, threatened animals of extinction. (SANTILLI, 2007. p.152).

This proposal was directed to the government of the State of Amazon, that created the Ecological Station of Mamirauá initially in 1990, through a Decree n°12.836, with 1.124.000 hectares, in the flooded forests of the Amazonian Central. In 1993, the area was recognized by the Convention of RAMSAR, as one of the five in Brazil, for being the largest existent reservation dedicated exclusively to protect the Amazonian meadow.

In 1996, the State of Amazon, in anticipation of the elaboration of a federal law, created a new category of protected area, identified as Reservation of Maintainable Development (RDS) and transformed the Ecological Station of Mamirauá in the first RDS of the State with the objective of making possible the permanence of the traditional populations and to guarantee their support in the measures of environmental conservation. That politics was only incorporated to the federal legislation in 2000, with the elaboration of SNUC. And, as a consequence of that, on this same year, this reservation was incorporated and approved in the National System of Units of Conservation.

The Reservation of Maintainable Development of Mamirauá (RDSM) is located 600 kilometers west of Manaus, in the confluence of the rivers Solimões, Japurá and Auati Paraná. The city of Tefé is the main urban reference for the reservation and also the point of several visitors' arrival.

The fauna found in Mamirauá presents a high endemism degree. Because, the difficult conditions created by the prolonged inundations every year, it limits the number of species that gets to survive and it propitiates the appearance of only adaptations that can define speciations and endemisms in this environment. There are particularly different taxonomic groups, as the fish, with a more diversified fauna than in the surrounding areas. The presence of important species of threatened vertebrates of extinction is also a relevant factor in the fauna of Mamirauá. (QUEIROZ, 2008).

The Reservation accomplishes a nursery paper for several natural resources

that are born and ripen there before leaving for external points where they will be captured, since in many places, these species are explored by the Amazonian populations. The meadows of Mamirauá also work as a great deposit of nutrients, that are exported gradually to the neighboring areas through the most different carrying systems. (QUEIROZ, 2008). That demonstrates the great importance of RDSM for the balance and environmental sustainability of the area.

Finally, the current human occupation of the Reservation's area dates from the beginning of the century XX. Before this occupation, the area was inhabited mainly by several native groups, with predominance of Omáguas, and few white establishments. The Amerindian population was decimated by the wars and diseases introduced by the colonization, and the natives remaining people were incorporated to the colonial society in a miscegenation sponsored by the Portuguese Government since the century XVII. Nowadays, even the few indigenous communities that live in the area of Mamirauá present high degree of miscegenation such as cultural and biological. (QUEIROZ, 2008).

IV - MODEL OF PARTICIPATIVE MANAGEMENT

The law of SNUC determines that RDS should be managed by a Deliberative Council presided by the Institution responsible for their administration. In Mamirauá the responsible Institution is the Institute of Maintainable Development Mamirauá, and it is composed of representatives of the public organs (municipal, state and federal, according to the case), organizations of the civil society and the resident traditional populations in the area.

The Institute of Maintainable Development Mamirauá - IDSM - was created in May of 1999 with the objective of giving continuity to the implementation works that were being accomplished by the Projeto Mamirauá. And, on July 7, 1999, for presidential ordinance, it was qualified as an organization of the civil society of public interest.

RDSM is one of the largest successes in terms of community and popular participation in the creation process and administration of an unit of conservation of maintainable use.

(INSTITUTE SOCIOAMBIENTAL, 2008).

The success should be attributed to the adopted model, that granted to the communities the opportunity to choose how they would like to be represented. It was decided that each establishment would have two representatives in the project, and groups of neighboring establishments would be organized in sections. Now the establishments are organized in nine sections that meet bimonthly, and each section has a coordinator. (IDSM, 2008).

Besides, the General Assemblies, maximum instance of decision, are organized annually and they constitute the most important deliberative forum, where management decisions are discussed and voted. Up to 1996 4 General Assemblies were accomplished, with duration of 3 days and with a medium audience of 60 participants. The Assemblies counted on the residents' and users representatives' participation, local governmental institutions and no governmental ones. From these encounters were obtained the following results: (1) the closing of the reservation's lakes for the professional fishing destined to the most distant markets, Manaus and Manacapuru mainly; (2) the definition of the preservation lakes, maintenance and

each community' commercialization, with the fiscalization of the preservation lakes under the responsibility of their respective residents with support of IBAMA to act in cases of invasions; (3) the allocation of lakes destined to the municipal district headquarters for commercial fishing; and (4) the prohibition of wood extraction in the sandbanks around of the preservation lakes. (IDSM, 2008).

To guarantee larger agility in taking-decision it was established a 19(nineteen) members Deliberative Council, without however to harm the attributions of the General Assembly. Among these members, nine will be elected by each one of the nine sections of the local area communities; three will be Mamirauá Project researchers' representatives, indicated by the local coordination; and there will be a representative of the following sections: the colony of fishermen, lumbermen that act in Tefé and of the local public authorities. It also will be part of this Council, representatives of three invited entities of local action and the last member will be a representative of the state government originally from the Institute of Environmental Protection of Amazon. IPAAM. (IDSM, 2008).

In that way the participative administration in Mamirauá tries to guarantee a good level of participation of the local populations in the processes of taking-decision, in the territorial administration of the unit, and in the sustainable handling of the natural resources explored locally. With that model, Mamirauá has shown efficiency in guaranteeing the participation and the community's support in the administration of the natural resources, in the search of sustainability and life quality.

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