

***RETHINKING AND REBUILDING COMMON
PROPERTY SYSTEMS IN BRAZIL***

ANTONIO CARLOS DIEGUES

UNIVERSITY OF SÃO PAULO
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INTRODUCTION

Common property regimes ('commons') in Brazil should not be considered as forms of social appropriation of territories and natural resources of the past by commoners, frozen in time.. Although some of these systems of communal appropriation are under tremendous threat by land speculation, urbanization and capitalist expansion, recent examples are showing that traditional population (rubber-tappers, artisanal fishermen and forest harvestors) are able to reaffirm and rebuild "commons". Until recently, these communal appropriation regimes were 'invisible' to the State bureaucracy mainly because "commoners" were politically weak and lived isolated in marginal but usually biologically rich ecosystems, such as the Amazonian and Atlantic coast humid forest, mangroves, riverine areas, etc.

These communal social systems existed for a long time in traditional rural and coastal communities and are characterized by a common utilization of land (sea) areas, using renewable resources such as fish, forest and medicinal plants, cattle and products of shifting agriculture. Some of these appropriation regimes are mixed ones, as in addition to communal property there is also private/family appropriation of vegetable

gardens, domesticated animals, etc. One main feature of these regimes are the intensive use and dependence of renewable resources and loose relationships with the market economy. These systems occur in communities where social organization is based on kinship relationships that are responsible for the exclusion/inclusion of people in the use of the resources. This means that access to these sea and terrestrial natural resources and space is dependent from the participation in the social/kinship life through "compadrio" (godparent). In addition to that, in some marine communities, some social actors such as skippers have developed and inherited a deep knowledge of the natural works through techniques and "savoir-faire" that allow for a special access and territorialisation of renewable resources such as fish species. This knowledge also allows for reduction of competition among users of the same resources, particularly outsiders. (Diegues, 1992; Maldonado, 1993). In these appropriation regimes there is a general view that renewable resources have to be wisely used, avoiding resource overexploitation.

These traditional systems contradict, in practice, Hardin's theory (1968) that indicates that "commons" would necessarily lead to overexploitation of communally owned natural resources and State control would be necessary to avoid the destruction of natural resources and decrease in profitability. Brazilian experience has also shown that private property not necessarily leads to a more rational use of natural resources, as private appropriation of large areas, through financial incentive programmes for cattle raising and large scale agriculture in the Amazon have demonstrated.

In Brazil, instead of talking about the "tragedy of the commons", one should consider that there is a "tragedy of the commoners" (Mc Cay and Acheson, 1987) as they have been consistently expelled from their traditional territories through land speculation, large state-owned hydroelectric plants etc.

From the Sixties onwards, these traditional systems are under tremendous pressure as "commoners" are losing access to renewable resources, often through violent expropriation. But, as a result of these pressures, in some cases, political mobilization in the rural areas has led to some forms of social resistance and reaffirmation of the traditional communal appropriation regimes. As a consequence, the State was forced to recognize the rights of the traditional dwellers, very often considered "squatters" as they did not have property titles. One of the classical examples is the recent (1980's) set-up of "extractivist

reserves”(reservas extrativistas) by the rubber-tappers in the Amazon, of traditional fishermen along estuaries and bays, of small-scale riverine fishermen, etc.

In this connection, one could talk about the “rebuilding of the commons” and some of the newly established common property regimes are being legally recognized by the Brazilian authorities as examples for “sustainable development and conservation of biological and cultural diversity

In this paper, two kinds of property (or appropriation) are considered: (a) common property defined as common(or communal) appropriation of territories and natural resources and (b) public property, state-owned territories, such as national parks from where traditional refused to be transferred, as the current environmental legislation prescribes.

Orstrom (1990) describes some principles that can be applied to these common property regimes as social institutions such as defined borders, mechanisms for collective choices, monitoring of the used of natural resources, rights of establishing social institutions, penalties for those who disobey commonly established rules, etc... These principles are applied for the newly rebuild commons.

In the Brazilian case, the rebuilding of commons was possible only after the rebirth of democracy, after the long years of military dictatorship (1966- 1984). During the military regime, which led to “economic modernization “ there was a fast occupation of the last frontiers, such as the Amazon and the remaining Atlantic Forest through massive fiscal incentives for cattle raising, mining operations, large power plants, etc. (Diegues, (ed) 1993) that ultimately led to a rapid devastation of natural resources and expropriation of traditional local communities such as indians, rubber-tappers, riverine fishermen, etc... The social reaction against these processes was at the same time cause and consequence of the opening of new democratic spaces in Brazil, through the creation of rural unions, local movements, non-governmental groups, progressive political parties, etc... In this context, the emergence of “collective actions” at local level , in the sense given by Orstrom was only possible because they were backed by large social mobilization, political consciousness and creation of new cultural symbols.

The emergence of “collective actions” and new approaches to common appropriation regimes was also linked, and to a certain extent, motivated by the raising of ecological

counsciousness as result of extensive environmental degradation, particularly in the Amazon and Atlantic Forest. Very often also, the social action of local groups was backed by Non-Governmental associations, linked to international activist organizations that were able to exert pressure on multilateral banking institutions, industrial countries parliaments, as it was clear during the killing of the rubber-tapper Chico Mendes. At the same time, some local indian and non-indian cultures became more socially visible, through grass-root movements, such as the National Association of Small-Scale Fishermen (Monape). Very often, these grass-roots movements got the support of important national institutions, such as the Catholic Church. In the late 80's, local movements, Ngo's, research groups,etc. were able to establish important aliances around issues such as forest conservation, marine resources conservation, social participation in rural areas ,etc...These social and ecological practices and processes are, ultimately crucial to understand the rebuilding of common property regimes in some areas of Brazil

1. Existing communal appropriation regimes in the Amazon and Atlantic Forest and threats

The Atlantic Forest is 3.000 km long bioma along the Brazilian coast, formed by different ecosystems from mangrove, humid forest and highland grassland and its biodiversity is compared to that of the Amazon forest. It is situated in the most populated region of Brazil, and as result of intensive agriculture, urbanization and industrialization over 80 % of the forest has been already destroyed. In this region, however, there is a high cultural diversisty, (Diegues, 1988, 1992 a) consisting of traditional population (small-scale fishermen, peasants, forest extractivists). Along the coastal in many communities, as the "caçara", territories and natural resources are used communally and the access to them is regulated by social institutions linked to "compadrio"(godparenthood)(Cunha, 1992). In Bahia, access to fishing spots in estuaries is ensured to those who belong to the community.(Cordell, 1982). In Alagoas, brush-parks, similar to "akajás"from West Africa, in addition to aggregate fish , are used also to identify part of a coastal area that are controlled by family groups.(Marques, 1991).Along the Northeastern coast, although

according to the legislation, access to fish resources is free, artisanal fishermen were able to develop complex visual systems to identify bottom fishing spots, to retrieve them and keep them under their control, avoiding competition and ultimately overfishing. In all these systems, a deep traditional knowledge about ecological conditions, biological behaviour of fish species is involved. At the same time, the system works as long as informal regulations based on "respeito" (respect) work. (Forman, 1970; Galvão, 1968)

These social appropriation regimes, however are under threats caused by rapid urbanization, sea pollution, tourism that ultimately lead to land expropriation of the small-producers. In some cases, small producers react against these expropriative processes, re-establishing communal uses, as it happened in some coastal bays around Rio de Janeiro, where "caïçaras" expelled trawlers fishing inside their traditional territories.

In the Amazon, common appropriation regimes are linked mainly to forest extractivism and to fishing along lakes and rivers. (Diegues, 1992 b) In the first case, autonomous rubber-tappers continue to extract rubber from the forest when absentee landlords abandoned the land after the collapse of this intensive activity in the beginning of the century. When, in the Sixties and Seventies the Government incentivated economic activities, such as cattle raising in the region, the investors from the rich southern areas (S. Paulo) bought the land and tried to fell the trees and expropriate the "seringueiros" (rubber-tappers). Massive deforestation and logging would threaten their livelihood as "extractivists" depend on rubber and Pará nut trees. (Allegratti 1987; Fearnside, 1989)

Not only private investors threaten the livelihood of small producers, but also the State, creating protected natural areas, from which existing traditional population should be expelled. This happened frequently in the area, after the Seventies, when, under pressure of multilateral financial institutions (such as the World Bank) several national parks and ecological stations were established over the land inhabited by traditional groups for generations. This process took place, for instance in the Trombetas River area where ex-slave black communities, using the land and their forest natural resources in a family/communal way were expelled from the area in benefit of large mining firms. (Acevedo & Castro, 1989)

A more recent trend, is the expropriation of lakes, used by small-scale producers inside the Amazon. As the land was bought, the new landlords tried to close the lakes using fences, forbidding the traditional small-scale fishing, the most important protein source for local population. The communal appropriation of the lake resources was the base of the population's livelihood. (Hartman, 1990; Furtado, 1988; Loureiro, 1985)

2. Protecting and re-building of commons by the threatened commoners: a preliminary typology.

As it was mentioned before, although many of the "commons" have disappeared as result of the advancement of other forms of property and appropriations of territories and resources, in other cases, the "commons" have been reaffirmed and rebuilt. In general, the rebuilding of common property regimes was a result of social and political confrontation. In this process, the rebuilding has taken different forms:

a) Spontaneous and localized rebuilding of commons

This form occurred when traditional communities have opposed territorial expropriation in a rather spontaneous and localized way against the invasion of land by speculators, commercial fishing and in some cases, it took the form of violent reaction and reconquer of their threatened territory. It was the case in Restinga da Pombeba, close to Rio de Janeiro, when small-scale fishermen expelled and put fire in commercial/industrial trawlers that invaded their traditional fishing spots in the estuary. (Costa 1992). It also occurred in Lago Grande de Monte Alegre, in the Amazon, when riverine fishermen also expelled commercial fishermen from the lakes used in a communal way, mainly for subsistence. The same action was taken against landlords that have encircled lakes in the Middle Amazon. The "commoners", although not having strong political support, at the end got recognition of their territorial rights from IBAMA, the Brazilian Institute for

Environment. Similar actions were taken in other lakes, and this process is now called "aquatic (land) reform". (M Grath, D et alii 1993)

b) Rebuilding of the commons with the support of Ngos and Research Institutions.

This form has occurred in situations where the State has created restrictive protected areas in territories previously occupied by traditional population of forest extractivists and small-scale fishermen. One example of this form is the reaction of the "commoners" of Mamirauá Ecological Station, in the Amazon, a 1.124.000 ha wetland along the Japurá/Solimões where 4.500 people live, scattered in 50 small communities. According to the current legislation, the dwellers should be expelled from their territory transformed in a protected area. However, within the framework of a project set-up by a Ngo, an association of traditional dwellers was created and financially supported by international environmental institutions. The project was able to mobilize local communities that used the swamps and lakes for fishing and forest extractivism in a communal way. In a general assembly, the community leaders have defined six categories of lake uses, from strict preservation (for fish stocks reproduction to commercial use). The boundaries of different lakes for specific purposes were properly defined, and only adequate fishing gears are allowed. Sanctions also were defined against those commoners that eventually do not respect the established rules. The social and ecological conditions are properly monitored by community associations with the assistance of biologists and social scientists and a forum is established to solve conflictive situations among commoners. (Ayres & Ayres, 1993). In this sense, the principles of "collective action" of the commoners, in the sense given by Orstrom (1991) are respected. The same principles are, in fact, also applied to the "extractive reserves".

c) Socially organized rebuilding of commons with a wide support of Social Movements

This form occurred when "rubber-tappers" resisted land expropriation in the middle of the Seventies. In a first moment they used the "empates", peaceful sitting-down in front of the logging machines and gained the support of the Rural Unions, controlled by progressive groups in the Amazon. In 1985 the Rubber-Tappers established the National Movement of Rubber-Tappers and proposed the "reservas extrativistas" (extractive reserve) as a way of keeping control of their forested land. The "extractive reserves" consist of a large tract of land with several "colocações"(paths leading to rubber-trees) in which a family takes latex from the trees and nuts from the Pará nut trees. Although in the past these "colocações" were used in a family basis, in the proposed "extractive reserve", the large area comprising several "colocações"(around 300 ha per family) is declared public land and allocated to an association of several rubber-tapper families. In this sense, the communal arrangement is different from the existing isolated "colocações", and now is legally recognized as "extractivist reserves". The legal approval of this new socio-economic institution was ensured through a large, national wide movement in which the rubber-tappers were able to get support inside and outside Brazil in a moment where large forested areas were destroyed by cattle rangers and logging enterprises. International and national Ngo's support was crucial for this achievement, as rapid deforestation of the Amazon was widely opposed both inside and outside Brazil. The whole rubber-tappers movement gained momentum when their leader, Chico Mendes was murdered in 1988 and the first extractive reserve was legally recognized in the same year. In 1980, in the State of Acre, where the first extractive reserve was created, over 60 % of the municipalities had local branches of the National Movement of Seringueiros (Cima, 1991) and today these reserves have been created in other States (Rondonia, Amazonas, Pará) covering over 3.000.000 ha and benefiting over 10.000 families. The same type of extractive reserve is being created in areas outside the Amazon, in the "cerrado"(savannah) and in the coastal region, in mangrove areas(Santa Catarina and São Paulo).

The "Conselho Nacional dos Seringueiros" (Rubber-Tapper National Council), the present institution created by the Rubber-Tapper Movement has also created its own schools, dispensaries and cooperatives. (Schwartzman, 1988). Although the economic sustainability of the "reserves" is far from being achieved, based only in the latex and nuts extraction (due mainly to the low prices of the products in the international market), the Council is looking for other economic alternatives, having created its own research structure, in cooperation with research institutions. It is also using alternative commercialization structures outside Brazil, where Amazonian forest certified products get a better price and in this process the Council got the support of several international Ngos.

The success of the movement, as Silberling notices (1992) was possible as the rebuilding of the "commons" is based in a wide social and political movement that was able to get legitimacy and recognition inside the Government environmental and agrarian reform institutions, creating a unique status within the protected areas system.

Conclusions

As preliminary conclusion, it can be seen from the examples above, that communal appropriation systems in Brazil is not an issue of the past, but a very present and crucial one in many areas of the country. There is a growing interest in reviving these systems, and this social process can only be understood in the framework of the social responses of communities against the occupation of their traditional territories by landlords and investors in a given political momentum of the expansion of the economic frontier. It coincides, in fact, with the social processes aiming at maintaining threatened livelihood of certain traditional communities. It can be seen as a process of social reconstruction of livelihoods that have been partially disorganized by the expansion of the market economy, of the large private business. In this process of social reaction, it is clear that environmental protection issues related to sustainability play an important role, as some people, including government and non-government agencies see these experiences as "case studies" leading to the search of "sustainable development". It is hard to foresee the outcome of these social experiments, as the overall current neo-liberal policies of the States are contradictory to

the "rebuilding of the commons". It is clear that the success of these social experiments will depend on their socio-economic sustainability and on the capacity of the support movements to counteract the tremendous strength of the latifundia and conservative social forces in Brazil. The success of these social experiments is ultimately linked to the possibility of the establishment of a long living democracy and to the recognition that biological diversity can only be ensured through the social recognition of the need of conserving the wide cultural diversity in the country.

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