

# **Challenges of Institutional Recognition of Collective Use Territories. The Case of a *Quilombola* Community in the Brazilian Amazon (Jarauacá, Oriximiná – Pará)**

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## **Abstract**

This paper aims to lead a discussion about the relationships between local common-pool resources systems and broader institutional environment, basing on Ostrom's theory of commons and focusing on the challenges of the institutional recognition of *Quilombola* communities. They are Brazilian communities of descendants of African slaves, which obtained a specific status, and especially the collective property of their lands. By means of a study case, we will try to understand how and why State and local systems build ambiguous but necessary linkages in a context of economic pressures.

**Key Words:** *Quilombola* Communities; Common-Pool Resources Management Systems; Institutional Recognition; Theory of Commons; Brazilian Amazon

## **Introduction**

In 1988, after two decades of military regime, Brazil rewrote its Federal Constitution to create a more democratic, multicultural and inclusive nation. In this context, the black rural communities, identified as *Quilombola*, can obtain a judicial and legal status<sup>1</sup>. Article 68 of new Constitution's Temporary Constitutional Provisions Act grants them the collective property of the claimed land, declaring that "Final ownership shall be recognized for the remaining members of the *Quilombo* communities who are occupying their lands and the State shall grant them the respective title deeds"<sup>2</sup>. It recognizes at the same time their own ethnical identity and their specific territoriality based on collective management of resources and spaces. The environmental challenges that *Quilombola* communities represent are also emphasized by their recognition as Protected Areas in 2006. Nowadays, 111 areas have obtained the full *Quilombola* status, including titles and 1137 are involved in the process of regularization (CPI-SP, 2011). Following an integration process, these local and pre-existing communities are territorialized in a national system that is working for its own coherency and cohesion.

In this paper, we propose to examine the relationships between local system of collective use and broader institutional environment. How do *Quilombola* communities manage to respond and adapt to these territorial and institutional changes? According to Ostrom's theory of the Commons (Ostrom, 2005; McGinnis, 2010; Poteete, Janssen and Ostrom, 2010) and her

followers (Hayes, 2008 for instance) (known as Bloomington School), the legal recognition of local system is a key element - one of the “Design Principles” – for the success of such systems. To what extent? By moving from theory to practices, what does this legal recognition mean and what might be its ambiguities? We will evaluate the local consequences, the weight and the limits of the *a priori* legal recognition of a territory and a local system of collective management in a context of economic integration, understood as a potential means of internal and external pressures on resources and spaces.

The analysis is based on the case study of the *Quilombola* community of Jarauacá, situated in the Brazilian Amazon, from its tenure to its current challenges. After the presentation of the study area and the methods, we will organize our thought following the trajectory of Jarauacá and emphasizing the diversity and ambiguity of forms of appropriation and dispossession. In the results, we will first observe (1) the formal changes in the structure of the rural community, then, (2) the organization of the local institution and its adaptations to the new *Quilombola* status and finally, (3) the challenges of the management of the socio-territorial system, included in a larger economic and social complex. The discussion will highlight their ambiguous but necessary relationships in a context of increasing economic pressures on territories and natural resources.

### **Study Area and Methods**

#### **Jarauacá, an Amazon Quilombola Community with a Land Imbroglío.**

Jarauacá is one of the communities integrated in the *Quilombola* Area of Trombetas. Situated in the Lower Amazon, the area belongs to the county of Oriximiná, Pará, pioneer in the granting of *Quilombola* status. While the Trombetas Area is tenured in 1997, Boa Vista, the first *Quilombola* community obtained the collective property of its land in 1995. Other *Quilombola* tenures have followed (Água Fria community in 1996, Erepecuru Area in 1998 and 2000, Alto Trombetas Area in 2003) (CPI-SP 2011) creating a kind of *Quilombola* mosaic. The Trombetas Area covers 81.000 hectares and has about 140 households (CPI-SP 2011) divided into 7 communities.

Into this huge area, with about 30 households, Jarauacá *Quilombola* community extends around Jarauacá Lake and along Acapu River. Agro-extractivism is the main subsistence activity; it is a combination of slash-and-burn agriculture (focused on cassava and banana cultivation) and gathering, above all Brazilian nuts (Acevedo and Castro, 1998), which is supplemented by fishing and hunting. Other activities have been developing since the late 1990s, such as timber trading and cattle ranching, which have commercial outlets in the city of Oriximiná (about 65 km).

Jarauacá is an interesting and relevant case because of the relative oldness of its tenure (14 years) and its local complexity. Characterized by a land imbroglio, it is an intricate socio-territorial system where diversity of land status and resources users is juxtaposed. Located in the liminal space between Trombetas and Erepecuru Quilombola Areas, residents of one and the other live in Jarauacá. Another land distinction exists between “*coletivos*” and “*individuais*”. While “*coletivos*” basically correspond to the *Quilombola* group, living within the Trombetas Area under collective property, “*individuais*” are the families who have chosen not to participate in the collective land tenure and have preferred to receive an individual plot demarcated by INCRA (National Institute of Colonization and Agrarian Reform).

### **Geo-Anthropological Approach and Institutional Analysis.**

This work is part of a French research program called USART, Uses, Knowledge and Territorial Representations in the Amazon<sup>3</sup>. Adopting a geo-anthropological approach, its main goal is to define and qualify the link between Amazon traditional communities and their territories and its evolutions, analyzing their practices, but also their territorial representations and knowledge.

The fieldwork in Jarauacá community has been realized in July 2011, by a team of 5 researchers composed of geographers, anthropologist and agronomist. The tools we used were: (1) A socio-economic questionnaire, applied to a sample of 77 individuals (men, women and children over 16 of each sampled household), distributed between 57 “collectives” and 20 “individuais”. Besides household composition and economic situation, this questionnaire aimed to collect information about life history, mobility and perspective of futures of Jarauacá’s residents; (2) An institutional analysis inspired by International Forestry Resources and Institutions Protocols (IFRI). The IFRI is a validated framework to enable scholars to examine the impacts of diverse ways of owning and governing forests on protection and management activities and their consequences for forest condition (CIPEC 2004). We conducted semi-structured interviews with men practicing agro-extractivism on the one hand and Jarauacá’s leadership (association’s current and former coordinators) on the other hand. The objective was to highlight local set of rules and norms related to social-territorial organization (social structure - rights of association and residence - and resources system - rights of access and withdrawal -) and its enforcement; (3) Mapping work (mental maps, participative mapping and GPS points list).

## **Results**

The question of recognition can be applied to Jarauacá at different levels; the three parts of these results define at the same time, three different times in the *Quilombola* process of Jarauacá and three scales of analysis of the relationships between Jarauacá and the broader institutional environment.

### **The *Quilombola* Structure: the Acquisition of a Status and the Recognition of a Local System.**

#### ***The Quilombola Tenure of Jarauacá or How to Adapt in a Context of Increasing Pressures.***

In this first part, we describe the structure of the *Quilombola* community. How the community has been formalized as *Quilombola* and what it means. The tenure corresponds to a very specific time in the community history, when the pressures on its territories significantly increased from the 1970s. The current settlement of Jarauacá is the result of three recent waves of immigrants (Map 2), which follow more or less the economic history of the region (Figure 1) (Wanderley, 2006).

The crisis of the rubber plantations in the region of Santarém and the beginning of the Brazil nuts cycle marked the first two types of migration. (1) From the 1920s to the 1960s, small black peasants, descendants from *mocambos* formed in the region between the end of the 18<sup>th</sup> century and the beginning of the 19<sup>th</sup> century (Acevedo and Castro, 2008), settled in Jarauacá by successive waves. Traditionally mobile, they came following the rivers from the Lower Trombetas and Erepecuru. Under the yoke of Brazil nuts' masters and their local representatives, they worked as collectors besides their subsistence activities of farming and hunting/fishing. (2) The traditional migration from Nordeste is embodied in Jarauacá by the arrival, in the 1920s – 1930s, of Moura family, from Juazeiro, Ceará. After a while in Santarém rubber plantations, they settled in Jarauacá where they occupied the black lands (*terras pretas*) to practice agriculture. Close to Brazil nuts' masters and local oligarchy, they also were pioneers of the cattle in the region, thanks to a system of sharecropping. The front of the cattle really has been consolidated after the 1960s – 1970s, with the multiplication of the pastures (Marchand, 2009). Land consumers, pastures have accelerated the process of land commodification and increased land pressures. (3) The third wave of newcomers, small peasants from Lower Trombetas who bought their lands, appeared in this context of increasing land pressures strengthened by the bauxite exploration. In 1976, stimulated by developmentists public policies of the civil – military dictatorship, the mining company Mineração do Rio Norte (MRN) set up along Trombetas River. Causing a profound regional territorial restructuring, the installation of the mines led to the implementation of two large

areas of integral conservation designed as buffer areas co-managed by MRN and IBAMA (Brazilian Institute of Environment and Renewable Natural Resources): the Biological Reserve of Trombetas (REBIO) in 1979, and the National Forrest Saraca – Taquera in 1989 (Wanderley, 2006; Coelho, Cunha and Monteiro, 2005). Finally, the regional economic cycles have defined the settlement of Jarauacá and its evolution. The last economic cycle around timber extraction confirms the increasing territorial pressures and threats on local rural systems. Until recently, the front of timber has been concentrated in the eastern Pará. But the exhaustion of resources there has revealed the increasing attraction of Santarém as strategic nodal point, thanks to its harbor and the highway, which runs through Brazil to the economic center of the country (Centro-Oeste). Thus forestry companies have flown to Santarém surroundings since the 1990s in search of available lands.

In front of such territorial pressures and land commodification perceived as threats to the integrity of local systems and its actors, the small peasants of Jarauacá took advantage of a favorable political context. The 1990s and the new democratic and multiculturalist constitution opened a space and allowed the convergence between a political supply (the *Quilombola* status) and a social demand (the land security for small peasants) (Véran, 2003). Black peasants of Trombetas organized with the help of catholic organizations such as Comissão Pastoral da Terra (CPT) and NGOs such as Comissão Pro-Índio de São Paulo (CPI-SP), setting up the ARQMO, Association of Oriximiná's Remnants *Quilombola*. As an evidence of adaptive capacity and organization, the small peasants of Jarauacá obtained, in 1997, the collective tenure of their lands.

***The Quilombola status and the Design Principles: a theoretical suitable model of common-property institutions.***

Jarauacá is then recognized as a *Quilombola* community and we will try to briefly analyze in this part what the generic *Quilombola* status can change from a structural point of view. Thereby, relying on Ostrom's Theory of Commons, we will see how, theoretically, the *Quilombola* tenure brings and/or strengthens some attributes that can be determinant for the success of that kind of local and rural organizations. They are the "Design Principles", defined as "characteristics of common-pool resources management systems that have been observed to be regularly associated with the long-term sustainability of that system" (McGinnis, 2010).

The next figure (Figure 2) illustrates the connections that can be established between the Design Principles (A) and some criteria of *Quilombola* institutions (B).

The Design Principles could be summarized in four main characteristics: (1) A Well-Defined Social and Territorial Structure (Design Principle 1), which is reflected at the *Quilombola* level in the tenure that identifies the strict territorial boundaries of the collective property and, the socio-cultural boundaries of the *Quilombola* beneficiaries. Moreover, this identity is locally strengthened by the mobilization around a claimed common ethnicity. First, it justifies the specific rights; then, it defines a process of differentiation with the outside (Barth, 1995) and of cohesion in the inside. This mechanism is particularly patent in Jarauacá where being “*coletivo*” or “*individual*” was a deliberate choice for every household (Frajtag Sauma, 2009).

(2) Homogeneity, Equity and Reciprocity (Design Principles 2, and 3) within the social-territorial system. As said before, this strong, unified and valorized identity also enhances the cohesion and nourishes reciprocal relationships within the social group. Regarding to the creation of a *Quilombola* association, essential for obtaining the status as legal personality of the community and official owner of its lands, it guarantees to its *Quilombola* members, the equality of rights and duties as well as a formal and collective organization.

(3) Collectivity and Justice in the management of the local organization (Design Principles 3, 4, 5, and 6). Different elements of *Quilombola* institutions and realities favor these features, starting with the collective property of the lands. The association also represents a fundamental element, by organizing the social and territorial group in a collective way and by supporting and applying a shared set of rules and norms. Finally, the local leadership, structured and/or consolidated thanks to the mobilization and claiming for *Quilombola* social and territorial rights, gives its dynamics and vitality to the institutions.

(4) Integration in a broader and multi-scale environment (Design Principles 7, and 8). As a legal status, the *Quilombola* process operates as a mechanism of recognition and inclusion, wherein diverse types of integration, corresponding to diverse facets of the Brazilian nation, can be distinguished. First, the collective tenure allows the territorialization of the community, *i.e.* its territorial integration in a country where the private property is considered as a fundamental value. Being *Quilombola* also means to be a full Brazilian citizen with specific social rights, particularly in health and education areas. This is the political and social integration, in addition to a cultural component. In the context of multiculturalist influences, the *Quilombola* recognition is also the recognition of a social-cultural group. After being stigmatized during most part of the Brazilian history, whether in an obvious way, through slavery, or in a subtler one, through the invisibilization and criminalization of Afro-Brazilians, the racial democracy or merely the ordinary racism, being black becomes source of pride and dignity.

Finally, many points of convergence arise. According to Ostrom's theory of common-pool resources, the *Quilombola* structure appears as a viable form of social-ecological system. It seems that it exists a sound theoretical basis, but what about the practices? How does concretely and locally the *Quilombola* status apply? How does it blend with the preexisting system? Under which conditions? And with which consequences?

**The *Quilombola* Organization: The Adaptation of a Common-Pool Resources Management System between Hardening and Flexibility.**

The objective of this part is to study the consequences of the implementation of the *Quilombola* status in the local and pre-existing organization of resources and spaces. What has changed? To what extent? And, ultimately, what do these changes and continuities tell about the relationships between the *Quilombola* community and the broader institutional environment?

***The Territorial and Organizational Changes: Towards a Territorial Hardening and a Social Categorization.***

Jarauacá used to be organized around a population of small peasants characterized by their high adaptive capacities, main features of the Amazon *Caboclos* according to Mark Harris. He talks about their “constant renovation of the past in the present, [their] strategy that has given them great reproductive (social and biological) success and that was critical for their adaptation to unstable economic and political conditions and to a scenario of socio-cultural collapse” (Harris in Adams *et al.*, 2006). The adaptive capacities of Jarauacá residents such as many other riverine populations in the Amazon (*ribeirinhos*) derive from the intensity and anteriority of their kin and matrimonial linkages, their reciprocal work exchanges, and their neighborhood relationships. Another important feature is their traditional mobility, related to the agro-extractivist system and the seasonal ecosystem that balances between a dry and a wet season. Their activities are distributed in the following way: (1) Subsistence farming and pastures which are defined by a family appropriation of small and revolving spaces (from 0,5 ha to 3 ha for slashing and 10 ha for pasture); (2) Extractive activities such as hunting, fishing and gathering of non-timber forest products, especially the Brazil nuts in wide common areas of forest or waters. Among these areas, the “*castanhais*”, which designate the places where Brazil nuts are abundant, is of particular importance because of the market value of the product and the traditional knowledge and practices which are linked to them (each family has its own spots and the location of the most profuse places are transmitted from one generation to another for example).

Then, the *Quilombola* status has introduced a social categorization and a territorial hardening. A new typology of Jarauacá's users and residents is designed and depends on land status divisions (Table 1 and Map 3). The “*individuais*” are the one who rejected the collective tenure during the *Quilombola* process and preferred to receive individual titles. The INCRA demarcated 100 ha per household, following the same pattern as for rural settlements. The “*coletivos*” have chosen to claim the *Quilombola* status, and so live under the collective property (Frajtag Sauma, 2009). Jarauacá is situated at the liminal space between two *Quilombola* Areas (Trombetas and Erepecuru). That is why the local system is divided in two distinct social collective categories (Trombetas' “*coletivos*” and Erepecuru's “*coletivos*”), which correspond to two distinct land properties (Map 1).

In a certain way, the new *Quilombola* configuration is based on a principle of exclusion, creating categorization in the social group and fragmentation in the territorial system. Each type of users coincides with a piece of the former whole Jarauacá territory they possess and from which other users are formally excluded. Thus, those who used to share lands, including “*castanhais*”, see their work mechanisms and methods, their social and territorial relationships, as well as their kin and solidarity linkages questioned and reformulated by the tenure process. But how far? This is, at least, what should impose the *Quilombola* status in Jarauacá. But before acquiring this status, Jarauacá was already organized in a dynamic but informal common-pool resources management system which makes the reality much more complex than the formal cleavages we have just observed and described.

***Between the Legitimacy of the National and the Legitimacy of the Local or How to Minimize the Conflicts and Maximize the Benefits.***

So, it is necessary to distinguish *de jure* and *de facto* property rights. The appropriation forms of resources and spaces dictated by Jarauacá's local norms are much more diversified than the official rules that the formal *Quilombola* status imposes. Indeed, “property rights may also originate among resource users. In some situations resource users cooperate to define and enforce rights among themselves” (Schlager and Ostrom, 1992) and this is what happens in Jarauacá.

Before detailing the Jarauacá case, we need to specify that property rights refer to diverse bundles of rights that may be held by the users of a resource system. Different and gradient positions or appropriation forms correspond to different and gradient types of rights on resources and spaces (Table 2). We can also distinguish rights of action and rights of decision, which define more or less important levels of appropriation. As Schlager and Ostrom (1992) say: “It is the difference between exercising a right and participating in the definition of future



rights to be exercised”. Whereas the operational level concerns individuals’ concrete actions on resources, that is to say Access and Withdrawal Right, the decisions made about these former rights define the collective-choice level. It implies the following rights: (1) Management Right: “the right to regulate internal use patterns and transform the resource by making improvements”; (2) Exclusion Right: “the right to determine who will have access right, and how that right may be transferred”; (3) Alienation Right: “the right to sell or lease either or both of the above collective-choice rights”.

The Jarauacá local set of rules and norms reflects this complex and multi-scalar system. Thus, the official exclusion of Erepecuru’s “*coletivos*” and “*individuais*” from Trombetas *Quilombola* Area must be relativized. This is mostly the case for access and withdrawal rights that are granted under specific conditions and according to certain criteria, as shown in Table 3. We can notice that these criteria are of two types, one about the resources (1), the other about the users (2): (1) They depend on the type of resources and the territorial impacts of related activities, which determine a representation of the scarcity of these resources: if the resource is mobile (fish and game) or fixed (slashing and pastures, timber extraction and Brazil nuts); if the impact is prolonged and/or apparent (slashing and pastures, timber extraction) or temporary, seasonal and/or invisible (Brazil nuts, fish and game). (2) They are related to a gradient of belonging to Jarauacá’s social group and territory, depending on different types of proximity. Closer the user is to the basis group (in our case Trombetas’ “*coletivos*”), more numerous and more flexible his access and withdrawal rights are, more important the tolerance is in case of infringement of the local norms. These proximities are locally determined by diverse characteristics, some issued from the *Quilombola* status, and other issued from the Jarauacá social-territorial configuration. The criteria taken into account to forge the set of rules and norms highlight a superposition between the legitimacy of the formal social-territorial categorization and the legitimacy of other informal belonging differentiations.

The first proximity is the Territorial Proximity, related to the *Quilombola* land status and the choice of collectivity or individuality. Thus, negotiation and tolerance are more difficult with “*individuais*”, than among “*coletivos*”. The latter share the same claiming identity and the same values, such as environmental values. Indeed, the collective tenure is related to an environmentalist discourse and the defense of an *a priori* environmentally virtuous extractivism. Another important proximity linked to this one is the Cultural Proximity or Identity Belonging, determined by being *Quilombola* or not. This is a very complex and multiform identity that we can’t totally explain here, but we can, at least, notice that in

Jarauacá being *Quilombola* and being collective are not exactly synonymous. As a Jarauacá's historical leader explained: "you can be *coletivo*" and not *Quilombola*, you can also be *Quilombola* and not *coletivo*". Indeed, the *Quilombola* identity in Trombetas region seems to be an inherited and historical identity defined, among others elements, by a territorial marker; and thus they are considered as "sons of the river" (*filhos do rio*) Thus, the *individuais*", equally "sons of the river", are identified as *Quilombolas* who are rejecting their collectivity, quality recognized as part of the *Quilombola* essence (Frajtag Sauma, 2009). We can also observe the role of a Social Proximity or Community Belonging. The Jarauacá system is composed of different subsets realized in the form of communities, in religious terms. So, São Francisco do Canindé, Acapu, São Luis Gonzaga, Santa Ana or Poço Fundo are the names of the catholic parishes spread over Jarauacá Lake and Acapu River as other micro-local territorial distribution. They gather at the same time *coletivos*" and *individuais*" (Map 3) and constitute another trans-belonging for Jarauacá's users and residents. Finally, Moral Proximity also arises and differentiates conscious and unconscious users and residents. This category applies essentially to distinguish the *individuais*", measuring the intensity and closeness of their ties and relationships with our basis group (Trombetas' *coletivos*"). Within the Jarauacá group, one considers the conscious as those who at the same respect the local set of common-pool resources norms and rules and the environment. In all these cases, a more or less important proximity determines more or less important spaces of negotiation or tolerance for the users and residents. Proximity and tolerance seem linked to some moral principles (Chauveau, 1998). Indeed, tolerance actually essentially incarnates in the right to subsistence for all collectivity members. It may be food subsistence, but also market subsistence, that is to say the right to commercial uses of resources to provide for monetary expenses socially recognized as necessary. The right to subsistence is based on a perception of equality and reciprocity and so, is obviously enhanced by different expressions of the proximity.

Finally, a flexible and opportunistic local institution appears, whose set of rules and norms refer at the same time to elements issued from the *Quilombola* status such as the difference between *coletivos*" and *individuais*" and to realities of the Jarauacá local dynamics, whose gradient of permission and tolerance depending on proximities is a good example. Jarauacá *Quilombola* social-territorial system expresses a constant back and forth between the legitimacy of the national (by the enforcement of formal and official rules) and the legitimacy of the local (by the enforcement of informal and local norms). By going beyond these apparent contradictions, using its adaptive capacities and its flexibility, the objective of the

*Quilombola* institution is to both minimize the costs, in other words potential conflicts between users and/or residents, and maximize the collective benefits at a local scale. Moreover, in the Jarauacá case, we can observe that the assumed flexibility also comes from the broader legal and official environment, which does not question the local system, despite the illegality of some of its norms. The remaining question is to know if it is on principle or by default.

### **The *Quilombola* Management: the Remaining Threats to Territorial Sovereignty in a Context of Economic Pressures.**

#### ***The Challenges of the Territorial Invasions: the diversity of desappropriation forms.***

To end this course and after observing the Jarauacá system and its organization from the inside, we will focus on its relationships and interactions with its direct political and economic environment. This part will deal with the Jarauacá territorial sovereignty and question the role of the embedded political forces. One of the most important challenges of Jarauacá common-pool resources management system is related to the monitoring of its boundaries and the excludability. The excludability is the capacity to exclude some categories of users from a territory and deeply determines property. Indeed, in the cases of common resources, excludability makes the difference between “open access” and “common property” (Poteete, Janssen and Ostrom, 2010).

Nevertheless, the difficulty of exclusion in common-pool resources is, in a certain way, inherent to the own resources management system (Poteete, Janssen and Ostrom, 2010) due to high cost of exclusion (McGinnis, 2010). This is also the case in Jarauacá where these costs take the following forms. Jarauacá appears first as a very wide territory (81.000 ha) combined with a large dispersion of the communities on the area and a low population density (around 0,7 inhabitants / km<sup>2</sup>) (CPI-SP, 2011). Then, from a regional point of view and despite the granting of a specific status, *Quilombola* populations, stigmatized during most part of their existence as a social-economic group, are in an inferior position in terms of power and capital, whether economic, political or social.

The consequences of these high costs of exclusion are the multiplication of invasions and pressures on the *Quilombola* territory that is intensely coveted for the abundance of its natural resources. This is particularly the case with cattle, timber and fish, products that currently have the highest local, national or international market value. These invasions and pressures bring out a diversity of desappropriation forms, from the most direct to the subtlest. The most direct forms are the territorial invasions and so, obvious violation of *Quilombola* property and uses rights. In the Trombetas Area, they essentially concerned the progress of illegal pastures

in the southwest part of the *Quilombola* Territory (Mussura area) and the fishing activities along Acapu River.

But it also exists indirect forms of desappropriation that we will briefly specify here as illustrations. These indirect disposessions operate on a same model of contracts of concession with unbalanced benefits and responsibilities. It points out important discrepancies of capital, whether financial or technological, between *Quilombola* populations and their partners. For the cattle, this phenomenon illustrates with the spread of the “*gado de sociedade*” technique. It is a type of sharecropping contract with sharing of capitals: one brings the land capital and work capital (taking care of pastures), this is the *Quilombola* peasants as land proprietors; one brings the physical capital, that is to say the cattle. The most important Oriximiná’s provider of cattle is its mayor, Luis Gonzaga, who uses the “*gado de sociedade*” technique to compensate the scarcity of new available lands and spread his cattle all over the county lands. The pattern is similar for the fishing activity: one brings the land capital and the work capital (fishing), this is the *Quilombola* workers; one brings the physical capital, with special nets and gears and isotherms and ice, they are called “*geleiros*” and are part of the regional oligarchy. Regarding the timber extraction, the contracts operate at another scale, involving the *Quilombola* association as land proprietor on the hand, and forestry companies as operators and beneficiaries on the other hand. This enumeration may certainly seem anecdotic, but are symptomatic of a trend: the contradiction of the *Quilombola* property by the power of economic issues and/or local oligarchy.

#### ***Role and failures of the broader official institutional environment.***

These realities seem to highlight the ambiguous role of the governmental organizations responsible for the monitoring of these issues. In Jarauacá, the concerned organizations are the IBAMA (Brazilian Institute of Environment and Renewable Natural Resources) and the municipal and state Secretariats of Environment (SEMAs). This can be explained by the environmental orientation of the assumed governmental monitoring: extensive pastures as well as timber extraction or commercial fishing are subject to an environmental legislation that is supposed to govern and regulate their uses and misuses. But, locally, the absence of these institutions or, at least, their lack of support, is often criticized with the consequences we know and have observed before.

Finally, these elements highlight that the environmental issues are the subject of a mix up of questions, in a context and a region where on the one hand, economic pressures are getting stronger, and on the other hand, the local and traditional oligarchy is persistent. Between the drifts of the liberal conservation (Vaccaro and Paquet, s.d.) and the perverse effects of a

customary corruption, the threats on *Quilombola* territorial sovereignty are increasing, suffering from the ambiguities of governmental organizations and lack of legal support in areas such as:

- covering of critical costs in collective rules making and enforcement, especially regarding to the excludability and the access and withdrawal rights;
- allowing common-pool resources management systems such as Jarauacá to fully assume the prerogatives granted to them by their legal *Quilombola* recognition.

### **Discussion**

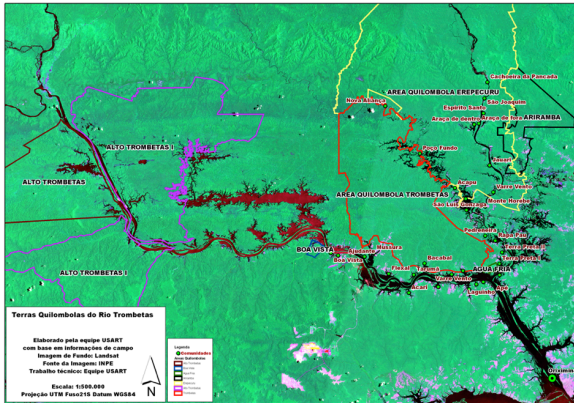
The trajectory of the *Quilombola* community of Jarauacá seems to tell us the contradiction, if not the dichotomy, between the administrative immobilism and the *Quilombola* social-territorial dynamics. We observed the limits of their past and present relationships. We also questioned the challenges of their future interactions. In a context of multiple land pressures on *Quilombola* territories, consequences of the thrust of the Amazon geophagous economic integration, these interactions never seem to be that crucial. This was already Hayes' conclusions : “The broader institutional environment that common-property systems are nested within, and that specific interactions between local resource users and external actors may be critical in contributing to the design of robust traditional governance systems for social-ecological systems” (2008).

By considering the recognition as the granting of the territorial community sovereignty, the legal recognition of Jarauacá as *Quilombola* appears partial. This is what the inability of the recognition mechanisms to fully ensure this territorial sovereignty underlines. Indeed, the recognition has to be understood as a long-run process, instead of a one-shot action. After the act of recognition, incarnated in the granting of collective property rights, the recognition needs to be accomplished by its everlasting enforcement. It would be the granting of the capacities to locally exercise this territorial sovereignty.

Thus, the recognition does not mean the absolute autonomy of common-pool resources management systems from the State nor the absence of the State from the common-pool resources management systems. It rather means interactions and adaptations between both of them, in view of a flexibility which would not be confined to small peasants communities anymore, but would be shared. Instead of an autonomy, often equated to isolation and threats in a context of strong and fast integrations (territorial, political, economic), not to say pressures, we propose an integrated autonomy of *Quilombola* systems in the national fabric.

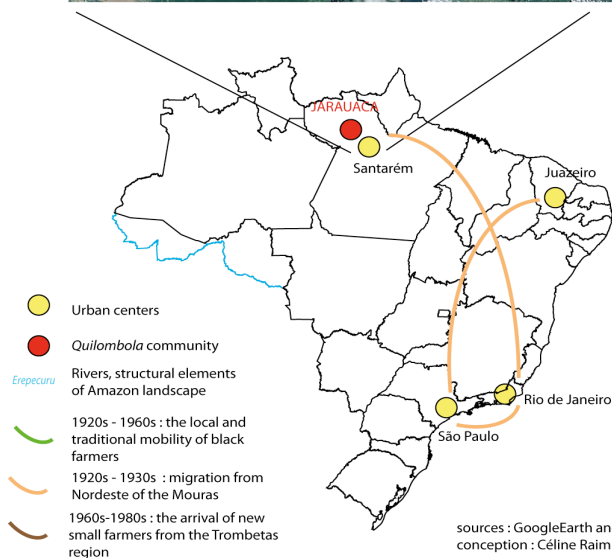
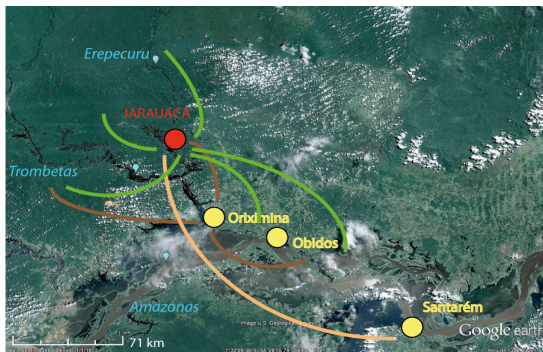
## Illustrations

Map 1. The *Quilombola* mosaic of Oriximiná, Pará.



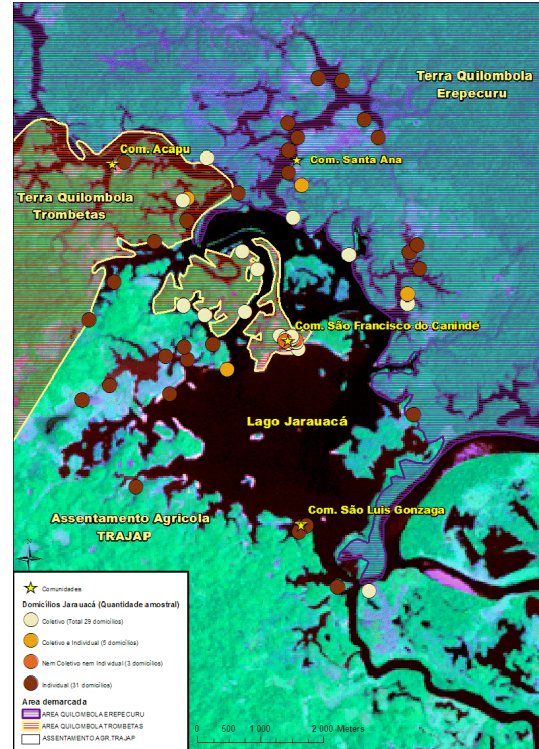
Conception by Marcelo Negrão, 2011.

Map 2. Jarauacá, a recent settlement in three main stages.



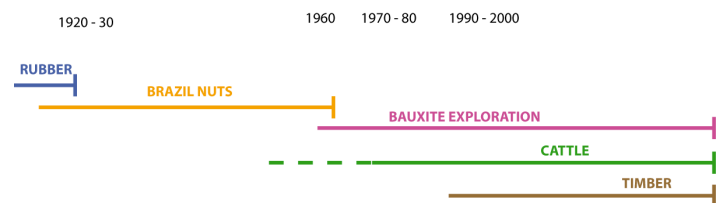
Conception by Céline Raimbert, 2012.

Map 3. Distribution of “coletivos” and “individuais” in Jarauacá social-territorial system.



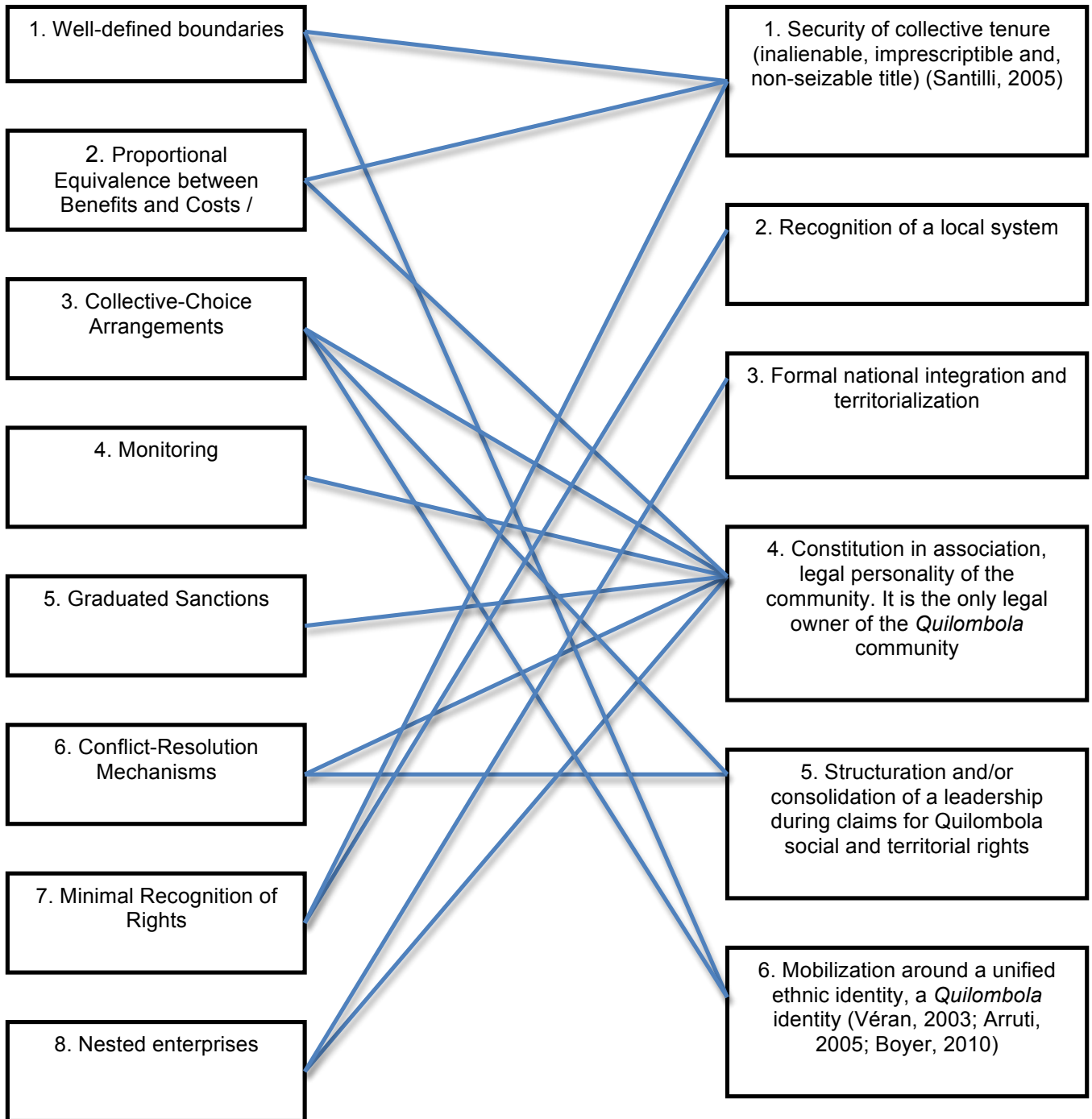
Conception by Marcelo Negrão, 2012.

Figure 1. Economic cycles in the region of Santarém.



Conception by Céline Raimbert, 2012.

Figure 2. Connections between Design Principles and Criteria of *Quilombola* Institutions  
 (A) (B)



Conception by Céline Raimbert; 2012.

Table 1. Land status divisions in *Quilombola* Jarauacá system: social categorization and territorial fragmentation.

Designation	Property in Jarauacá's system	Legal Property rights in Area Trombetas
Trombetas' "coletivos"	Trombetas <i>Quilombola</i> Area	Property
Erepecuru's "coletivos"	Erepecuru <i>Quilombola</i> Area	Excluded
"Individuais"	Individual plots (100ha)	Excluded

Conception by Céline Raimbert, 2012.

Table 2. Bundles of Rights associated with Positions.

	Owner	Proprietor	Claimant	Authorized User
Access and Withdrawal	✓	✓	✓	✓
Management	✓	✓	✓	×
Exclusion	✓	✓	×	×
Alienation	✓	×	×	×

Conception by Schlager & Ostrom, 1992.

Table 3. Set of rules and norms in Jarauacá common-pool resources management system.

	Trombetas' "coletivos"	Erepecuru's "coletivos"	"Individuais"
(a) Slashing / Pastures	✓	×	×
(b) Timber extraction	✓ (restrictions for commercial uses)	✓* (with sharecropping arrangements or "madeira de sociedade" only)	✓* (with sharecropping arrangements or "madeira de sociedade" only)
(c) Brazil nuts	✓	✓** (in accordance with a formal contract between Trombetas and Erepecuru <i>Quilombola</i> associations)	✓* (with individual permission from leaders of Trombetas <i>Quilombola</i> association)
(d) Fishing / Hunting	✓ (restrictions for commercial uses)	✓* (prohibition for commercial uses)	✓* (prohibition for commercial uses)
(e) To live	✓	✓* (with individual permission from collective decision in Trombetas <i>Quilombola</i> Association)	✓* (with individual permission from collective decision in Trombetas <i>Quilombola</i> Association)
(f) To associate	✓	✓* (with individual permission from collective decision in Trombetas <i>Quilombola</i> Association)	×

✓ = Proprietor      ✓\*\* = Claimant      ✓\* = Authorized User      × = Excluded

Conception by Céline Raimbert, 2012.



## References

- Acevedo, R. & Castro, E (1998). *Negros do Trombetas. Guardiões de Matas e Rios*. Belém: UFPA/NAEA.
- Adams, C. et al. (2009). *Amazon Peasant Societies in a Changing Environment. Political Ecology, Invisibility and Modernity in the Rainforest*. s.l.: Springer.
- Arruti, J. M. (2006). *Mocambo. Antropologia e História do processo de formação quilombola*. São Paulo: Edusc.
- Barth, F. (1995) Les groupes ethniques et leurs frontières. In P. Poutignat & J. Streiff-Fenart. *Théories de l'ethnicité*. Paris: PUF.
- Boyer, V. (2010) Qu'est-ce que le *quilombo* aujourd'hui devenu? De la catégorie coloniale au concept anthropologique. *Journal de la Société des Américanistes*. 96, 2.
- Chauveau, J.-P. Jeu foncier, institutions d'accès à la ressource et usage de la ressource. Une étude de cas dans le centre-ouest ivoirien. In B. Contamin, B. & H. Memel-Fotê. *Le modèle ivoirien en questions. Crises, ajustements, recompositions*. Paris: Khartala – Orstom.
- CIPEC (Center for the Study of Institutions, Population and Environmental Change) (2004). *International Forestry Resources and Institutions Research Program Field Manual*. Bloomington: CIPEC.
- Coelho, M.C., Cunha, L.H. & Monteiro, M.A (2005) . Políticas territoriais e o futuro dos assentados e das populações quilombolas da Amazônia oriental em áreas de mineração. In: *Anais da VI Reunião da ANPEG*. Fortaleza: ANPEG.
- Droulers, M (2001). *Brésil, une géohistoire*. Paris: PUF.
- Frajtag Sauma, J (2009). Ser Coletivo, Escolher Individual: Território, medo e família nos Rios Erepecuru e Cuminã. *33º Encontro Annual da ANPOCS*.
- Hayes, T (2008). The Robustness of Indigenous Common-Property Systems to Frontier Expansion: Institutional Interplay in the Mosquitia Forest Corridor. *Conservation and Society*. 6, 2.
- CPI-SP, <http://www.cpisp.org.br/comunidades/>
- McGinnis, M (2010). An Introduction to IAD and the Language of Ostrom Workshop: A Simple Guide to a Complex Framework for the Analysis of Institutions and their Development. Bloomington: Draft Paper.
- Marchand, G (2009). La “connexion hamburger” appliquée à l'Amazonie brésilienne. Décryptage de l' “effet papillon” entre consumérisme carné et déboisement. *Confins*. 5.

- O'Dwyer, E. C (2002). Remanescentes de Quilombos na Fronteira Amazônica: A etnicidade como instrumento de luta pela terra. *Boletim Rede Amazônia: Diversidade Sócio-cultural e Políticas Ambientais*. A. 1, 1.
- Ostrom, E (2005). *Understanding Institutional Diversity*. Princeton: Princeton University Press.
- Poteete R., Janssen, M. A. & Ostrom, E. *Working together. Collective Action, the Commons, and Multiple Methods in Practice*. Princeton: Princeton University Press.
- Raimbert, C (2009) . *Communauté et Territoire. Le cas du village quilombola d'Abacatal dans le Grand Belém, Pará*. Université de Sorbonne Nouvelle – Paris 3, IHEAL / CREDA.
- Santilli, J (2005). *Socioambientalismo e Novos Direitos. Proteção jurídica à diversidade biológica e cultural*. São Paulo: Ed. Peirópolis.
- Schager, E. & Ostrom, E (1992). Property-rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics*. 68, 3.
- Vaccaro, I. & Paquet, P. A. Anthropology and Conservation. s.n., forthcoming.
- Véran, J.-F. *L'esclavage en héritage (Brésil). Le droit à la terre des descendants de marrons*. Paris: Khartala, 2003.
- Wanderley, L. J. "*Território Invadido*": *As lutas e os conflitos nas terras dos negros do Trombetas-PA*. Universidade Federal do Rio de Janeiro, 2006.

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<sup>1</sup> *Quilombo*, also referred as *mocambos* or *terras de pretos* (black lands) historically designate isolated communities of (descendants of) freed or escaped slaves.

<sup>2</sup> Translation by the Rapport Center for Human Rights and Social Justice (<http://pdba.georgetown.edu/Constitutions/Brazil/brazil05.html>)

<sup>3</sup> For more information about the program, see <http://usart.hypotheses.org/>