

The Guardians of Our Future: Territorial Management in Gurupá*



Jean Pierre Leroy¹

Beyond the much-debated options of public or private property, local peoples and communities experience and propose their own alternatives. In the year 2000 the Brazilian Amazon had, according to the Brazilian Geography and Statistics Institute (IBGE), a population of 21 million, with 6,680,695 living in the rural area, which is a gross underestimate.² The IBGE estimates that in 1999 there were 175,000 indigenous persons in the Brazilian Amazon.³ This number must have increased sharply given the birth rate and rediscovery of their indigenous identity on the part of the social groups identified up until that time as *caboclos*, i.e. mestizos of white and indigenous origin residing in the rural areas of the Amazon region. There are likely one million⁴ or more extractivists, collectors of latex, cashews, heart of palm, fruits such as *açaí* and *babaçu*, essences, and other products of the jungle. River dwellers and fishermen, *quilombolas* and *caboclos*, are all part of a population historically so rooted that they attribute to themselves – and it is recognized as attaching to them – the qualifier “traditional.” We should add to them the peasants who arrived in the region little by little over the centuries, and massively during the colonization process promoted by the military governments, from all corners of the country, in particular from the south and the northeast. These peasants contributed to the destruction of the jungle, but today many small producers have embraced diversified and ecological production, appropriate for the Amazon, which distinguishes them from the medium and large producers engaged primarily in stock-raising and monoculture. However, for many, beginning with the *colonos* of the 1970s, and those recently settled thanks to the agrarian reform, cast into the jungle, without highways, far from the markets, the only alternative that remains is to sell the hardwoods of its forests to logging companies.

It is they who have historically managed the natural resources of the Amazon region and, therefore, of humanity. I believe that without them there will be no salvation for the Amazon region, as their ways of using and managing the forest and water resources, not only economically but also culturally and symbolically, require that biodiversity be maintained. That does not mean that they should be frozen in time. They want to enjoy the services that modern society can offer, and therefore they need to economically guarantee their family reproduction. It is not a question of placing them in opposition to the dominant economic strategies – past *vs.* future – for managing the ecosystems from which they derive their subsistence is complex if one wishes to go beyond the system of extensive production, harvest, hunting, and fishing, which is not suitable for guaranteeing a contemporary standard of living.

Many communities have rules, hidden or explicitly agreed upon, where, for example, the

* Dedicated to journalist Lúcio Flávio Pinto of Pará, who wrote *Amazonia. O anteato da destruição*. 2nd ed. Grafisa, Belém. 1977.

¹ The author is an educator and coordinator of environment at FASE, author of *Uma chama na Amazônia*. Vozes, Rio de Janeiro. 1991.

² All the inhabitants of the large towns and cities are counted as urban population, even as many of them are engaged in essentially extractive and/or agricultural activities.

³ www1.ibge.gov.br/brasil500/indios/numeros.html

⁴ www.ibama.gov.br/resex/textos/h12.htm

Jean Pierre Leroy: The Guardians of Our Future

curupira (mythical entity that restricts access to the jungle for hunting to certain times) is more important than the legislation and community agreements, more than the boundaries registered with a notary public. They have traditionally combined the private and the common in ideal fashion. But that's not enough since the arrival of the *grileiros* (persons who try to take over the lands of others by means of false deeds) and large projects, and access to public resources and markets, forces them to delimit their lands lest they lose them or become economically unviable.

Among hundreds and thousands of examples, we take that of Gurupá, a municipality of Pará situated in the Lower Amazon, in the "Islands Region." It has an area of 8,578 km², and in 2005 it had a population of 23,000, of whom 16,500 lived in the rural area, 23.3 percent on the mainland, and 58.2 percent in the *várzea*.⁵ That population makes a living from peasant agriculture (producing cassava, corn, and rice); small-scale logging, using family-owned sawmills); heart-of-palm and *açaí*; hunting and fishing; fruit and vegetable gardening; and raising small animals. That population is mestizo, a remnant of the rubber era, and black, a remnant of the *quilombos*. In the *várzeas*, the land-use system is family-based. In the mainland region, natural resource use tends to be collective. In both cases there is a strong sense of cooperativism. The hunting and fishing seasons are defined by custom, based on an understanding of the need for reproduction of the animals, fish, and shrimp, and on the social hierarchies in the community. The places for shrimping are "inherited," but are available for others if not used by those who've inherited them. The logging areas are informally defined and attributed to the families that live within them, although access to those areas is free for any other person from the community who wishes to gather other products of the jungle or hunt. Those who do not exploit the timber on a commercial basis may also cut trees for their own needs. The rules on the use rights over nature are always oral, not codified in written texts, passed down from generation to generation, and perpetually adapted. Some communities begin to document this set of community laws as a tool for regularizing land tenure, forest management, and water resources management.

This natural resource management and subsistence agriculture ensured both the conservation of the islands' ecosystem and the reproduction of these families for at least a century. We could speak of success if its continuity were viable. Yet the families, beginning with the youth and women, aspire to the services the city offers. At the same time, the price of their products is too low to compensate for the distance from the city, by the rapid river transport that brings urban services and goods to their communities. Worse still, as of the 1980s the logging companies, legal and illegal, began as to enter the lands that until then were considered as *devolutas*⁶ and to want to appropriate them. Other supposed owners, whose titles turned out to be false, began to pressure the inhabitants to abandon their lands or pay a tribute, or else lose access to the natural resources and be expelled; this was the moment when the inhabitants of Gurupá had to transform that informal space in which they lived into a "territory." According to anthropologist Alfredo Wagner, "territoriality operates as a factor of identification, defense, and strength."⁷

⁵ TRECCANI, Girolamo Domenico et al.: "*Gurupá: Regularização Fundiária e manejo dos recursos naturais*". In: Proposta. Quarterly publication of FASE. *Terra: Reforma Agrária e direitos territoriais*, May 10, 2005. No.107/108. Rio de Janeiro, FASE.

Várzea is the flatland along the banks of a river that is flooded during the rainy season.

⁶ Unoccupied lands that were not appropriated by private persons or formally by the government authorities.

⁷ Alfredo Wagner Breno de Almeida. "*Terras tradicionalmente ocupadas. Processo de territorialização e movimentos sociais*". In: *Estudos Urbanos e Regionais. Revista da Associação Nacional de Estudos Urbanos e Regionais – Anpur*. Vol. 6, No. 1, May 2004, Rio de Janeiro. www.anpur.org.br

Jean Pierre Leroy: The Guardians of Our Future

Following him, we can characterize community territories not only by their boundaries, but also by community control and management of their natural resources. Through the social construction of their territory they created or reinforced their collective identities as *quilombolas*, fishermen, and extractivists, a necessary condition for winning the right to a territory, and to maintain it. The legal instruments offered by the Brazilian Constitution and by statutory provisions were no doubt determinant for that process of institutionalizing common territories. That is what we will examine next.

Brazil's National System of Conservation Units⁸ (SNUC) takes in a vast array of forms of conservation divided into two groups: conservation units for comprehensive protection, and those for sustainable use, from Biological and Ecological Stations (in which the human presence is excluded) and National Parks, including the National Jungles (FLONAS) (which can be exploited), to areas such as the Extractivist Reserves and Indigenous Lands. The current federal administration, and, to a lesser extent, some state governments that incorporate environmental concerns to their agenda, maintained and accelerated a policy of creating new conservation areas, and created new legal definitions. This is the case of the Communities of Quilombos, which resulted from the reform of the 1988 Brazilian Constitution, the Projects for Agro-Extractivist Settlement (PAE: *Projetos de Assentamento Agroextrativista*), and the Forest Settlement Projects (PAF: *Projetos de Assentamento Agro-Florestal*), created by the National Institute for Colonization and Agrarian Reform (INCRA).

The need to preserve their rights and their ways of life and reproduction led the inhabitants of the rural and forest areas of Gurupá, with the assistance of a non-governmental organization, FASE, to try to define, delimit, and legalize their territories.⁹ That process of collective regulation of the land, which extended over more than a decade, led, as partially shown in the attached map, to a wide array of forms of possession and ownership: Extractivist Reserve (Resex) (area 6 of the map), Sustainable Development Reserve (area 5), Agro-Extractivist Settlement Project (PAE) (area 3), Communities Remnants of Quilombos (areas 1 and 2), Assignment of Use Contract (areas 4, 8, and 9)¹⁰, and Family Regularization of Land Tenure (area 7). Each choice was made taking into account the ecological reality of the place, the ways of life and forms of production of the population, their desires, and the legislative arsenal available. Family regularization of land tenure is the only case of individual title to the land, in which each family becomes the owner of its lot. The *quilombolas* receive collective property rights to their land, their associations receive definitive title.¹¹ The Resex lands continue to be "property of the federal government," "government-owned, with use rights granted to the traditional extractivist populations," who are granted "permanent possession."¹² Agro-Extractivist Settlement Projects are based on a "contract for the right of use of real property ... for a period of 30 years"¹³ assigned to the Association, which brings together the 24 families of

⁸ Instituted by Law No. 9985 of July 18, 2000. See: <http://www.mma.gov.br/port/sbf/dap/doc/snuc.pdf>

⁹ The following fragment is excerpted from: TRECCANI, Girolamo Domenico *et al, op. cit.*

¹⁰ This last legal form is due to the fact that the lands affected by the tides remain flooded several hours a day, called *igapo*, cannot be appropriated. The federal government can only sign Assignment-of-Use Contracts with the local communities for a set period of time.

¹¹ See: TRECCANI, Girolamo Domenico: *Terras de Quilombo. Caminhos e entraves do processo de titulação*. Belém. Executive Secretariat of Justice, Roots Program. 2006.

¹² BRENO DE ALMEIDA, Alfredo Wagner: *Terras de quilombo, Terras Indígenas, "Babaçuais Livres". "Castanhais do Povo", Faxinais e Fundos de Pasto. Terras tradicionalmente ocupadas*. Manaus, Colección (Tradição e Ordenamento Jurídico), Vol. 2. New Social Cartography of the Amazon Project, Manaus. PPGSCA-UFPAM, Ford Foundation. 2006. p. 61.

¹³ The State continues to be the owner and signs a contract with the inhabitants, guaranteeing them the use of

Jean Pierre Leroy: The Guardians of Our Future

the community. The Sustainable Development Reserves are “government-owned.” The 190 families of the five communities signed a “Contract for the assignment of use of Public Lands.” That modality of the SNUC has yet to be regulated.¹⁴

It is important to note that all these forms place limitations on the use of the land for the purpose of conserving the forest and/or water resources system. All maintain the notion of collective territory. All imply the need for the existence of legitimate and active community organizations. All provide for the participation of the communities in their management, and preserve the customary rules, even if they may need to be adapted.¹⁵

This text conveys only a limited notion of the complexity of the historical and cultural realities in question, yet it is sufficient for getting a sense of how far they are, on the one hand, from the notion of individual private property, and, on the other hand, from the notion of territory defined by its legal and administrative limits, which presents a space as a homogenous whole, and its inhabitants as being from one or another municipality and state.

In addition, the boundaries, even when registered with a notary public, are not sufficient in the case of poor communities. Such a territory is maintained on condition that its inhabitants are capable of exercising control and in fact have power over it. Such control entails administering the territory and the forms of management that make the inhabitants recognized by the surrounding society and authorities, preventing intruders and even the inhabitants themselves from diverting the natural resources to other uses, thereby enabling them to live better and establish roots. In other words, one must constantly guarantee the conditions for the communities to maintain and reproduce on their own, and to ensure protection of the commons. In this regard, Alfredo Wagner notes that those territories are “units of mobilization.”¹⁶ The communities involved are not devotees of the past, trying to cling to archaic ways of life. They are engaged in an evolutionary process involving permanent adaptation, seeking the most appropriate ways to project themselves into the future without renouncing their values or culture. Yet since this places them opposite the dominant trend of privatization and unbridled exploitation of nature, their territories become, potentially or *de facto*, political territories that require permanent mobilization.

Now, as the Ministry of Environment seeks conservation, most of the Brazilian government’s action is geared to reproducing, in the Amazon region, the same predator model in place in the rest of the country. Might the coexistence of a “natural nature” that must be preserved, and which therefore is the subject of all the efforts and policies of the Ministry of the Environment, and the “regular nature,”¹⁷ the rest of the territory, turned over to the cruel ravages of destruction, be possible?

Gurupá is an example of “nature preserved,” alongside neighboring areas that were turned over to destruction. It is a paradigm of community management of forest products, particularly timber (management plans, density of species, programmed cutting cycles) and essences,

the area delimited within one of the forms of use defined in provisions referring to the projects of agro-extractivist settlements, for a period of 30 years. It is noteworthy that some measure of insecurity persists. If in the next 30 years a shameless government should come to power....

¹⁴ See: www.wwf.org.br. Sustainable development reserve. Guidelines for regulation.

¹⁵ There are no indigenous peoples in Gurupá. While the Indigenous Lands continue to be “federal property” the indigenous peoples whose rights to land were confirmed are guaranteed “permanent possession and exclusive usufruct of the natural resources. Almeida, ID, *Id.* p. 61

¹⁶ *Id.* p. 71.

¹⁷ ACSELRAD, Henri: “As práticas espaciais e o campo dos conflitos ambientais”. In: ACSELRAD, Henri (ed.): *Conflitos ambientais no Brasil*. Rio de Janeiro. Relume Dumará. 2004.

Jean Pierre Leroy: The Guardians of Our Future

particularly by women, and management of shrimp in the streams. Yet the future is uncertain, not only because of the pressure brought to bear by those who would like to transform the municipality into privatized “regular nature,” so as to extract all its timber, making way for stock-raising, but because the economic survival of the inhabitants of the jungle and of the waters is not guaranteed. Everyone knows that in theory the “standing jungle” is more valuable than the land after its destruction. Nonetheless, in practice, that thesis has yet to be perfectly verified. Gurupá seeks to confront those challenges with initiatives for making use of forest waste to obtain pieces for marquetry, the manufacture of musical instruments such as guitars and *cavaquinhos*, and furniture-making.

The government tries to partially address this matter through a law that ties the market to the State. The “Law on the Management of Public Jungles for Sustainable Development”¹⁸ allows private companies and community associations, through community management, to exploit the timber of the Amazon jungle in sustainable conditions, awarding them long-term concessions and creating conditions for this purpose. This combination of public, community, and private interests needs to prove its effectiveness. And the criterion for assessing whether it is effective will be the capacity for protecting common resources, and for reproducing and maintaining the vitality of the communities.

Who can guarantee us that the loggers who operate illegally are not going to continue their activities in other areas, competing with costly and hardly profitable exploitation, comparing it to homogeneous forest? Will there be sufficient oversight to inhibit those practices and to verify the virtue of those to whom the concessions are awarded? Will the agro-extractivists really be given the opportunity to become viable economic actors? Or will they be considered mere beneficiaries of marginal social policies?

Ensuring the future of the peoples and populations of the jungle, and with them this exceptional biomass, has a price that should be paid by society as a whole. They are guardians of our future and, as such, provide us an environmental service; a public service, a service of preserving and defending a “common good,” it should be noted, and not an environmental service subject to the rules of the marketplace.

Recognizing that these populations perform that function, and acknowledging their place as economic subjects, and not as persons assisted by compensatory policies that reinforce their dependence on the favors of the local political and economic powers-that-be, and who take away their dignity, means recognizing their status as citizens and the possibility of exercising that citizenship. That status and that exercise are essential in order to agree upon a project for the Amazon that will make it possible to bring a halt to the ravages of capital.

If the market sectors called “high-tech,” allied with techno-science, already order “post-humanity” and the “post-world” and think they can dispense with that anachronistic idea of common and community, there is no doubt but that they do provide no place for the majority of those who live in the Amazon region. It is up to them, and others with them, to continue the struggle so that what is common to them – and in the final analysis to us as well – may continue to be just that. All well-intentioned people are grateful for that.

¹⁸ Law No. 11,284, March 2, 2006, at: www.planalto.gov.br/ccivil_03/ Ato2004-2006/2006/Lei/L11284.htm