

The background features several large, overlapping, organic shapes in a light grey color. These shapes are fluid and curved, creating a sense of movement and depth. The white space between the shapes is clean and minimalist.

*Traditionally occupied lands* IN BRAZIL



# Traditionally Occupied Lands in Brazil

ALFREDO WAGNER BERNO DE ALMEIDA

☙ *Mason Mathews*  
TRANSLATION

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PROJETO NOVA CARTOGRAFIA SOCIAL DA AMAZÔNIA

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## Translator's note

In this text the reader will encounter many names of social groups, land use types, and other references in the original Portuguese. Many of these names simply have no parallel in English, and attempts to convert them lead to translations that are awkward and unsatisfying. For example, instead of *Babaçu* Coconut Breakers we have decided to leave the original name, *Quebradeiras de Côco Babaçu*. The decision to leave many of the names in the original Portuguese is also in keeping with the spirit of this book, which is an analysis of how groups that have often been “invisible” have organized their collective identities around the land, resources, and resource use regimes that they have developed over time. Many of these groups have rallied around these collective identities in the attempt to preserve their access to land and resources, as well as to maintain the integrity of their ways of life in the face of pressure from groups that covet the lands they occupy and the resources they utilize. Leaving the names in their original form is another way to recognize the identities and territorialities constructed by these groups. To facilitate the reading of this text for readers not familiar with Brazilian Portuguese we have included a glossary of terms.



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# Acronyms and abbreviations

**AARJ:** Association of the Artisans of the Jauaperi River (Associação dos Artesanos do Rio Jauaperi)

**ACBANTU:** Cultural Association (Associação Cultural)

**ACIBRIN:** Association of the Indigenous Communities of the Rio Negro (Associação das Comunidades Indígenas do Rio Negro)

**ACIMRN:** Association of the Indigenous Communities of the Middle Rio Negro (Associação das Comunidades Indígenas do Médio Rio Negro)

**ACINCTP:** Nhengatu Community Indigenous Agricultural Association (Associação Comunitária Indígena Agrícola Nhengatu)

**ACIRI:** Association of the Indigenous Communities of the Içana River (Associação das Comunidades Indígenas do Rio Içana)

**ACIRU:** Association of the Indigenous Communities of the Umari River (Associação das Comunidades Indígenas do Rio Umari)

**ACIRX:** Association of the Indigenous Communities of the Xié River (Associação das Comunidades Indígenas do Rio Xié)

**ACITRUT:** Association of the Indigenous Communities of Taracua, Uapés River and Tiquié (Associação das Comunidades Indígenas de Taracua, Rio Uapés e Tiquié)

**ACNUR:** High Commissioner of the United Nations for Refugees (Alto Comissariado das Nações Unidas para Refugiados)

**ACONERUQ:** Association of the Rural Black Quilombola Communities of Maranhão (Associação das Comunidades

- Negras Rurais Quilombolas do Maranhão)
- ADCT:** Law of the Interim Constitutional Provisions (Ato das Disposições Constitucionais Provisórias)
- AGM:** Galibi – Marworno Association (Associação Galibi – Marworno)
- AINBAL:** Indigenous Association of the Balaio (Associação Indígena do Balaio)
- AIPAT:** Association of the Indigenous Professors of the Assurini People of Trocara (Associação dos Professores Indígenas do Povo Assurini do Trocara)
- AISMA:** Sateré Mawé Indigenous Association of the Andirá River (Associação Indígena Sateré Mawé do Rio Andirá)
- AIX:** Xerente Indigenous Association (Associação Indígena Xerente)
- AM:** Amazonas
- AMAI:** Association of the Women of Assunção of the Içana River (Associação das Mulheres de Assunção do Rio Içana)
- AMARN:** Association of the Indigenous Women of the Rio Negro (Associação das Mulheres Indígenas do Rio Negro)
- AMIK:** Association of the Kambeba Indigenous Women (Associação das Mulheres Indígenas Kambeba)
- AMISM:** Association of Sateré Mawé Indigenous Women (Associação das Mulheres Indígenas Sateré Mawé)
- AMITRUT:** Association of the Indigenous Women of Taracuí, Uapés River and Tiquié (Associação das Mulheres Indígenas de Taracuí, Rio Uapés e Tiquié)
- AMTAPAMA:** Association of the Tupi Peoples of Pará (Associação dos Povos Tupi de Pará)
- AMTR:** Association of Rural Women Workers (Associação de Mulheres Trabalhadores Rurais)
- APINA:** Association of the Waiãpi Peoples (Associação dos Povos Waiãpi)
- APIO:** Association of the Indigenous Peoples of the Oiapoque (Associação dos Povos Indígenas do Oiapoque)
- APIR:** Association of the Indigenous Professors of Roraima (Associação dos Professores Indígenas de Roraima)
- APITU:** Association of the Indigenous Peoples of the Tumucumaque (Associação dos Povos Indígenas do Tumucumaque)
- APK:** Association of the Karintiana Peoples (Associação dos Povos Karintiana)
- APOINME:** Articulation of the Indigenous Peoples of the Northeast, Minas Gerais, and Espírito Santo (Articu-

- lação dos Povos Indígenas do Nordeste, Minas Gerais e Espírito Santo)
- APRECI:** Association for the Preservation of Gypsy Culture (Associação de Preservação da Cultura Cigana)
- ARCINE:** Rural Association of the Indigenous Communities of the Rio Negro (Associação Rural das Comunidades Indígenas do Rio Negro)
- Art.:** Article (Artigo)
- ASPA:** Pariwari Association [Xavante People] (Associação Pariwari [Povo Xavante])
- ASSEMA:** Association of Settlement Areas of the State of Maranhão (Associação de Áreas de Assentamento do Estado do Maranhão)
- ATRIART:** Association of the Indigenous Tribes of the Upper Tiquié River (Associação das Tribos Indígenas do Alto Rio Tiquié)
- CACIR:** Council of Articulation of Riverine and Indigenous Communities (Conselho de Articulação das Comunidades Indígenas e Ribeirinhas)
- CCC:** Gypsy Culture Center (Centro de Cultura Cigana)
- CE:** State Constitution (Constituição Estadual)
- CF:** Federal Constitution (Constituição Federal)
- CEFET:** Federal Center of Technological Education (Centro Federal de Educação Tecnológica)
- CGTSM:** General Council of the Sateré Mawé Tribe (Conselho Geral da Tribo Sateré Mawé)
- CGTT:** General Council of the Ticuna Tribe (Conselho Geral da Tribo Ticuna)
- CIM:** Mura Indigenous Council (Conselho Indígena Mura)
- CIMAT:** Munduruku Indigenous Council of the Upper Tapajós (Conselho Indígena Munduruku do Alto Tapajós)
- CIPK:** Pep’Cahyc Krikati Indigenous Council (Conselho Indígena Pep’Cahyc Krikati)
- CIR:** Indigenous Council of Roraima (Conselho Indígena de Roraima)
- CITA:** Indigenous Council of the Tapajós and Arapiuns Rivers (Conselho Indígena dos Rios Tapajós e Arapiuns)
- CIVAJA:** Indigenous Council of the Javari Valley (Conselho Indígena do Vale do Javari)
- CNPNT:** National Center of Sustained Development for Traditional Populations (Centro Nacional de Desenvolvimento Sustentado das Populações Tradicionais)
- CNS:** National Council of Rubber Tappers (Conselho Nacional dos Seringueiros)

- COAPIMA:** Coordination of the Organizations and Articulations of the Indigenous Peoples of Maranhão (Coordenação das Organizações e Articulações dos Povos Indígenas do Maranhão)
- COIAB:** Indigenous Coordination of the Brazilian Amazon (Coordenação Indígena da Amazônia Brasileira)
- COIS:** Coordination of the Suruí Indigenous Organizations (Coordenação das Organizações Indígenas Suruí)
- CONAQ:** National Coordination of Articulation of the Black Rural Quilombola Communities (Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas)
- CONIB:** Israelite Confederation of Brazil (Confederação Israelita do Brasil)
- COPIAM:** Council of Indigenous Professors of the Amazon (Conselho dos Professores Indígenas da Amazônia)
- CPI-AC:** Pro-Indian Commission of Acre (Comissão Pró-Índio do Acre)
- CUNPIR:** Coordination of the Union of the Indigenous Nations of Rondônia, Northern Mato Grosso, and Southern Amazonas (Coordenação da União das Nações Indígenas de Rondônia, Norte do Mato Grosso e Sul do Amazonas)
- FCP:** Palmares Cultural Foundation (Fundação Cultural Palmares)
- FEPOIMT:** Federation of the Indigenous Peoples and Organizations of Mato Grosso (Federação das Organizações Indígenas do Mato Grosso)
- FOCCITT:** Federation of the Organizations, Chiefs, and Indigenous Communities of the Ticuna Tribe (Federação das Organizações e dos Caciques e Comunidades Indígenas da Tribo Ticuna)
- FOIRN:** Federation of the Indigenous Organizations of the Rio Negro (Federação das Organizações Indígenas do Rio Negro)
- FSPA:** Pan-Amazon Social Forum (Fórum Social Pan-Amazônico)
- FUNAI:** National Foundation of the Indian (Fundação Nacional do Índio)
- GTA:** Amazon Working Group (Grupo de Trabalho Amazônico)
- Incra:** National Institute of Colonization and Agrarian Reform (Instituto Nacional de Colonização e Reforma Agrária)
- MA:** Maranhão
- MAB:** Movement of those Affected by Dams (Movimento dos Atingidos por Barragens)
- MABE:** Movement of those Affected by the Alcântara Space Base (Movimento dos Atingidos pela Base Espacial de Alcântara)

- MALUNGU:** State Coordination of the Associations of Remnants of Quilombos of the State of Pará (Coordenação Estadual das Associações de Remanescentes de Quilombos do Estado do Pará)
- MDA:** Ministry of Agrarian Development (Ministério do Desenvolvimento Agrário)
- MEIAM:** Movement of Indigenous Students of Amazonas (Movimento dos Estudantes Indígenas do Amazonas)
- MIQCB:** Interstate Movement of the Quebradeiras de Côco Babaçu (Movimento Interestadual das Quebradeiras de Côco Babaçu)
- MMA:** Ministry of the Environment (Ministério do Meio Ambiente)
- MMC:** Movement of Peasant Women (Movimento de Mulheres Camponesas)
- MMTR-AM:** Movement of Riverine Women Workers of the State of Amazonas (Movimento de Mulheres Trabalhadoras Ribeirinhas do Estado do Amazonas)
- MONAPE:** National Movement of Fishermen (Movimento Nacional dos Pescadores)
- MOPEMA:** Movement of the Fishermen of Maranhão (Movimento dos Pescadores do Maranhão)
- MOPEPA:** Movement of the Fishermen of Pará (Movimento dos Pescadores do Pará)
- MORA:** Movement of the Riverine Peoples of Amazonas (Movimento dos Ribeirinhos do Amazonas)
- MRRA:** Movement of the Riverine Men and Women of Amazonas (Movimento dos Ribeirinhos e Ribeirinhas do Amazonas)
- MPIVJ:** Movement of the Indigenous Peoples of the Juruá Valley (Movimento dos Povos Indígenas do Vale do Juruá)
- NAEA:** Nucleus of Higher Amazonian Studies (Núcleo de Altos Estudos Amazônicos)
- OASISM:** Organization of the Indigenous Health Agents of the Sateré Mawé People (Organização dos Agentes Indígenas de Saúde do Povo Sateré Mawé)
- OGPTB:** General Organization of the Bilingual Ticuna Professors (Organização Geral dos Professores Ticuna Bilingüe)
- OIBI:** Indigenous Organization of the Içana River Basin (Organização Indígena da Bacia do Rio Içana)
- OPAMP:** Organization of the Apurinã People of the Purus River Basin (Organização do Povo Apurinã da Bacia do Rio Purus)

- OPIAC:** Organization of the Indigenous Professors of Acre (Organização dos Professores Indígenas do Acre)
- OPIAM:** Organization of the Indigenous Peoples of the Upper Madeira (Organização dos Povos Indígenas do Alto Madeira)
- OPIIM:** Organization of Mura Indigenous Professores (Organização dos Professores Indígenas Mura)
- OPIIMP:** Organization of the Indigenous Peoples of the Middle Purus (Organização dos Povos Indígenas do Médio Purus)
- OPIPAM:** Organization of the Parintintin Indigenous Peoples of Amazonas (Organização dos Povos Indígenas Parintintin do Amazonas)
- OPIR:** Organization of the Indigenous Peoples of Roraima (Organização dos Povos Indígenas de Roraima)
- OPIRE:** Organization of the Indigenous Peoples of the Envira River (Organização dos Povos Indígenas do Rio Envira)
- OPIISM:** Organization of Sateré Mawé Indigenous Professors (Organização dos Professores Indígenas Sateré Mawé)
- OPIITARJ:** Organization of the Indigenous Peoples of Tarauacá and Jordão (Organização dos Povos Indígenas de Tarauacá e Jordão)
- OPITTAMP:** Organization of Torá, Tenharim, Apurinã, Mura, Parintintin, and Pirahã Indigenous Peoples (Organização dos Povos Indígenas Torá, Tenharim, Apurinã, Mura, Parintintin e Pirahã)
- OSPTAS:** Health Organization of the Ticuna People of the Upper Solimões (Organização de Saúde do Povo Ticuna do Alto Solimões)
- PA:** Pará
- PE:** Pernambuco
- PNSCA:** New Social Cartography of the Amazon Project (Projeto Nova Cartografia Social da Amazônia)
- PNPCT:** National Sustainable Development Policy of Traditional Peoples and Communities (Política Nacional de Desenvolvimento Sustentável dos Povos e Comunidades Tradicionais)
- PPGSCA:** Post Graduate Program of Amazonian Society and Culture (Programa de Pós-Graduação Sociedade e Cultura na Amazonia)
- PR:** Paraná
- PRODEX:** Extractivist Development Project (Projeto de Desenvolvimento Extrativista)
- PVN:** Black Life Project – MA (Projeto Vida de Negro – MA)
- RESEX:** Extractive Reserve (Reserva Extrativista)

- SEPRO:** Department of Production of the State of Acre (Secretaria de Produção do Estado do Acre)
- TO:** Tocantins
- UCIRN:** Union of the Communities of the Rio Negro / Ilha das Flores (União das Comunidades do Rio Negro / Ilha das Flores)
- UEA:** Amazonas State University (Universidade Estadual do Amazonas)
- UEMA:** Maranhão State University (Universidade Estadual do Maranhão)
- UFAM:** Federal University of Amazonas (Universidade Federal do Amazonas)
- UFMA:** Federal University of Maranhão (Universidade Federal do Maranhão)
- UFPA:** Federal University of Pará (Universidade Federal do Pará)
- UNAMAZ:** Association of Amazonian Universities (Associação de Universidades Amazônicas)
- UNEMAT:** State University of Mato Grosso (Universidade Estadual do Mato Grosso)
- UNCIDI:** Union of the Indigenous Communities of the Yauareté District (União das Comunidades Indígenas do Distrito de Yauareté)
- UNI:** Union of Indigenous Nations (União das Nações Indígenas)
- UNI/ACRE:** Union of the Indigenous Nations of Acre / Southern Amazonas (União das Nações Indígenas do Acre/Sul do Amazonas)
- UNI/TEFÉ:** Union of the Indigenous Nations of the Middle Solimões (União das Nações Indígenas do Médio Solimões)
- UNIRT:** Union of the Indigenous Communities of the Tiquié River (União das Comunidades Indígenas do Rio Tiquié)
- UPIMS:** Union of the Munduruku and Sateré Indigenous Peoples (União dos Povos Indígenas Munduruku e Sateré)
- USAGAL:** Union of the Garimpeiro Associations and Unions of the Legal Amazon (União de Sindicatos e Associações de Garimpeiros da Amazônia Legal)





## Foreword

While considering the parallelism and interrelation of distinct localized realities and different historical moments I was inspired to simultaneously approximate different theoretical instruments by bringing together two texts to compose this book: one written at the end of 1985 and the other in mid 2004 and the beginning of 2005. Twenty years separate the two publications, which I now present in reverse order, beginning with the most recent. Seen in this perspective, through the eyes of literary critique, they are directly linked to my professional experience as an anthropologist who studies social antagonisms surrounding the common use of natural resources by different groups and traditional peoples. What stands out, in principle, is that such modalities of appropriation do not necessarily find formal correspondence in the legal system and in the actions of the state.

The two texts are comparable, moreover, in that they both refer to “moments of transition” or to specific historical situations in which social groups and peoples perceive that there are “conditions of possibility” to present their basic demands, recognize their collective identities, mobilize forces around these identities, and even turn their practical knowledge into vigorous formal legal instruments.

The first text was written in the last months of 1985 and the beginning of 1986. It refers to arguments used in the redefinition of the instruments of official land tenure actions, above all those of a cadastral nature, that were later revisited in the debates of the National Constituent

Assembly. I participated in this redefinition through my work in the now extinct MIRAD<sup>1</sup>, contributing to the creation of a Coordination of Agrarian Conflict, and also calling attention, through verifications *in loco*, to modalities of common land use that are kept at the margins of official actions, such as the: *terras do preto*, *terras do santo*, *terras da santa*, *terras do índio*, *terras do caboclo*, *terras soltas ou abertas*, *terras de herdeiros*, which have functioned without formal land partitioning for countless generations, as well as their variations such as the, *terras de parente* and *terras de ausente*, among others.

Mapping the diversity of resource and land appropriation systems in Brazil is a highly polemic enterprise. The goal of this process was to rethink the logic of the formal restructuring of land markets, considering how ethnicity, kinship links, neighborhood networks, and collective identities serve as ways of immobilizing basic resources and as an impediment to the free transaction of land. In the foundation of this analysis there is a struggle against the ideas of “formalist economists”, who believe that the same economic categories, as well as the homogeneous “ownership model” aligned with the vicissitudes of the land market; apply to any people or society.

This first article was contemporary to the emergence of “new” collective identities and of the so-called “new social movements,” defined by Hobsbawm as having deep local roots, environmental consciousness, gender criteria, and grouping themselves around the same demands, by using political organization criteria. The subjects in question were passing from an isolated to a collective existence, objectified in social movements, such as indigenous movements, grouped around UNI – Union of Indigenous Nations, the Landless Movement, and the National Council of Rubber Tappers, symbolizing the so-called “forest peoples”.

The second article goes beyond the rise of these movements and focuses on the ramifications of their actions. To a certain degree this article updates the previous one. Thus, at the beginning of the decade of the 1990s it was the *quebradeiras de côco babaçu* and the *quilombolas* that took center stage on the political scene, consolidating their

movements and articulating defense strategies of their territories together with other traditional peoples and communities such as the *castanheiros* and *ribeirinhos*. In addition to these, in the 2000s the so-called *fundo de pasto* communities and the *faxinais* began to consolidate themselves. These movements, considered as a group, demand formal legal recognition of their traditional forms of land occupation and natural resource use. It is exactly this that is analyzed in the second text presented here, updating the first, distinguishing itself by emphasizing the self-definitions of the social agents and not simply the designations they use to name the areas they occupy. This text focuses on recent phenomena, where the “traditional” is considered to be linked to present facts and to the current demands of social movements. In this analysis it is surprising to observe the number of differences and disparities, as well as the similarities and mutual identifications in the various meanings that “traditional knowledge” assumes when converted into demands or even legal instruments. The cases of the Municipal Laws of Free *Babaçu*, in Maranhão, Pará, Tocantins, and Piauí or the Municipal Laws of the *Faxinais* in Paraná, or even of the Free Ouricuri in a municipality of the Bahian *sertão* are examples of this diversity of meanings. The formal legal recognition of common use practices, resulting from the actions of social movements, represent achievements that contradict both the deterministic interpretations that these groups would face a “crisis of the traditional” through population growth, as well as the evolutionary interpretations that reiterate a “crisis of the commons” indicative of their tragic decline or an “inexorable tendency to disappear”.

In the foundation of this analysis there is a theoretical struggle against the force of the interpretive schemes of “legal positivists” who continually confuse ethnic groups, minorities, and / or traditional peoples within a general concept of “peoples”, ignoring cultural diversity. This analysis also struggles against the “action without a subject” of schemes inspired by “structuralisms” that privilege and are confined to a symmetrical opposition between “common” and “individual”, or between “traditional” and “modern”, disregarding the dynamics of specific

situations produced by traditional peoples and groups in their social relations with their historical antagonists. The “common property model”, conceived by legislators to harmonize the juridical homogenization of the cadastral land registry, and the absolute interpretation of “common use” that appears in the official documents that serve as the national agricultural census, are challenged here and considered to be pre-conceived notions that contradict the mobilization actions of so-called “traditional peoples” and their intrinsic categories of natural resource appropriation.

I constructed this point of view during fieldwork by using various direct observation techniques. To do this I participated in countless *encontros*<sup>2</sup> during the last two years involving: *quilombolas* (in Maranhão and Pará), *povos dos faxinais* (in Paraná), *quebradeiras de côco babaçu* (in Tocantins, Piauí, and Maranhão), *fundo de pasto* communities (in Bahia), the regional Amazon Working Group – GTA office in Acre, and “traditional communities” (in Goiás and Brasília). I organized, together with Rosa Acevedo Marin, seminars about “Traditional Peoples and Land Questions” at the “Pan Amazonian Forum” (in Pará and Amazonas) and at the World Social Forum (Caracas). I interviewed leaders, accompanied mobilizations, like those of the *quilombolas* affected by the Alcântara Rocket Launch Base, and participated vigorously in the wider debate, at the same time that I conducted my research regarding the differentiated representation criteria of the social movements in the construction of their respective “specific territorializations”. With the results I produced a second text and I rewrote it after it was published. After hearing repeatedly that it would be worthwhile to add complementary interpretations and also republish the texts, I worked arduously to prepare them as a single publication. I began to prepare this material for publication after a comprehensive discussion with Joaquim Shiraiishi Neto about the relevance of our recognizing these localized legal practices and organizational forms that propel social movements into the legal and political arena, particularly the legislative arena.

This discussion gathered momentum during the implementation of research activities with the team of researchers at the New Social Cartography of the Amazon Project. During field work and the elaboration of maps, booklets, books, and brochures we were inspired to engage in more detailed discussions and more protracted contact in each of the “map workshops”<sup>3</sup> that we completed, which impelled me to review discussions and presuppositions<sup>4</sup> and to understand with more discernment the logic behind the actions of different social movements,<sup>5</sup> such as the case of those affected by the Alcântara Rocket Base, the National Coordination of Articulation of the Black Rural Quilombola Communities, and the Quebradeiras de Côco Babaçu. This discussion process not only contributed to the writing of the text that opens this book, but also contributed decisively, in a wider sense, to the ideas in the “Tradition and Legal Systems” collection of which this text is the second volume.

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#### **NOTES – FOREWORD**

1. MIRAD (Ministry of Reform and Agrarian Development – *Ministerio da Reforma e do Desenvolvimento Agrario*) was created in March of 1985, with the collapse of the dictatorship installed during the military coup of 1964. It was a Ministry of political transition, created to elaborate and apply an ample and massive national agrarian reform plan. With the force of the interests of the counter-reform movement, however, it was extinguished three years later without having accomplished its objectives.

2. The significance of *encontro* or “meeting”, in the lexicon of the social movements, corresponds to a decision-making mechanism, equivalent to an assembly, a deliberative meeting, or a consultation carried out by the leaders together with those whom they represent. This term gained strength from 1985 on, when the first indications of a crisis in the mediation conducted by the union movement, whose principle decisions were made in assemblies in which only the full members from the same geographic territory participated, began to show. Participation in the *encontros* has shown itself to be more flexible, adopting participation criteria depending on the conflict situation in question.

3. Between July 2005 and February 2006 thirteen workshops were carried out as part of the PNCSA project which consisted of meetings with a maximum of thirty participants, selected by the social movements themselves, to define – using cartographic methods that were already known to the participants, the relevant elements to compose the social mapping of their own people or group.

4. I would like to especially thank the collaborators and researchers of the PNCSA who participated in these discussions, particularly: Joaquim Shiraishi Neto, Rosa Acevedo Marin, Cynthia de Carvalho Martins, Ana Paulina Aguiar Soares, Solange Gayoso, Franklin Plessman, Erika Nakazono, Jurandir Novaes, Aniceto Cantanhede, Arydimar Gaioso, Noemi M. Porro, Luciene Figueiredo, Rodrigo Lopes e Fabiano Saraiva, that in different ways contributed with their research results and their participation in the “map workshops” to reinforce our convictions.

5. Here I would like to thank the coordination of the Interstate Movement of the Quebradeiras of Côco Babaçu, in the person of Maria Adelina, also known as Dada; the coordination of the Amazon Working Group (GTA), in the person of Maria de Aquino, also known as Leide; the Coordination of the Movement of those Affected by the Alcântara Space Station, in the persons of Dorinete Serejo, also known as Neta, of Sérvulo

Borges, better known as Borjão, and of Inaldo Diniz, and the coordinators of Malungu – State Coordination of the Associations of Remnants of Quilombos of the State of Pará, of ACONERUQ – Association of the Rural Black Quilombola Communities of Maranhão, of CONAQ – National Coordination of Articulation of the Black Rural Quilombola Communities, of the Movement of Riverine Men and Women of Amazonas, of the Movement of Riverine Women Workers of the State of Amazonas and the Central of the Fundos de Pasto of Senhor do Bonfim, that participated in the “mapping workshops”, representing the indigenous, urban *quilombolas*, and the so-called *afroreligiosos*.





## **Traditionally Occupied Lands: Territorialization Processes, Social Movements, and Common Use<sup>1</sup>**

In the last two decades throughout the country, and notably in the Amazon, we have witnessed the advent of new patterns of political relations in the countryside and the cities. Since 1970 rural social movements have been consolidating themselves outside of the traditional framework of clientelistic control. The Rural Workers' Unions, one of the best examples of this phenomenon, have since 1988-89 formed new configurations whose forms of articulation and struggle differ from the strict sense of a union, incorporating ethnic factors, elements of ecological consciousness, gender criteria and collective self-identification that concur to challenge the political-administrative divisions and the conventional manner of organizing and presenting demands to public powers.<sup>2</sup> For the purpose of this text I will analyze the relationship between the rise of these social movements and the territorialization processes that they correspond to. As I analyze the processes I will place emphasis on the so-called "traditionally occupied lands", which express a diversity of forms of collective existence of different peoples and social groups in their relationships with natural resources. In spite of their different historical formations and regional variations, they were instituted in the constitutional text of 1988 and reaffirmed in other

provisions, namely, state constitutions, municipal legislation, and international agreements.

The difficulties of implementing these legal provisions indicate, however, that there are tensions relative to their formal legal recognition, above all because they break the social invisibility that has historically characterized these forms of resource appropriation based principally on common use and on intrinsic cultural factors, and because they induce transformations in agrarian structure. Consequently there have been direct effects on the formal restructuring of land markets as well as pressure to revise the categories used by the rural registries of official land tenure agencies as well as in the agricultural census.

The fact that legislators have incorporated the expression “traditional populations” in the relevant legislation<sup>3</sup> and that the government has adopted it in the definitions of the functions of the bureaucratic-administrative apparatus, even creating in 1992 a National Council of Traditional Populations within IBAMA<sup>4</sup>, does not necessarily mean that there has been an absolute observance of the demands presented by the social movements nor a resolution of the conflicts and tensions associated with the intrinsic forms of appropriation and common use of natural resources, which cover extensive areas, principally in the Amazon region, the semi-arid Northeast, and the meridional plateau of the country. In December of 2004, in response to pressure from social movements, the federal government decreed the creation of the Commission of Sustainable Development of Traditional Communities<sup>5</sup> with the goal of implementing a national policy directed especially towards these communities. The expression “communities” in line with the idea of “traditional peoples” displaced the term “populations”, reproducing a discussion that occurred within the International Labor Organization (ILO) in 1988-89 and was echoed in the Amazon through the mobilization of the so called “forest peoples” during the same period. The “traditional” as an operative was apparently displaced in the official discourse, distancing itself from the past and becoming closer and closer to the demands of the present. In truth the term “populations”, appearing

a little outdated, was substituted by “communities” which appears to take on a political connotation inspired by the actions of partisan and religious entities, corresponding to the notion of “base”, and of a dynamic of mobilization, approximating the category “peoples”. Their representatives begin to formally consolidate their relationships with the apparatus of power and they will be integrated into the previously mentioned Commission, in accordance with Article 2 § 2.º, of the aforementioned decree, whose principle goal consists of establishing a National Policy of Sustainable Development. In spite of the fact that these terms and expressions are becoming commonplace in the official discourse, the meaning of “traditionally occupied lands” and its implications are, nevertheless, implicit.

On February 7, 2007, less than three years after the formation of the Commission, the National Sustainable Development Policy of Traditional Peoples and Communities (PNPCT) was instituted by way of Decree #6040. Article 3 proceeded to define the main concepts under discussion, namely: “traditional peoples and communities”, “traditional territories”, and “sustainable development”. For the purposes of the arguments presented here it is important to underline that the presidential decree considers the following:

*Traditional Peoples and Communities: groups that are culturally differentiated and that recognize themselves to be so, that possess their own forms of social organization, that occupy and use territories and natural resources as a condition for their cultural, social, religious, ancestral, and economic reproduction, utilizing knowledge, innovations, and practices generated and transmitted by tradition.*

These forms, when translated into plans, programs and their respective actions invariably refer, according to the terms of PNPCT, to “community practices” and common natural resource use scenarios.

In analytical terms it is important to point out that such forms of common use designate situations in which the control of basic resources

is not necessarily exercised freely and individually by a particular domestic group of small producers directly or by their members. Such control is given through specific norms, combining common resource use and private appropriation of goods, which are obeyed in a consensual manner, in the intricacies of social relations established between various family groups that compose a social unit. They may express a stable access to land, as occurs in older areas of colonization, or show relatively transitory forms characteristic of regions of recent occupation. They may be set up primarily for agriculture, as well as for extractivism, fishing or for autonomous pasture areas under simple forms of cooperation and with a base in family labor. Practices of mutual assistance, focusing on renewable natural resources, reveal a profound knowledge specific to the ecosystems in question. The actualization of these norms occurs, therefore, in the territories themselves, whose boundaries are socially recognized, even by nearby communities. Territoriality functions as a factor of identification, defense and force, even when dealing with the temporary appropriation of natural resources by social groups often classified as “nomadic” and “itinerant”. Bonds of solidarity and mutual assistance inform a set of rules built upon a physical base considered to be common, essential and inalienable, notwithstanding the provisions for succession that may exist. Due to the dynamic character of these forms of appropriation of resources I preferred to utilize the expression “process of territorialization” (Oliveira Filho: 1999) instead of insisting on the usual distinction between land and territory, that is being adopted notably in the formulations inspired in the work of P. Bohannan regarding the representation of land among the Tiv. Although Oliveira Filho makes the distinction between the process of territorialization and territoriality, a term closer to geographic discourse, I employ the term with another meaning, that of a practical notion designated as “specific territoriality:” to name the physical limits of specific social units that make up the meandering boundaries of ethnically configured territories. The “specific territorialities” to which I will refer in the following pages can be considered, therefore, to be the result of different social processes of

territorialization, as dynamically delimited lands of collective ownership that converge to form one territory.

Because of their unique designs, the access to natural resources for the development of productive activities on these territories occurs not only through the traditional intermediary structures of the ethnic group, groups of relatives, family, and people in the village, but also through a certain degree of cohesion and solidarity obtained when confronting antagonists and in situations of extreme adversity and conflict<sup>6</sup> that politically reinforce the networks of solidarity. In this sense the notion of “traditional” is not limited to historical notions, or to the primordial ties that bolster affective units, but incorporates collective identities situationally redefined in a continuous mobilization, affirming that the social units in question can be interpreted as units of mobilization<sup>7</sup>. The political-organizational aspect stands out, combined with an “identity politics” which seizes upon the objectified social agents moving to confront their antagonists and the state apparatuses.

Moreover, it is exactly this identity factor and all the other factors underlying it - that bring people to come together under the same collective expression, declare that they belong to a people or to a group, affirm a specific territoriality, and present petitions in an organized fashion to the state, demanding the recognition of their intrinsic forms of access to land – which motivated me to reflect once more, in this book, about the depths of these transformations in the “traditional” pattern of political relations.

**NOTES** – traditionally occupied lands:  
territorialization processes, social movements  
and common use

1. My thanks to the Ford Foundation, which provided the resources to conduct this work, and to the anthropologist Aurélio Vianna with whom I discussed the compilation of the demonstrative charts. I would also

like to thank Joaquim Shiraishi Neto, for the information regarding the *faxinais*, and Franklin Plessman, a Master's student in anthropology at UFBA, for the collection of data regarding the *fundos de pasto*. One of the first versions of this article, in a reduced form with the same title, was published by the *Revista Brasileira de Estudos Urbanos e Regionais*. Vol. 6, n.º I. ANPUR, May 2004. pp. 9-32.

2. This text revisits questions analyzed in “Universalização e Localismo-Movimentos Sociais e crise dos padrões tradicionais de relação política na Amazônia”. *Reforma Agrária*. Ano 19 n.º I abril junho de 1989. ABRA (Associação Brasileira de Reforma Agrária) pp. 4-7.

3. Law n. 9.985, from 18 July 2000, which regulates Article 225 of the Federal Constitution and institutes the National System of Nature Conservation Units (Sistema Nacional de Unidades de Conservação da Natureza), mentions explicitly the so-called “traditional populations” (Art. 17) or “traditional extractivist populations” (Art. 18) and focuses on the relationship between the populations and the conservation units (environmental protection area, national forest, extractive reserve, sustainable development reserve).

4. CF. Portaria/Ibama, n.º 22-N, of February 10, 1992 that creates the National Center of Sustained Development of the Traditional Populations (Centro Nacional de Desenvolvimento Sustentado das Populações Tradicionais – CNPT), as well as approving its Internal Regiment.

5. CF. Decree of 27 December 2004, in the *Diário Oficial da União* – Section I – Acts of Executive Power, Ed. n.º 249, 28 of December 2004 p. 4. In April 2005 this decree was reedited with the n. 10.408 (we could not locate the exact reference of its publication). On July 13, 2006 a presidential decree, published in the *Diário Oficial da União*, from July 14, 2006 Section I – pg. 19, altered the denomination, responsibility, and composition of the National Commission of Sustainable Deve-

lopment of Traditional Populations (Comissão Nacional de Desenvolvimento Sustentável das Comunidades Tradicionais).

6. Dams, military training camps, space rocket launch areas, areas reserved for mining, conservation areas such as the so-called strict protection units, highways, railways, gas pipelines, oil pipelines, electric transmission lines, ports and airports in their implementation have generated countless social conflicts with peasant groups, indigenous peoples, and other ethnic groups.

7. This concept of mobilization units refers to the coalescence of specific interests of social groups that are not necessarily homogenous, which are circumstantially brought together by the leveling power of the state – through development, agrarian, and environmental policies – or of the actions the state incentivizes or undertakes, such as the infrastructure projects that require compulsory dislocation. It is these units that, in the development of actions to petition the government, make possible the consolidation of social movements like the Movement of Those Affected by Dams (Movimento dos Atingidos por Barragens (MAB) and the Movement of those Affected by the Alcântara Space Base (Movimento dos Atingidos pela Base Espacial de Alcântara – MABE), among others.





## The institution of the “traditionally occupied lands”

Theories of legal pluralism, according to which law is not limited to that which is produced by the state, gained force with the Constitution of 1988. Along with these theories and the critiques of positivism, which historically confused the so-called “minorities” within the notion of “people”, came contemplation of the right to be different, enunciating the recognition of ethnic rights. The evolutionist precepts of the assimilation of “indigenous and tribal peoples” into the dominant society were displaced by the establishment of a new legal relationship between the state and these peoples, based on the recognition of cultural and ethnic diversity. As transitory constitutional arrangements were instituted, according to Art. 68, a new modality of formal land appropriation was established for peoples such as *quilombolas*, based on the right to definitive property and no longer conditioned upon guardianship, such as was once the case with indigenous peoples. These ruptures and conquests in land rights, which led some legal experts to speak of a “pluriethnic state” or one that confers protection to different ethnic expressions, did not result, however, in the adoption by the state of an ethnic policy nor in systematic governmental actions capable of quickly recognizing the situational factors which influence an ethnic consciousness. Even taking

into account that power is effectively expressed under a legal form or that the language of power is the law, there are enormous difficulties in the implementation of legal arrangements of this order, especially in authoritarian societies and those with colonial and slaveholding foundations, such as in the case of Brazil. Over the past fifteen years, since the promulgation of the Federal Constitution, isolated and relatively dispersed actions have prevailed, which focus on ethnic factors but under the aegis of other government policies, such as agrarian policies and the policies of education, health, housing, and food security<sup>1</sup>. In the absence of state reform, and in light of the new constitutional arrangements, the bureaucratic solution was always to articulate with preexisting administrative structures, adding ethnic attributes to their operational capacity. Even if new public institutions pertinent to these questions were added, it must be stressed that existing apparatuses invariably retained the responsibility of implementing them.

The problems of implementing these constitutional arrangements reveal, as a result, concrete obstacles difficult to overcome, principally in the ratification of indigenous lands and the titling of the lands of communities in remnants of *quilombos*. As previously emphasized, indigenous lands are defined as state property, granted for permanent possession by Indians, revealing a situation of guardianship and distinguishing them, therefore, from remnant *quilombo* community territories, which are recognized in the 1988 Constitution as the definitive property<sup>2</sup> of the *quilombolas*. Despite this differentiated ownership distinction, it can be affirmed that both are legally considered to be “traditionally occupied lands”, be it in the constitutional context or in extra-constitutional provisions, and both face similar obstacles in their implementation and recognition. Both are considered “traditionally occupied lands”, and face obstacles in the implementation of those common use areas destined for extractivism, fishing, small-scale agriculture and livestock raising, highlighted by different legal instruments that attempt to recognize their specific qualities, namely:

- the provisions of the State Constitution of Maranhão speak of ensuring “the exploitation of *babaçu* groves in family and community economic regimes” (Art. 196 Constitution of Maranhão of 1990),
- in Bahia they speak of granting concession use rights for *fundo de pasto* areas (Art. 178 of the Constitution of Bahia of 1989);
- in Amazonas chapter xiii of the State Constitution is denominated “Of riverine populations and forest peoples”.<sup>3</sup> It contemplates the rights of the family groups that occupy the areas of the edges of uplands and “*várzea* lands” and guarantees their means of survival (Arts. 250 and 251 of the Constitution of Amazonas of 1989).

The ambiguities that surround the denomination of “riverine populations” are under discussion. The internal distinctions of the meaning of the category *ribeirinhos* – which is often used according to a geographic criterion, synonymous with “*várzea* inhabitants”, including indistinctly all of the people living on the banks of bodies of water, be they indigenous peoples, large or small cattle ranchers or fishermen and farmers – have yet to be delimited by the Riverine Peoples’ Movement of Amazonas (Movimento dos Ribeirinhos do Amazonas), by the Lake Preservation Movement (Movimento de Preservação de Lagos), and by the Riverine Women Workers’ Movement (Movimento de Mulheres Trabalhadoras Ribeirinhas). The antagonists of these movements are large ranchers, buffalo ranchers, and those who practice predatory fishing, as well as the interests involved in the construction of dams, gas pipelines, and hydroelectric plants.<sup>4</sup> The political mobilization associated with these conflicts has led to the construction of a *ribeirinho* identity that is an attribute of those that are referred to as family units that work in agriculture, extractivism, fishing and livestock, using simple forms of cooperation in the common use of natural resources and having an accentuated ecological awareness.<sup>5</sup>

– The State Law of Paraná of August 14, 1997 formally recognizes the *faxinais* as a “system of traditional peasant production, characteristic of the South Central region of Paraná, which has as a defining trait the collective use of land for animal production and environmental conservation.” (Art. 1); the municipal laws approved in Paraná that recognize common use livestock raising areas. These municipal laws of February 1948, as well as those recognized by the town council of São João do Triunfo (Law n.º 9 of Feb. 6, 1948) and by the Municipal Council of Palmeira (Law n.º 149 of March 6, 1977), attempt to delimit inherent responsibilities for the use of agricultural lands and pastures with the respective kinds of fencing.

– The municipal laws approved in Maranhão, Pará, and Tocantins since 1997, better known as the “Laws of Free Babaçu” (Leis de Babaçu Livre), which regulate the free access to *babaçu* nut groves, maintaining them as open resources regardless of land ownership, be it by possession or property title. Since 1997 legal changes have been processed, and more than ten municipal laws defend free use of *babaçu* groves in municipalities in Maranhão (Municipalities of Lago do Junco, Lago dos Rodrigues, Esperantinópolis, São Luis Gonzaga, Imperatriz, Capinzal do Norte, Lima Campos), in the state of Tocantins (Municipalities of Praia Norte and Buruti) and in the state of Pará (Municipalities of São Domingos do Araguaia).

– In the region in the state of Bahia where *fundo de pasto* communities predominate, they are starting to clamor for the so-called “Laws of Free Licuri,” an analogous provision to the one demanded by the *quebradeiras de côco babaçu*. The Town Council of the Municipality of Antonio Gonçalves (BA) approved the first law on August 12, 2005. This refers to Law n.º 4 which protects the *ouricuzeiros* (ouricuri nut gatherers) and guarantees them free access and common use by way of gates, doorways, and passageways for the licuri collectors and their families, “who use them within a

family and community economic regime” (Art. 2 First Paragraph). The *ouricuri*, also known as *licuri*, *aricuri*, or *nicuri*, possesses a nut rich in nutrients and serves as a dietary complement for small family farmers.<sup>6</sup> (See Annex 1).

This diversity of forms of legal recognition of the different modes of natural resource appropriation that characterize the “traditionally occupied lands”, the common use of forests, water resources, fields and pastures, appears to be combined, as titled property as well as by possession, in perennial and temporary forms. It involves different productive activities exercised by family work units including: extractivism, agriculture, fishing, hunting, crafts, and animal husbandry.

Considering that the emergence and the formal observance of new legal provisions reflect disputes between different social forces, it can be said that the significance of the expression “traditionally occupied lands” has revealed a tendency to become more encompassing and complex due to the ethnic mobilizations of indigenous movements (COIAB, UNI, APOINME), of the *quilombola* movements, which since 1995 have gathered into what is known today as the National Coordination of Articulation of Black Rural Quilombola Communities (Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas – CONAQ) and of the other social movements that encompass extractive activities involving *babaçu*, Brazil nuts, and rubber<sup>7</sup>, as well as pastoral activities and common use livestock raising areas. The category “traditional populations” has seen changes in its meaning since 1988, becoming more and more removed from the domain of the “natural” and of the “biologized subjects,” increasingly used instead to designate social agents, who define themselves as such, which means that they show awareness of their own condition. The category designates, in this sense, social subjects with a collective existence, incorporating a diversity of political-organizational situations corresponding to the so-called *seringueiros*, *quebradeiras de côco babaçu*, *quilombolas*, *ribeirinhos*, *castanheiros*, and fishermen, also structured into social movements.<sup>8</sup> In

spite of these mobilizations, and their repercussions in social life, the political impediments and bureaucratic-administrative impassés that delay the implementation and formal-legal recognition of “traditionally occupied lands” have not diminished.

As a matter of fact, there was never complete agreement about this concept. In the discussions of the National Constituent Assembly the expression “traditionally occupied lands” was adopted only because supporters were able to defeat the notion of “immemorial lands”, whose historical meaning, referring to the pre-Columbian period, would permit the identification of the so-called “autochthonous peoples” with rights supported only by birthright or by “origins” that could not be dated with exactitude. One of the most visible results of this clash is reflected in paragraph I of Art. 231 of the Federal Constitution of 1988:

*Traditionally occupied lands are those occupied by Indians and inhabited by them on a permanent basis; they are lands used for their productive activities, and lands which are indispensable for the preservation of the natural resources necessary for their well-being and those necessary for their physical and cultural reproduction according to their uses, customs, and traditions.*

The permanent occupation of lands and their intrinsic forms of use characterize the peculiar meaning of “traditional”. Besides displacing the “immemorial” concept, this constitutional rule contrasts critically with colonial agrarian legislation, which instituted the *sesmaria* land grants up until the Resolution of July 17, 1822 and afterwards formally structured the land market with Law n. 601 of September 18, 1850, creating obstacles of all kinds so that indigenous peoples, freed slaves, and immigrant workers that were beginning to be recruited would not have legal access to land.<sup>9</sup> Impeding possession and instituting acquisition as a way of accessing land, such legislation instituted the alienation of public lands by way of sale, banning, however, sale in public auction, and favored the fixing of elevated land prices<sup>10</sup> in an attempt to impede

the emergence of a free peasantry. The Land Law of 1850, in this way, closed access to resources and scorned the practices of maintaining open resources, be it by way of land concessions or by codes of rules, such as those which established the common use of water holes in the northeastern backlands, natural savanna areas in Amazonia, or in the pasture areas in the south of the country.<sup>11</sup>

The implementation of the new provisions of the Federal Constitution of 1988, which contradict the old legal instruments of colonial inspiration, has met with immense obstacles, which are mechanically enmeshed within the bureaucratic-administrative apparatus of the state as well as the result of strategies engendered by groups that have historically monopolized the land or by “new business groups” interested in land and other natural resources.<sup>12</sup> Despite the precariousness of the available quantitative data it is possible to affirm that the results of their application by official institutions has been minimal, above all in the case of indigenous lands, communities in the remnants of *quilombos*, and extractive areas. In the case of the last group there is not even one extractive reserve<sup>13</sup> with its land tenure situation in order, and the percentage of the areas declared as extractive reserves does not cover even 5% of the landscapes dominated by *babaçu* groves, Brazil nut groves, and rubber trees. With respect to indigenous lands, there are at least 145 administrative actions being processed, in addition to forty-four indigenous lands awaiting demarcation and another twenty-three awaiting ratification, which means that more than 1/3 are without clear land tenure status and are effectively invaded.

In the case of the communities in the remnants of *quilombos*, after 15 years of the application of Article 68 the results are similar, equally inexpressive, that is:

*Officially, Brazil has mapped 743 communities in the remnants of quilombos. These communities occupy close to 30 million hectares, with an estimated population of 2 million people. In 15 years only 71 areas were titled. (In Questão, 11/20/2003)*<sup>14</sup>

The disjunction between law and implementation is even greater when these data are compared with those produced by associations and voluntary civil society entities. The official number is underestimated when compared to the 1,098 communities in remnants of *quilombos*, revealed during a preliminary mapping carried out using data collected in studies done by CONAQ, ACONERUQ, PVN-SMDH and by academic projects of the University of Brasília and the Federal University of Pará.

**NOTES** – the institution of the “traditionally occupied lands”

1. For an analysis of this logic of government intervention, see: Almeida, A W.B. de – “Nas bordas da política étnica: os quilombos e as políticas sociais” in *Boletim Informativo do NUER* vol. 2 n.º 2 Florianópolis. UFSC. 2005 pp. 15-44.

2. In Brazil the condition of ex-slaves as “property owners”, by way of community ownership, only appeared legally with Art. 68 of the ADCT of 1988. Not even after the “Indian Liberty Law”, from the Pombalino period, of 1755, and not after the Abolition of Slavery in 1888 were legal doctrines defined that would assure access to land for the freed. As a matter of contrast it must be remembered that with the abolition of slavery in the United States a class of “black farmers” was created and the process of elevating the ex-slaves to citizens implied investing in them a “property owner” identity. In Brazil only *alforriados* or “freed slaves”, or the beneficiaries of donations by way of wills and “natural children” of slave owners had the possibility of becoming “property owners”; in other words, it was an individualized process and did not refer to an social class in and of itself. With Article 68 definitive land titling appears subject to the communal expression.



3. CF. edição da Constituição do Estado do Amazonas, organizada por Celso Cavalcanti e Ronnie Stone. Manaus. Valer Editora, 2.<sup>a</sup> edição pp. 197, 198.

4. In the conflicts involving dams we also encountered the expression “beiradeiros” as a synonym for “ribeirinhos”. For more clarification please consult: A. Oswaldo Sevá Filho (editor) *Tenotã-mô-Alertas sobre as conseqüências dos projetos hidrelétricos no Rio Xingu*. São Paulo. IRN, 2005 pp. 29-54.

5. In this sense the limits of its usage appear to transcend the state of Amazonas and extend from the banks of the Acre River to the fields and *tesos* or partially inundated fields of Marajó Island, where fishermen confront large, extensive ranching operations that monopolize water resources by arbitrarily fencing rivers, streams, and the banks of lakes.

6. The *Ouricuri* nut and its vegetable oil are commercialized in the markets of the Northeast. In Bahia the Federal Center of Technological Education (Centro Federal de Educação Tecnológica – CEFET) is beginning a program to increase the value of plants of the semi-arid regions, focusing on the nutritional potential of the *licuri* with a program of including the nut in the preparation of school lunches. The *licuri* is part of the oleaginous nut group and studies are being done, as in the case of the *babaçu* nut, to include them in the production of bio-diesel fuels. The Municipality of Antonio Gonçalves is the third largest producer of *licuri*, involving the villages of São João, Calderão, Atravessado, Conceição, Macacos, Satana, Jibóia, Barra, Bananeira, and Alto da Cajazeira. In 2004 the commercialized production of *licuri* in the municipality reached 240 thousand kilos.

7. The Acre State Constitution of October 3, 1989 has no articles referring to the *seringueiros*, even though it was promulgated in a historical period in which the political figure of the *seringueiro* synthesized the political

life of Acre. The rubber tappers, while contributing as *soldados da borracha* or “rubber soldiers” during World War II appear to have been contemplated, however, by Art. 54 of the ADCT of 1988. Indigenous peoples, who were not mentioned at all in the Acre Constitutions of March 1, 1963 and of April 26, 1971, gathered force and political expression through the Acrean Constitution of 1989 and amendments such as n.23 of 2001. The mobilization of the rubber tappers was self-evident and, even with the intensity of the conflicts over land, perhaps lacked the legal protection that indigenous peoples enjoyed. The final document of the ecological-economic zoning of Acre, published in 2000, puts emphasis on “*seringueiros, ribeirinhos e colonos*”, pointing out that 11% of the state of Acre is occupied by Extractive Reserves and Agroextractivist Settlements.

8. I understand that the social process of ethnic affirmation related to the so-called *quilombolas*, was not necessarily unleashed by the 1988 Constitution since it is itself the result of intense mobilizations, difficult conflicts, and social struggles that imposed the so called *terras de preto, mocambos, lugar de preto* and other designations that consolidated to some degree the different modalities of territorialization of the communities in the remnants of *quilombos*. In this sense the Constitution can be viewed as the result of a process of obtaining rights and it is through this prism that it can be affirmed that the 1988 Constitution establishes a landmark in the history of the social movements, especially those based on ethnic factors.

9. One example that highlights the current nature of the problems created starting with the Lands Law of 1850 was pointed out when one of the representatives at the 1<sup>st</sup> National Meeting of Traditional Communities (1 Encontro Nacional das Comunidades Tradicionais) referred to the so called *pomeranos* or *pomerânios*, who were recruited in spite of the risk of “germanization,” as workers on coffee plantations, arriving in Brazil in 1858. They were kept as an immobilized work force for decades.

Their descendents are estimated to number about 150,000 people, 50,000 of which live in the interior of Espírito Santo, particularly in the municipality of Pancas where they find themselves threatened with eviction from the 17,000 hectares they live on, which are destined for the creation of a strict environmental conservation protection unit (*unidade de proteção integral*). They were introduced as *pomeranos remanescentes* or remnant *pomeranos*, of Lutheran faith, whose region of origin no longer exists. They have been organizing themselves over the last few years in response to the threat of being evicted from lands that they traditionally occupy. For more information see the periodical *Pommerblad-Informativo das comunidades Germânicas no Brasil*, which was founded March 17, 1998 in Vila Pavão (ES). Also see: *port, Ido-Paróquia Evangélica de São Bento*. Gráfica Ita Ltda. Vitória. 1980. This last bibliographical reference attempts to establish a history of resistance beginning with the “pioneer” families, which historically gathered according to religious expression.

10. The doctrine of “sufficiently high price” is taken from Wakefield’s system of systematic colonization, whose influence on the elaboration of the Land Law of 1850 is pointed out by different jurists. For more in-depth information please consult: Cirne Lima, R. *Pequena histórica territorial do Brasil : sesmarias e terras devolutas*. Goiânia. Ed. UFG, 2002 pp. 82-100, and also Legal Opinion “Sesmarias e Terras Devolutas”, presented to General Ptolomeu de Assiss Brasil, Federal Inspector of the State of Santa Catarina, in 1944.

11. Considering this interpretation it can be affirmed that the Land Law of 1850, when chance kept resources open, favored large livestock owners by recognizing the common use of natural fields or pasture areas. Article 5, § 4 reads as follows: “Common use fields of the inhabitants of one or more parishes, municipalities or counties, will be maintained to the limits of their borders and will continue to provide the same use, according to current practice, so long as the law does not state otherwise.”

Gevaerd Filho believes that this article introduced the figure of the *compáscuo*, or common pasture, to Brazilian law and refers to public lands in the provisions that distinguish between “use” and “occupation”. He refers to the Notice of July 5, 1855, which says the following: “the common use fields referred to in Article 5, § 4, transcribed above, may only be used and not occupied by the people who would like to settle them.” For more in-depth information consult J.L. Gevaerd Filho – “Perfil histórico-jurídico dos faxinais ou compáscuos- análise de uma forma comunal de exploração da terra”. *Revista de Direito Agrário e Meio Ambiente*. Curitiba. Instituto de terras, Cartografia e Florestas – ITCF. Agosto de 1986 pp. 44-69. See also Campos, Nazareno J. de – *Terras de uso comun no Brasil – Um estudo de suas diferentes formas*. Tese de doutorado apresentada ao Curso de PG em Geografia Humana da Faculdade de Filosofia, Letras e Ciências Humanas da USP em fevereiro de 2000. 258 pp.

12. These are conflicts that set the social agents of these common use areas against the “new business strategies” of a powerful coalition of interests that links diverse activities: pig iron smelters, charcoal production, steelworks, paper and cellulose industries, soy refineries, beef storage and leather production plants, mining interests, timber interests, power and electric companies, pharmaceutical and biotech laboratories.

13. According to Art. 18 of Law n.º 9.985 of July 18, 2000: “An Extractive Reserve is an area used by traditional extractivist populations, whose subsistence is based on extractivism and complemented by subsistence agriculture and small-scale livestock production, and has as a basic objective the protection of the livelihoods and culture of these populations, and to assure the sustainable use of the unit’s natural resources.” According to Art. 23: “The possession and use of these areas occupied by the traditional populations in the Extractive Reserves and Sustainable Development Reserves will be regulated by contract (...).”

14. This brief critical retrospective of the application of Art. 68 of the ADCT was released by the Department of Government Communication and Strategic Management of the Presidency of the Republic (Secretaria de Comunicação de Governo e Gestão Estratégica da Presidência da República), through the: Em Questão of November 20, 2003, National Black Consciousness Day (Dia Nacional da Consciência Negra). The public recognition of the inexpressive number of titles granted served as a justification for specific governmental action, since on that same date President Lula signed Decree n.º 4887, which regulates the procedures for identifying, recognizing, delimiting, demarcating, and titling the lands occupied by the remnants of *quilombo* communities. This act of executive power corresponded, therefore, to the necessity for quicker and more agile governmental intervention, reflecting the gravity of the conflicts involving the *quilombo* communities.



## **The extent of the meaning of “traditionally occupied lands” and the difficulties of implementation**

From 1988 to the present the concept of “traditionally occupied lands”, victorious in Constitutional disputes, has extended its meaning, incorporating situational aspects that characterize the current advent of collective identities, and becoming an outstanding legal concept to legitimize specific and ethnically constructed territories.

In June 2002 Legislative Decree n.º 143 was signed by the President of the Federal Senate of Brazil, ratifying the ILO Convention 169, of June, 1989, thus reinforcing the meaning of “traditionally occupied lands” and reaffirming what social movements had been asserting since 1988. This Convention recognizes the elements of self-identification as fundamental criteria, bolstering, to a certain degree, the logic of the social movements. In the terms of Art. 2 the following appears:

*The awareness of their indigenous or tribal identity will be considered a fundamental criterion to determine for which groups the rulings of this Convention apply.*

Moreover, Art. 14 asserts the following in terms of ownership.

*Ownership and property rights for the lands that they traditionally occupy should be recognized for the peoples in question.*

Moreover, Art. 16 alleges that:

*whenever possible, these peoples should have the right to return to their traditional lands once the causes that motivated their relocation and resettlement cease to exist.*

This right of return covers an infinite number of situations throughout the country in which entire populations were forcibly displaced from their lands in favor of farming projects, homogeneous forest plantations (pine, eucalyptus)<sup>1</sup>, mining projects, hydroelectric plants, large dams, and military bases.

The text of the Convention, beyond being based on the self-definition of the social agents, explicitly recognizes the usurpation of lands since the period of colonial dominance, recognizes cases of expulsion and obligatory displacement, and extends the spectrum of the social agents involved, explicitly mentioning the category “peoples” although not exactly synonymous with “traditional populations”.

For a summary of the acidic debates between those favorable to the adoption of the term “peoples” and those that defended the use of “populations” it is worthwhile to reproduce here the version of the ILO from its official publication<sup>2</sup>:

*For three years ILO worked towards the adoption of the Convention, discussing whether or not the new Convention would change the term “population” used in Convention 107 to “peoples”. The decision to use the term “peoples” was the result of extended quarrels and consultations inside and outside of the meetings. It was finally agreed that the correct term would be “peoples” since this recognizes the existence of organized societies with their own identity, instead of simple groupings of individuals that share some racial or cultural characteristics. After*



*much quarrel, it was also decided that: "The use of the term 'peoples' in this Convention should not be interpreted as having any implication whatsoever with that which relates to the rights that can be attributed to said term in international law" (Paragraph 3 of Article 1). The introduction of this paragraph responded, in part, to the expressed concern of some governments that the common use of the term "peoples" implied, in this context, recognition in the scope of international law that aboriginal and tribal peoples could separate themselves from the countries they inhabit. It was decided that it was not the responsibility of ILO to determine how this term should be interpreted in international law.*

Such a device opens up historical possibilities in Brazil for the recognition of multiple social situations that cover a diversity of groupings, many of which have been made invisible by official aspirations to legally homogenize the category "people" since the colonial period.

The implicit plurality in the notion of "peoples" reveals certain differences. At the same time it calls attention to specific territorialities that effectively exist within the meaning of national territory, pointing to groupings constituted at the current moment or that historically have been opposed to the export-led agrarian model, which is supported by the monopolization of land, slave labor, and other forms of immobilizing the work force.

This text of the Convention opens, thus, a place for legal-formal reinterpretation. The social evolution of the *quilombolos*, the messianic movements, and the forms of social banditry that characterized the resistance to the dominion of the plantations in colonial society gain force in this context, in the same way as the associative forms of occupation that emerged in the bosom of the great monoculture properties, beginning with their fragmentation resulting from the economic crises that affected the cotton, sugar, coffee, and *mate* tea sectors. In the Amazon they gained importance with the decline of the rubber barons and "owners" of *babaçu* and Brazil nut groves that had

monopolized the extractivist economy and used mechanisms of immobilization to control the work force.

These new forms of occupation and common use of natural resources that emerged from conflict, delineating specific territorial areas in the process, had no legal recognition whatsoever until 1988. The specific territorialities can be seen as the result of territorialization processes, presenting more definite or more contingent boundaries depending on the balance of power in each situation of social antagonism. In this sense they are distinct both from the concept of “land”, in a strict sense, as well as that of “territory”, as previously stated, and their emergence binds them to expressions that manifest elements of identity or that correspond to their specific form of territorialization.

For purposes of illustration we can mention briefly the so-called *terras de preto* or “black lands”, *terras de índio* or “Indian lands” (referring to those lands which do not fit within the official classification of indigenous lands, because there is no guardianship held over those who occupy them permanently), *terras de santo* or “holy lands” (which emerged with the expulsion of the Jesuits and the fragmentation of the farms of other religious orders) and other similar categories, which vary according to specific circumstances, namely: *terras de caboclos*, *terras da santa*, *terras de santíssima* (which emerged from the disintegration of religious brotherhoods), *terras de herdeiros* (land without formal apportionment but that is held in common usage) and *terras de ausentes* or “lands of those who are absent” (Almeida, 1989: 183-184).

The Federal Constitution of 1988 and ILO Convention 169 consider these distinct social situations associated with older regions of colonization, as well as those that characterize regions of recent occupation, by relocating in present time the meaning of “traditionally occupied lands”, liberating them from notions of “immemorial”, and from the preoccupation with “origins”, of past conceptualizations and of associated categories.

In an attempt to synthesize these ideas I have created a broad demonstrative table containing seven columns and their respective subdivisions.

In it, I first register the categories of self-definition, which as collective identities have been objectified into social movements. Under this prism the “traditional communities” begin to have a political and organizational expression with their own criteria for how they will be represented. Next, highlighting the degree of formal recognition they have achieved, I enumerate the formal legal instruments that correspond to them, as well as the government agencies responsible for implementing the resulting measures. Finally I list, in two columns, the more superficial data, which are, the estimates of hectares of the “territorialities” in question and their respective demographic information. The quantitative data regarding the total areas and the populations of reference are still incomplete and fragmentary, containing several inaccuracies. The elaboration of a more definitive statistical series certainly depends on a discerning census. Even though these groups are mentioned formally in official documents they do not possess sufficient credibility. In case of the indigenous lands, they correspond to the total number of areas mentioned in the administrative processes of delimitation and / or demarcation, as presented to the general public. In the case of the communities in remnants of *quilombos*, discerning statistics are also lacking, and everything is based on continuously rising estimates, be they from official agencies or from the *quilombola* movement groups. In the case of extractivist areas there are geographical inventories and forestry maps with records of the incidence of areas with certain species, responding to inquiries regarding the location of *castanhais* or Brazil nut groves, *seringais* or rubber production areas, *babaçuais* or *babaçu* palm groves, *arumanzais* or areas with *arumã* vines, *ouricuzeiros* or areas with *ouricuri* palms, *açazais* or *açaí* palm production areas, etc. Official documents also exist, such as official Decrees, which register extractive reserve areas and provide descriptive details, including the number of hectares corresponding to each area. I have listed all of them.

As regards the so-called *fundos de pasto* and *faxinais* there are not even any estimates regarding their number or the extent of the areas in question. I have put them, moreover, in the column of the categories of

self-definition, even though they do not refer explicitly to social agents, but instead to forms of land use. The social agents, which are beginning to be called *faxinalenses* and inhabitants of *fundo de pasto* communities, are grouped around these forms of land use, whose names are incorporated into the names of their organizations. For this reason I decided that they could be similar to the categories that define these groups. Participants of social movements, religious entities, and / or students provided the information regarding these categories. The so-called *terras soltas* or “open lands”, although verified in research projects in the central interior of Ceará and the interior of Pernambuco, were not included since I was unable to verify with greater exactitude who the social agents are pertaining to these lands, and which organizational forms would correspond to them.

In the case of the so-called *ribeirinhos* and fishermen,<sup>3</sup> the lakes, rivers, and all watercourses that they use and control are officially considered state property, corresponding to so-called “Navy lands” and contiguous areas.<sup>4</sup> The distinctions between *ribeirinhos* and fishermen are manifested in the different volunteer organizations that represent them, regardless of whether or not they have similar economic occupations. The voluntary nature of these organizations of heterogeneous economic activities differs from the so-called *colônias de pescadores* or “fishing colonies” registered by Ibama and the fishermen’s unions, even when they occur in the same area or basin.

Due to the theoretical difficulties of relating peoples that maintain their identity without being permanently linked to a particular territory, such as the social situations highlighted here, I did not include gypsies in the table, who are represented principally by the Association for the Preservation of Gypsy Culture (APRECI), and who began to organize in Paraná a few years ago, and already have headquarters in São Paulo and Rio Grande do Sul. Because they are considered “nomadic” and *desterritorializados*<sup>5</sup> or without their own territory, in addition to being stigmatized since the colonial period, the gypsies are usually presented as disconnected from a physically bounded area<sup>6</sup>. At the 1st National

Conference for the Promotion of Racial Equality, held in Brasília the first week of July 2005, the gypsy<sup>7</sup> delegates proposed the creation of gypsy reception centers in cities with more than 200 thousand inhabitants. They also affirmed during the 1<sup>st</sup> National Meeting on Traditional Knowledge, held in Luziania (GO) August 17 to 19, 2005 that they were discussing the formalization of “provisional land use”, particularly for groups that raise livestock, who are nomadic and remain camped in each area for about 90 to 120 days. This is an example of an atypical process of territorialization that does not involve possession or ownership of land. The gypsy camps are voluntary and continuously being relocated, reflecting a way of life and way of being. They are distinguished, in this sense, from the so-called *sem terra* / “landless” or those that shelter refugees, which is a term defined by the UNHCR (United Nations High Commissioner for Refugees)<sup>8</sup>, and forcibly displaced populations. Common use lands and pastures that the gypsies, as well as other traditional peoples, do not occupy on a permanent basis, but to which temporary access is made possible for their basic activities, were recognized by Article 14 of Convention 169 as an “additional right and not as an alternative to property rights” (Tomei and Swepston, 1999:46). As a specific example of the institutionalization of such lands we present the following case: at the end of 2004 the City of Curitiba gave lease rights for an area of 30,600 square meters, close to the Industrial City at a place called Fazendinha, to organize a temporary camp for the gypsies that pass through the city. In legal terms the area is transferred through a no-cost loan, whether or not for an indefinite period (See annex).

In the case of those who define themselves as “affected” I have highlighted peoples and groups that, as a result of the implementation of large official projects, be they the construction of hydroelectric dams or the building of military bases, find themselves in conflict, threatened with the loss of their territorial areas of reference. The official documents describing the decrees of expropriation in the public interest served as a source, as well as those listed in anthropological investigation and data divulged by representatives of the respective social movements.

The fragmentary nature of the quantitative information, and the risk of double counting, do not allow for a tally that can assess the demographic expression or specific number of hectares with completeness and accuracy. Although at the end of this text I have dared to propose, for purposes of contrast, a more general view of the agrarian structure, it should be noted that the work of localized research, corresponding to each of the highlighted social situations, should be more thoroughly investigated before generalizations are permitted. Ethnographic work and direct observation techniques may permit a concrete understanding of the aforementioned situations and allow subsequent syntheses.

To support the data collected I have included footnotes, seeking to complement and to clarify, when possible, the explanations based primarily on pamphlets, leaflets, informational booklets, and bulletins published periodically by the social movements themselves. The aforementioned bibliographic references are an attempt to overcome, to some extent, the precariousness of the available data. Gaps in the census data reveal, each in their own way, how concern for these so-called “traditional communities” is still absent from the strategic government formulations and how complex the issues relating to them have become.

The content of the demonstrative table, taking into account the addendums and caveats, is to some extent self-evident but in any case limited and therefore does not encompass the problem in a complete manner.

**THE TABLES ARE IN ATTACHED FILES**











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found in the area encompassing the Greater Carajás Program (Programa Grande Carajás), notably in Maranhão, whose demarcated area totals 10.3 million hectares. 1,442,800 hectares are registered in Tocantins and approximately 400,000 hectares in Pará. In the state of Piauí the areas of incidence of *babaçu* tally 1,977,600 hectares. Considering only the region known as the Greater Carajás Program, we see an area with approximately 11.9 million hectares with high incidence of *babaçu*, in other words, 63.4% of the total national areas of occurrence. This accounts for 13.2% of the region covered by the Greater Carajas Program. The state of Maranhão stands out in this regard, with more than 71% of the total area of *babaçu*. CF. Almeida, A.W.B. de. *As Quebradeiras de Côco Babaçu: Identidade e Mobilização*. São Luís: MIQCB – Caderno de Formação n.º I, 1995, pages 17-18.

As an update it should be noted that in May 2005 the Ministry of the Environment, through the Minister's office, issued Ordinances n.º 126 and n.º 129, creating working groups to elaborate proposals for the territorial occupation of the Mata Grande (MA) and Extremo Norte (TO) Extractive Reserves. CF. *Diário Oficial da União*, Seção I n.º 92, 16 de maio de 2005 p.92.

(6) CF. *Cartilha do Movimento Ribeirinho do Amazonas. I Seminário sobre Identidade Ribeirinha*. Manaus, CPT, 2003.

(7) CF. Movimento dos Atigidos por Barragens – MAB. Caderno de Formação n.º 5, p. 3, s/d.

As supplemental information, it should be noted that 3.4 million hectares of productive land and forests have been flooded by dam construction. In addition, more than one million people were forcibly displaced by these projects. 490 more dams are planned for construction by the year 2015.

(8) In the literature focusing on the *faxinais* there is an evolutionary approach that has always presented them as “endangered”, “losing their

communal characteristics”, and constituting “remnants of *faxinais*”, as chang yu man stresses in *Sistema Faxinal: uma forma de organização camponesa em desagregação no centro-sul do Paraná*. Londrina: IAPAR, 1988, p. 14.

For more clarification consult: FRANCISCO A. GUBERT FILHO “O Faxinal: estudo preliminar”. *Revista de direito agrário e meio ambiente*. N.º 2. Curitiba:ITCF, 1987, pp. 32-40.

HORÁRIO MARTINS DE CARVALHO. “Da Aventura à Esperança. A experiência autogestionária no uso comum da terra”. Curitiba, 1984.

In the case of so-called *faxinais* there is no registered organizational body uniting the various associations and cooperatives with a common agenda of demands that can be classified as a social movement. There are *faxinalense* associations, such as the one from the Faxinal dos Seixas e da Saudade Santa Rita, which are organized in networks that include non-governmental organizations - such as the Instituto Equipe de Educadores Populares (IEEP), the Instituto Guardiães da Natureza (ING), and the group Terra de Direitos - religious entities - such as the Comissão Pastoral da Terra – educational institutions – such as UEPG and UNICENTRO – and official agencies. With the support of this “Faxinal Network” on August 5<sup>th</sup> and 6<sup>th</sup> 2005, in Curitiba, Paraná, the First Encounter of Faxinais was held with over 150 participants. In September 2005 the APF (Articulação Puxirão de Faxinalenses) was created with representation from twenty *faxinais*. By May 2008 data collection efforts had revealed over 244 faxinais in Paraná, increasing the possibility that an organizational body connecting these groups will be created in the near future.

**NOTES** – the extent of the significance of “traditionally occupied lands” and the difficulties of implementation

1. One of the most recent calls for territorial recovery concerns the struggle of Tupinikim and Guarani peoples in the state of Espírito Santo. The General Assembly of these peoples in the village of Comboios, on February 19, 2005 discussed the “retaking of lands held by Aracruz Celulose”.

According to the “Public Note” approved in the aforementioned Assembly, which was attended by 350 indigenous people from the villages Pau Brasil, Caieiras, Velhas, Irajá, Três Palmeira, Boa Esperança, Piraquê-Açu, and Comboios, the following appears: “In 1979, we began the struggle to regain our lands, always believing in our rights. In 1997, Funai identified 18,071 acres as ‘lands traditionally occupied’ by us, the Tupinikim and Guarani peoples. So far we have only managed to recover a small part of our territory. Some 11,000 hectares remain in the hands of Aracruz Celulose, under an illegal agreement ...” (CF. Nota Pública assinada pela Comissão de Caciques Tupinikim e Guarani. Aldeia de Irajá, 28 de fevereiro de 2005.)

2. CF. TOMEI, Manuela; SEWPSTON, LEE. *Povos indígenas e tribais. Guia para a aplicação de Convenção n.169 da OIT*. Brasília, OIT, 1999 (editado em Genebra em 1996), pp. 28-29.

3. The so-called “commercial fishermen” linked to fishing enterprises and those who fish for sport and recreation are not included in this interpretation of “fishermen”. This distinction is necessary in order to understand the ratification of agreements such as the one promoted by the Instituto de Proteção Ambiental do Amazonas-Ipaam (Institute of Environmental Protection of Amazonas) on the Unini River, a tributary of the right bank of the Rio Negro, through Decree 139/2004. This

agreement sought to harmonize the interests of sport fishermen, tourists, and fishing companies on the one hand, as well as those of more than a thousand *ribeirinhos* living along the 390 km extent of the river, which is the natural border of Jaú National Park and the Amaná Sustainable Development Reserve. (CF. DANTAS, G.S. “Acordo põe fim a conflito de ribeirinhos e pescadores”. *A Crítica*, Manaus, 29 de setembro de 2004, pp. C-7).

4. See Article 20, VII of the Constitution of the Federal Republic of Brazil. Consider also that there are rivers administered at the municipal level.

5. This information cannot be read as a tendency to become sedentary. In France there are formal legal devices that assure an area in every major city for temporary gypsy camps. This issue has become a global concern since the end of World War II, which had tragic impacts on gypsies and nomadic peoples from North Africa, the Middle East, and Asia. In the 1950-60's UNESCO supported anthropological research projects investigating the processes of settling nomadic communities. One of the most prominent studies of this period was *Nomads of South Persia – The Basseri Tribe of the Khamseh Confederacy*, by Fredrik Barth, published in 1961 by Waveland Press, Inc. USA. Another more recent work, which also stands out, focusing on a copious repertoire of examples of pastoralism and common-pool resources, is FIELD, Thomas J. *The Nomadic Alternative*. Prentice Hall. New Jersey. 1993.

6. According to Cláudio Domingos Iovanovitchi of APRECI: “Here, the ‘gypsy’ was mixed with the Indian and the Black. They are the three ethnic groups that have had the most difficulty in achieving social inclusion in Brazil. They did not form *quilombos* because they were not slaves, but they did take part by bartering from *quilombo* to *quilombo*.” (C.D. Iovanovitchi in SANCHES, 2005:10).



7. There are no census data for the gypsies. Estimates used by APRECI indicate that there could be 600,000 to 1 million gypsies distributed in different regions of Brazil divided into two subgroups: the gypsies of Iberian origin known as the *calons*, which in 1574 were banished from Portugal and Spain, and those who migrated from various Eastern European countries, especially between the two World Wars, known as the *rom*. Estimates made by another entity, the Center for Gypsy Culture (Centro de Cultura Cigana), from public interest group n.º 10.340/02, headquartered in Juiz de Fora (MG), indicate that there are 9,560 gypsies in this city, another 23,230 in the Mineira Forest Zone (Zona da Mata Mineira) and over 120,000 in Belo Horizonte. Minas Gerais would thus have the third largest gypsy population in Brazil. According to the aforementioned Center, Brazil has around 1,800,000 gypsies (CF. Folheto do CCC de junho de 2005). In short, the gypsies are not listed in the census; they do exist however and, although they are forming associations, they have not yet formed a social movement.

According to information obtained during conversations with two representatives of APRECI, in Brasília, on 07/01/2005, in the course of activities conducted during the First National Conference on the Promotion of Racial Equality, the space reserved for the gypsies in Curitiba is also destined for the eventual installation of circuses and amusement parks. The area does not possess basic sanitation and in June of 2005 there were about forty huts with encamped families. According to representatives the neighbors had already written a petition to remove the gypsies from the area, alleging that they would “stink”.

During the course of the First National Encounter of Traditional Communities a gypsy representation was established consisting of a *rom*, Farde Vichil, and a *calon*, Márcia Yáskara. She was chosen to integrate the traditional communities’ representatives’ assembly into the National Commission of Sustainable Development, which was instituted by the Presidential Decree of December 27, 2004.

For a more in-depth explanation see: *Destaque SEPPPIR n.º 32*. “Povo cigano começa mobilização...”. Brasília, 9 a 15 de abril de 2005.

SANCHES, P.A. “Vida Cigana”. *Carta Capital*. Ano IX. N.º 350, 13 de julho de 2005 pp. 10-16.

FERRAZ, Cláudia. “Cultura cigana em vias de resgate”. *O Estado de São Paulo*. São Paulo, 31 de julho de 2005 p. A23.

AIZENSTEIN, Berel (Presidente da Confederação Israelita do Brasil – Conib). “Negros, índios e ciganos: por que não?” *Tribuna Judaica*. Ano VI n.º 143 Edição nacional, 26 de junho a 10 de julho de 2005.

National Gypsy Day, May 24, was instituted in 2006 by way of Presidential Decree.

8. For a more in-depth analysis of the implications of this concept read: ALMEIDA, A.W.B de. “Refugiados do Desenvolvimento – os deslocamentos compulsories de índios e camponeses e a ideologia da modernização”. *Travessia – revista do migrante*. Ano IX, n.º 25. S. Paulo, maio/agosto de 1996, pp. 30-35.

## The limitations of cadastral and census categories

Or both legal<sup>1</sup> and operational levels there are, as previously stated, difficult obstacles to overcome in obtaining recognition for “traditionally occupied lands”. Brazil has two categories for land registration and census, namely: establishment<sup>2</sup> or exploration unit, which is used by the agricultural censuses of the IBGE, and rural property<sup>3</sup> or unit of domain, which is used by the Incra registry for tax purposes. All of the available statistics, which configure agrarian structure, are tied to these and only these categories<sup>4</sup>. Indigenous lands, which are under the guardianship of the government, and reserved areas are registered in the Service of the Patrimony of the Union (Serviço do Patrimônio da União). The lands of communities in remnants of *quilombos*, which were also recovered by the Federal Constitution of 1988, through Art. 68 of ADCT, must be converted, through definitive title, into rural property. Inalienability clauses, collective ownership, and customs and common use of resources together with ethnic factors, have raised questions concerning the tributary mindset that views land only as merchandise susceptible to taxation, undervaluing symbolic dimensions. In the face of this restrictive classification a new conception of registration is imposed, breaking with the inadequacy of the established census categories and taking into account localized realities and the specificity of different territorialization processes.

Although there has been no explicit rupture with such categories, diverse attempts of partial registration have been witnessed, such as the one heralded by Decree n.º 06 of 1.º of March of 2004 of the Palmares Cultural Foundation, which institutes the General Register of the Remnants of Quilombo Communities, naming them under the following denominations: “black lands”, *mocambos*, “black communities”, and *quilombos*, among other denominations<sup>5</sup>.

The need for a separate registry reveals a deficiency in the two classifying categories at the same time that it confirms and draws attention to the variety of use categories in everyday life that merit formal recognition. As a matter of fact, since 1985, there has been tension inside the official land tenure agencies regarding the recognition of situations of land occupation and the common use of the land, dictated by “tradition and customs”, by practices of productive autonomy – erected from the break-up of the plantations and of the mining companies – and by social mobilizations for ethnic affirmation and basic rights. The euphemism “special occupations” was created within Incra in 1985-86 and used in the Land Registry (Cadastrado de Glebas), which contains the official documents justifying the recognition of the so-called “black lands”, *terras dos santos*, “Indian lands”, the *fundos de pasto* and the *faxinais*, among others.

The advent of these practices and the pressure their recognition has increased since 1988, especially in the Amazon region, the semi-arid Northeast, and in the so-called “*cerrado* regions”<sup>6</sup>, with the rise of multiple associative forms grouped according to different criteria or according to a combination of criteria, such as: deep local roots, bonds of solidarity reaffirmed by opposition to the implementation of “large economic exploitation projects”, political-organizational factors, collective self-definition, environmental consciousness, and distinctive elements of collective identity. The formation and consolidation of a group of leaders with practical knowledge, and the demands for the recognition of “specific territorialities” complement this general context, without exhausting it.

The so-called *quebradeiras de côco babaçu* incorporated a gender element, combined with a representation differentiated by regional office and respective villages. The so-called *ribeirinhos* incorporate a geographical criterion combined with a political representation distributed by lakes, rivers, and *igarapés*. The groups and social agents associated with the *fundos de pasto* and *faxinais*, appear not to have their own denomination capable of standardizing their collective identity. They distinguish themselves, however, by distinctive organizational factors; in other words, each *faxinal* or each *fundo de pasto* has an association of reference or an associative form of their own. Fishermen, on the other hand, are trying to transform in a radical way the organization of their Colonies, up until now implemented by official agencies<sup>8</sup>, to avoid being seen solely as an occupation or economic activity. To such end they have reinforced elements of their way of existence in their towns and villages by: maintaining production on a small scale, congregating relatives and neighbors in the common use of resources, utilizing simple equipment, organizing themselves into cooperatives, and consolidating their presence in segmented markets. Even though the term remains the same, that is “fisherman”, its new meaning incorporates an autonomous expression in the productive process as well as elements of identity capable of objectifying them in a politically contrasting way as an organized social movement.

These associative forms, expressed by the “new social movements” (Hobsbawm, 1995:406), which group and establish an active solidarity between the subjects, delineating a kind “identity politics” and consolidating a mode of collective existence (National Council of Rubber Tappers, Interstate Movement of Quebradeiras de Côco Babaçu, National Coordination of the Articulation of Black Rural Quilombo Communities, National Movement Fishermen, Movement of the Fundos de Pasto...), correspond to specific territorialities where they can continue their way of life and assure their social and physical reproduction. In other words it can be said that each group socially constructs their territory in their own way, starting with specific conflicts concerning differentiated an-

tagonists, and this construction also implies differentiated relationships with forest and water resources. Such relationships, to a certain degree, are reflected in the diversity of legal categories found in the constitutional texts, laws, and decrees.

The forms of recognition of the different modalities of appropriation of the so-called “traditionally occupied lands” can be summarized in an explanatory chart, which I present below. The diversity of formal legal categories, encompassing property (*quilombolas*), permanent possession (indigenous peoples), common temporary use repeated from one harvest to the next (*quebradeiras de côco babaçu*); “collective use” (*faxinalenses*), open and common use of the water resources, and other use concessions, reveal the complexity of the elements in question that, although subject to grouping in a single classifying category, do not appear to correspond to a legal homogenization. The figure of *comodatário* or “one who exploits land belonging to another person or institution for an indeterminate amount of time and free of charge” referred to in the case of the gypsies, was not included, in agreement with the guidelines of creating the previous chart, although it was cited in the analysis that precedes it. In the event that it had been included, the corresponding legal category would be the *comodato*. For the same reasons I did not include any reference to the so-called *pomeranos*, whose “traditionally occupied lands” in the Pancas region would, according to the official version, overlap a strict environmental preservation unit.

#### Forms of legal recognition of the different modalities of appropriation of the so-called “traditionally occupied lands” (1988-2004)

Indigenous peoples	“Permanent possession”, exclusive usufruct of natural resources. Lands as “state property”	Federal Constitution – 1988. Art. 231
Communities in remnants of <i>quilombos</i>	Property. “definitive title”	Federal Constitution – ADCT. Art. 68

<i>Quebradeiras de coco babaçu</i>	Common use of babaçu nut groves. “without possession or property rights” “Family and Community Economic Regime”	Municipal Laws (MA, TO,) 1997-2004 CF-M, 1990. Art. 196
Rubber tappers, Brazil nut harvesters, <i>quebradeiras de côco babaçu</i>	RESEX – “public lands, with use right conceded to traditional extractivist populations.” Permanent possession. Lands as “state property”.	CF – 1988. Art. 20 § 3º Decrees 1990, 1992, 1998 Law 9.985 – 07/18/00
Fishermen	RESEX – “Navy Lands” Water resources as “state property”	CF – 1988. Art. 20 § 3º Decrees 1992 and 1997
<i>Fundo de pasto</i>	“Concession use right”	CE-BA, 1989. Art. 178
<i>Faxinal</i>	“collective land use for animal production and environmental conservation”	Decree of the state of Paraná 08/14/97 State Law-PR n.º 15673 of 11/13/2007

**NOTES** – the limitations of cadastral and census categories

1. There are many disputes in the official legal realm. For illustration purposes, I cite the Direct Action of Unconstitutionality of Decree 4887 of 20/11/03 perpetrated by the Liberal Front Party (PFL), whose date of entry in the Supreme Court was 25 June 2004 and awaits trial.

2. The notion of “establishment” has been used since 1950, when the General Census began to include, among other things, the demographic and agricultural censuses. According to these censuses, “an agricultural establishment is considered to be any continuous land area, regardless of size or location (urban or rural), consisting of one or more parcels, subject to a single product, where agricultural exploration takes places,

namely, the cultivation of land with permanent or temporary crops, including vegetables and flowers; the raising and fattening of large and medium-size livestock; the raising of small animals: silviculture and reforestation and the extraction of plant products. Backyards and home gardens were excluded from the investigation.” And furthermore: “adjoining areas under the same management, occupied under different legal conditions (owned, rented, occupied free of charge), were considered a single establishment.”

3. The category “rural real estate” was a mere term and had no real operational force as a land tenure instrument until 1964. It was in the Land Statute (Law 4.504 of November 30, 1964) that it became a category defined for operational purposes (Article 4) and also for registration and tax purposes (Article 46). Its legal definition then became a basic requirement for tax purposes (Decree 56.792 of August 26, 1965, Article 19) and land tenure (Decree 55.891 of March 31, 1965). It appears, therefore, with constant variations: “rural real estate in border areas”, “rural real estate owned by the state”, “rural real estate located in areas declared priority areas for land reform” as well as in rental contracts, estates and inheritances, colonization, minimum sized parcels, rural modules, etc. With the category one was able to classify different types of “property”. It has become a key category, with several variations, through which the concept of land ownership was formally constructed. It underlies all the instruments of land tenure actions, since it is a basic element of their operationalization.

The legal framework always makes use of fundamental categories to design operations or to establish operational procedures. The codes of the colonial period, for example, worked with so-called “sesmaria” allotments or related notions, such as: *datas* and their local variants, *quinhões*, *sorte de terras*, *pontas e abas*, *fundo e frente*, etc. After the Land Act 1850 and the provisions of the Republican government of 1891 other notions of “ownership” and “property” began to become legally binding, although it cannot be ignored that since 1823 the unconfirmed



“sesmarias” or land grants began to be treated as *posses* or “possessions”. In 1946 these institutions were confirmed. The draft of the Afrânio de Carvalho agrarian bill, in 1948, speaks of “rural property”, but when it speaks in the National Agricultural Registry it mentions “rural real estate” (CF. *Revista Brasileira de Estatística*. V. 2 pp. 303-304). Article 1 of its Land Act defines “rural property”. The Agrarian Bill of Congressman Nestor Duarte, from 1947, refers only to “real estate”. The draft Congressman Silvio Echenique’s Rural Code presented before the Chamber in June 1951, refers to “rural establishment”. Between 1946 and 1964 there appears to have been no monopoly of an exclusive operating category. The bills and constant discussions ensured the possibility of a plurality of categories. The reign of the category “rural real estate”, from 1964 on, narrowed the focus of state action and made room for authoritarianism and arbitrariness, which undervalued the specific local conditions, ethnic factors, and the differences in the forms of natural resource appropriation. The democratic illusion hides ethnocentrism: hence the formal difficulties with heterogeneity and the differences established by indigenous lands, *quilombos*, and common use lands.

The Incra Rural Land Registry has adopted, since 1966, the following working definition: “Rural real estate, for the purposes of the Registry, is the rustic building, of a continuous area, consisting of one or more parcels of land, belonging to one owner, which is or may be used in farming, ranching, vegetable or agro-industrial extraction, regardless of their location in rural or urban zones within the municipality.” The restrictions are the following: real estate located in rural areas and whose total area is less than 5,000 m<sup>2</sup> are not covered by the classification of “rural real estate”, and those located in urban areas will only be registered when they have a total area equal to or greater than two hectares, as well as commercialized production.

4. The Agricultural Censuses acknowledge, however, without more detailed explanation, the existence of “common or open pastures”, which

can be seen in the section entitled “Conceptualization of Disclosed Characteristics”, which precedes each new census. Then, in the subsection “Livestock Assets” it is revealed that research was conducted regarding: cattle, buffalo, horses, donkeys, pigs and goats, owned by producers who were in establishments or in “common or open pastures”, located outside the establishments.

5. CF. Almeida, Alfredo Wagner B. de. “Terras de preto, terras de santo, terras de índio -uso comum e conflito”. In CASTRO, E. e HEBETTE, J. (orgs.) *Cadernos do NAEA*, n.º 10. Belém, 1989 pp. 163-196.

6. See the “Letter from Maranhão” also known as the Charter of Peoples of the Cerrado, published on November 22, 2002 in João Lisboa (MA), which talks about “*quebradeiras de côco babaçu, vazanteiros, Indians (...), ribeirinhos, geraizeiros, inhabitants of agricultural settlements...*” in addition to the environmental NGOs mobilized around the Articulation of Agroextractivism of the Cerrado Network of NGOs.

7. In the case of so-called *ribeirinhos* the name Movement of the Riverine Peoples of Amazonas (Movimento dos Ribeirinhos do Amazonas-MORA) is temporary and there is a specialized literature, which includes documents produced by religious entities that have begun to record various aspects of the emerging movement, but please see:

REGIS, Dom Gutemberg F. *Pistas Ribeirinhas*. Prelazia de Coari, 2003.

SCHERER, Elenise F.; Coelho, R. F.; Pereira, H. “Políticas sociais para os Povos das Águas”. *Cadernos do CEAS*, n.º 207 set/out. de 2003 pp. 91-108.

NEVES, Delma P. (org.). *A Irmã Adonai e a luta social dos ribeirinhos – Contribuição para a memória social*. Niterói, s/ed. 2003.

JESUS, Cláudio Portilho de. *Utopia cabocla amazonense – Agricultura familiar em busca da economia solidária*. Canoas (RS). Editora da Ulbra, 2000.

RANCIARO, Maria M. M. de A. *Andirá – memórias do cotidiano e representações sociais*. Manaus, Edua, 2004.

MAYBURY-LEWIS, Biorn. “Terra e água: identidade camponesa como referencia de organização política entre os ribeirinhos do Rio Solimões” in Furtado, Lourdes (org.). *Amazônia, desenvolvimento, socio-diversidade e qualidade de vida*. Belém, M.P.E. Goeldi / s.d. pp. 31-69.

8. In this case the group known as the *caiçaras*, who live along the coastline of Rio de Janeiro and São Paulo, are not included in the term “fishermen”, nor are the *maratimbas*, who live along the Southern coastline of Espírito Santo and whose forms of association are still being developed and have not yet reached the stage where they can be called a consolidated social movement. For information about accusations of arbitrary acts against the *caiçaras* of the north coastline of São Paulo, consult:

SIQUEIRA, P. *Genocídio dos Caiçaras*. Prefácio de Dalmo Dallari. São Paulo. M. Ohno – I. Guarnelli Eds. 1984.

BRANDÃO, T. “A meteórica agonia dos caiçaras de Paraty”. *O Globo*, 29 de fevereiro de 2004, p.28.

For a more in-depth examination, see: Diégues, A. Carlos. “Repensando e recriando as formas de apropriação comum dos espaços e recursos naturais”. In *Gestão de recursos dos Espaços Renováveis e Desenvolvimento* (VIEIRA, P.F. e WEBER, J. – (orgs.) São Paulo: Ed. Cortez, 1997.



## Social movements

The new discourse strategy of social movements in the field, when designating the subjects of an action, does not appear harnessed to the political connotation that in past decades was associated mainly with the term “peasant”. Locally used terms and denominations become politicized. Their routine use and diffusion is combined with the politicization of localized realities, in other words, the social agents put themselves in the position of subjects of an action when they adopt as collective designations the names by which they define themselves and are represented in daily life.

Thus, we see the formation of the National Council of Rubber Tappers (CNS), of the Interstate Movement of the Quebradeiras de Côco Babaçu (MIQCB), the National Movement of Fishermen (MONAPE), the National Coordination of Articulation of the Rural Black Quilombola Communities (CONAQ), the Movement of the Riverine Peoples of the Amazon and of countless other associations, including: *castanheiros*, *piaçabeiros*, *arumã* extractors, *peconheiros*, and *caiçaras*<sup>1</sup>. It should be noted that the Movement of the Those Affected by Dams (MAB), the Movement for the Survival of the Transamazon, known today as the Movement for the Development of the Transamazon and the Xingu, the Movement of those Affected by the Alcântara Space Base (MABE), and others have joined together to resist government measures and protest against the impacts caused by “large public works

projects”, including: highways, dams, gas pipelines, petroleum pipelines, mining pipelines, military bases and Armed Forces training installations<sup>2</sup>. We may also include the Union of the Indigenous Nations (UNI), the Indigenous Coordination of the Brazilian Amazon (COIAB) and the Indigenous Council of Roraima. All of these associations and organizations were created between 1988 and 1998 with the exception of CNS and the Movement of Landless Rural Workers (MST), which date back to 1985<sup>3</sup> and UNI, which dates back to 1978. They function through a series of organizational networks. COIAB, for example, was created in April 19, 1989; by 2000 it was already linking sixty-four organizations and by 2004 it was connecting seventy-five organizations, including the Federation of the Indigenous Organizations of the Rio Negro (FOIRN), which was also linking organizations together. By 1999 FOIRN had organized twenty-nine indigenous associations into a network through ACIBRN – Association of the Riverine Indigenous Communities, and ACIMRN – Association of the Indigenous Communities of the Middle Rio Negro. COAPIMA (Coordination of the Organizations and Articulations of the Indigenous Peoples of Maranhão) was created in September of 2003 and includes the leaders of six different indigenous peoples. It can also be verified that there are associations that are simultaneously in two or more social movement networks, which precludes a simple summation of the components of networks without taking care to avoid double counting.

APF, the (Articulação Puxirão dos Faxinalenses), was created in September of 2005, grouping the delegations of twenty faxinais. Field research carried out by the APF from 2007 until May of 2008, revealed 244 *faxinais* in Paraná. The II Meeting of the Faxinalense People in August of 2007 strengthened their “Puxirão Network” and helped increase the organization’s capacity to register similar groups.

ACONERUQ – the Association of the Rural Black Quilombola Communities of Maranhão – formed in November of 1997, replaces the Provisional State Coordination of Quilombos, created in 1995, and currently joins 246 (two hundred and forty-six) black agricultural communities

in addition to having ties with the National Coordination of Articulation of the Black Rural Quilombola Communities (CONAQ). APOINME – the Articulation of the Indigenous Peoples of the Northeast, Minas Gerais, and Espírito Santo – established in 1995, congregates thirty officially recognized ethnicities and another dozen that are still demanding formal recognition.

The Indigenous Council of the City of Belém, which is still being consolidated, congregates at least four ethnicities and links with movements that are forming in indigenous villages, such as the Munduruku Indigenous Council of the Upper Tapajós (CIMAT). In innumerable municipalities the percentage of the indigenous population is on the increase, surpassing or maintaining the same numbers as other segments of the population. This kind of self-declaration establishes conditions that facilitate the expansion of organizational forms and of their demands. The Demographic Census of 2000 reveals that 22,853 people, or 76.35% of the population of the city of São Gabriel da Cachoeira (AM) are indigenous. This makes it the municipality with the largest proportion of indigenous people in Brazil: 8,488 Indians live in Jacareacanga (PA), that is, 38.4% of the municipal population. In Santa Isabel do Rio Negro (AM) there are 3,670 Indians or 34.8% of the inhabitants of the city. In São Paulo de Olivença (AM) there are 6,634 Indians corresponding to 28.7% of the municipal population. 5,938 Indians live in Miranda (MS), which amounts to 25.8% of the city's population. 6,187 Indians, or 25.6% of the municipal population, live in Barcelos (AM). There are 6,673 Indians living in Santo Antonio do Iça (AM), which equals 23.7% of the city's population, whereas in Tabatinga (AM) there are 7,255 Indians, or 19.1% of the municipal population.

The tables presented below provide an overview of demographic trends in question:

**TABLE 1** – List of municipalities with major proportions of self-declared indians, with a breakdown of the federal units of reference, total population of the municipalities and of indigenous people – Brazil/2000

Municipalities and Federal Units of Reference	Resident Population		Proportion of indigenous people in relation to the total population of the municipality (%)
	Total	Self-declared indigenous	
São Gabriel da Cachoeira / AM	29,947	22,853	76.3
Uiramutã / RR	5,802	4,317	74.4
Normandia / RR	6,138	3,511	57.2
Santa Rosa do Purus / AC	2,246	1,085	48.3
Ipuaçu / SC	6,122	2,930	47.9
Baía da Traição / PB	6,483	3,093	47.7
Pacaraima / RR	6,990	3,310	47.4
Benjamin Constant do Sul / RS	2,727	1,111	40.7
São João das Missões / MG	10,230	4,211	40.2
Japorá / PA	6,140	2,409	39.2
Jacareacanga / PA	24,024	8,488	38.4
Amajari / RR	5,294	1,975	37.3
Bonfim / RR	9,326	3,455	37.0
Charrua / RS	3,783	1,339	35.4
Santa Isabel do Rio Negro / AM	10,561	3,670	34.8

SOURCE: IBGE – Censo Demográfico, 2000.



**TABLE 2** – List of municipalities with the largest populations of self-declared indians and proportion in relation to the total population of the municipalities, and federal unit of reference – Brazil / 2000

Municipalities and Federal Units of Reference	Resident Population		Proportion of indigenous people in relation to the total population of the municipality (%)
	Total	Self-declared indigenous	
São Gabriel da Cachoeira / AM	29,947	22,853	76.3
Salvador / BA	2,443,107	18,712	0.8
São Paulo / SP	10,434,252	18,692	0.2
Rio de Janeiro / RJ	5,857,904	15,622	0.3
Jacareacanga / RJ	24,024	8,488	38.4
Manaus / AM	1,405,835	7,894	0.6
Belo Horizonte / MG	2,238,526	7,588	0.3
Tabatinga / AM	37,919	7,255	19.1
Brasília / DF	2,051,146	7,154	0.3
S. Antonio do Içá / AM	28,213	6,673	23.7
São Paulo de Olivença / AM	23,113	6,634	28.7
Porto Alegre / RS	1,360,590	6,356	0.5
Barcelos / AM	24,197	6,187	25.6
Boa Vista / RR	200,568	6,150	3.1
Aquiduaana / MS	43,440	6,011	13.8
Miranda / MS	23,007	5,938	25.8
Amambaí / MS	29,484	5,396	18.3
Dourados / MS	164,949	5,189	3.1
Curitiba / PR	1,587,315	5,107	0.3
Recife / PE	1,422,905	5,094	0.4

SOURCE: IBGE – Censo Demográfico, 2000.

The state capitals in which the headquarters of the main organizations of the indigenous movement are located also have a significant number of indigenous people. In Salvador (BA) there are 18,712 Indians, in Sao Paulo (SP) 18,692 Indians, in the city of Rio de Janeiro (RJ) there are 15,622 Indians, 7,894 Indians live in Manaus (AM), in Belo Horizonte (MG) there are 7,588 Indians, in Brasília (DF) 7,154 Indians, in Porto Alegre (RS) 6,356 Indians, in Boa Vista (RR) 6,150 Indians, in Curitiba (PR) 5,107 Indians, and in Recife (PE) 5,094 Indians. In Manaus, the census data relating to the “resident population by color or race” registered 952 Indians for the year 1991, while for 2000 they recorded 7,894 Indians. Some sources indicate that this total could be underestimated. A sample survey conducted by the Indigenous Pastoral of Manaus, in conjunction with the Regional CIMI North I, called “Between the Village and the City”, completed in 1996, interviewed 163 families and 143 households, totaling 835 individuals. Based on these data an estimate was established of 8,500 Indians in Manaus in 1996. Current projections cite more than 25,000 Indians residing in that capital.

The significant increase in the indigenous population, consistent with data from the 2000 census and sample surveys, is well above the growth from birthrates, supporting the claim that Indians living in urban areas have recently assumed an indigenous identity<sup>4</sup>. The significant number of Indians in urban centers<sup>5</sup> has led to the formation of a unique organizational form that brings together different ethnic groups concurrently. The specificity of the political and organizational dimension, outlined in this text, provides an understanding of the act of grouping cultural differences around common objectives through continuous forms of mobilization, which are renewed with every antagonistic situation.

The situation of the so-called *quilombolas* is similar and their presence in urban centers is becoming increasingly visible over time. Although the denomination does not constitute a census category and there are no statistical series for demonstration purposes, one may turn without any sampling concerns to the information divulged by the

*quilombola* movement and to empirical observations from fieldwork. Information is available regarding the incidence of remnants of *quilombola* communities in at least five capitals, which are: Salvador (BA), São Luis (MA), Rio de Janeiro (RJ), Porto Alegre (RS), and Macapá (AP). In other cities the records are still incidental. In Penalva, Maranhão, on the periphery of the municipal seat there is a neighborhood called “Bairro Novo”, which brings together a fledgling organization of women who call themselves *quebradeiras quilombolas*. Hundreds of families who live in this neighborhood have had their lands taken by ranchers and continue to struggle to recover their property. They go back and forth daily to the *babaçu* groves near the municipal seat. The same situation occurs in Imperatriz (MA) where, as noted by Joaquim Shiraishi, extractivist women who live in the urban periphery gather *babaçu* nuts in the gardens of luxury condominiums.<sup>6</sup> In Conceição da Barra (ES) the Santana neighborhood is in a similar situation. Between Macapá and Santana (AP) the *quilombo* Lagoa dos Índios find themselves in similar circumstances. In Rio de Janeiro it is the *quilombo* Sacopã. On João Caetano Street, in the Três Figueiras neighborhood of Porto Alegre (RS) one finds the Silva Family Kilombo Association which represents the *Quilombo dos Silva*, a 6,510.7808 square meter area that was formally recognized by Order Incra n.º 19 of June 17, 2005<sup>7</sup> in accordance with Decree 4887/2003. The manifestations of these *quilombos* inspired the Porto Alegre city hall to enact Complementary Law n.º 532 of December 27, 2005, “adding property of significant value to the collection of lands that make up a part of the Cultural Heritage of the remnants of quilombos” (CF. *Diário Oficial de Porto Alegre*, ed. 2687, de 30 de dezembro de 2005).

This unique territorialization process reveals organizational expressions and forms of occupation emerging within city limits that are thought of as intrinsic to rural areas, leading scholars to play down rural / urban and nomadic / sedentary dichotomies in their characterization of so-called “traditional communities” and in recognition of their expressions of identity.

There is, therefore, a tendency to start new organizational networks and movements which oppose, to a certain extent, the dispersion and fragmentation of the representative groups that characterized the years immediately following 1988. Of all these articulation networks the most comprehensive, however, and the one regarded as the most representative in the eyes of the multilateral organizations (Interamerican Bank for Reconstruction and Development – IBRD, IDB, G-7) and public agencies, is the Amazon Working Group (GTA), founded in 1991/92, which brings together 600 organizations<sup>8</sup> representing extractivists, indigenous people, artisans, fishermen, and small family farmers in the Amazon. GTA ideally plays the role of representative of civil society organizations with the PPG-7 (Pilot Program for the Preservation of the Tropical Forests) and various Ministries.

It is apparent, when looking at this tangle of linkages, that an entity may simultaneously belong to more than one network and that a sizeable part of the networks are represented in the GTA, which has regional offices in all nine states of the Legal Amazon. MIQCB has coordination structures in four states, three of which are in the Amazon (Pará, Maranhão, and Tocantins) and one in the Northeast (Piauí). MONAPE has two coordinators, one in Pará and another in Maranhão, bringing maritime fishermen together with those who fish on rivers. The territorial basis of these movements not only does not conform to political-administrative divisions, strict separation of ethnic groups, homogeneous economic bases, occupations, or economic activities – but also transcends the usual separation between rural and urban, redesigning in several ways and with different organizational forms the political expressions of civil society.

This multiplicity of categories breaks up, therefore, the political monopoly on the meaning of the words “peasant” and “rural workers”, which until recently were used primarily by political parties and the trade union movement centered around CONTAG (National Confederation of Agricultural Workers), while the term *posseiro* or “squatter”, was used by religious organizations (CPT, ACR). This rupture occurred

without dismissing the political attributes of the categories of political mobilization, considering that *quilombolas*, *quebradeiras de côco babaçu*, rubber tappers, fishermen, miners and the “affected” also associate themselves with Rural Workers’ Unions through which they obtain the rights to Brazilian Social Security benefits.<sup>9</sup> When we analyze this dual affiliation it is possible to perceive a distinction between social role and identity: an affiliation is experienced as belonging to an occupational group – according to the legislation and the rights (labor, social security) it guarantees – while the other has characteristics related to identity, is voluntary, and usually assumes situations of manifest antagonism. The new names that describe the movements, and which mirror a set of organizational practices, reflect profound political transformations in the capacity of these groups to mobilize in the face of state power and in defense of the territories they are socially constructing.

Therefore what emerges is not merely a discourse strategy but instead categories that are affirmed through a collective existence, not only politicizing the terms of everyday life, but also a way of life and daily natural resource use practices. The complexity of the elements of identity, characterized by the affirmative self-denomination of cultures and symbols, transforms ethnicity into a form of organization (BARTH: 1969).<sup>10</sup> This concept was brought to the field of political relations, verifying a profound break with the colonial attitude of homogenization, which historically obliterated ethnic differences and cultural diversity, diluting them into classifications that emphasized the subordination of the “natives”, “savages” and “primitives” to the erudite knowledge of the colonizer.

Despite different plans of action, of organization, and distinct relationships with the apparatuses of power, such units of mobilization can be interpreted as potential social forces. For this reason they do not represent merely simple responses to local problems. Their practices alter traditional patterns of political relations with the centers of power and legitimizing institutions, making possible the emergence of leaders that do not depend on those who hold local power. The main decisions

are made during “encounters” and “general assemblies” that bring together delegates elected by each basic unit of mobilization, which can be a settlement, a *colocação*, a *castanhal* and / or a “community”. It is noteworthy that, although far from being movements with pretensions of seizing political power, they manage to generalize the local nature of their demands and through these mobilization practices they increase their bargaining power with the government and the state, displacing the “traditional intermediaries” (large landowners, merchants of agricultural and extractive products, *seringal* owners, *castanhal* and *babaçu* grove owners). This explains the expansion of the agenda of demands and the multiplication of the instances of interaction between the social movements and the political-administrative apparatuses, especially those responsible for agricultural and environmental policies (since it cannot be said that there is a clearly delineated ethnic policy).

This is an example of the recognition of rights hitherto disputed, and a certain reverence of the political powers towards the extractive practices of those they refer to as “traditional populations”. “Native” knowledge of nature has acquired a certain political legitimacy and its economic rationale is no longer contested with the same vigor as before. This is clearly illustrated by legislation, better known as the “Chico Mendes Law”, approved by the Legislative Assembly of Acre and authorized by the State Governor in January 1999, which outlines the concession of economic subsidies to rubber tappers that produce raw natural rubber. This legislation, known officially as Law n.º 1277 of 13 January 1999 and regulated by State Decree n.º 868 of 5 July 1999, recognizes in item v of Article I. the necessity of the link between rubber producers and the entities that represent them. Similarly, there are municipal laws – approved by City Councils in seven counties in the state of Maranhão and two in the state of Tocantins between 1997 and 2003 – that guarantee the preservation of and free access to *babaçu* groves, including those on the property of third parties, to all those who engage in extractivism as part of their household economic strategies. The state of Maranhão has: Municipal Law 05/97 from Lago do Junco,

Law 32/99 from Lago dos Rodrigues, Law 255/99 from Esperatinópolis, Law 319 from São Luis Gonzaga, Law 1084/03 from Imperatriz, Law 466/03 from Lima Campos and a Law being voted on in the Town Council of Capinzal do Norte. In Tocantins Law n.º 49/03 was approved in Praia Norte and Law n.º 306/03 in Axixá. These laws, which are being implemented in different municipalities, resulted from demands championed by the Interstate Movement of the Quebradeiras de Côco Babaçu. These municipal laws, known locally as the “Free Babaçu” Laws, secure the *babaçu* groves as open resources, challenging the private ownership of the soil by separating it from the use of vegetation. Even though these devices contrast with federal law, they have come to enjoy local legitimacy due to the scale of the mobilizations that demanded that Town Councils approve them.

The work of the Legislative Assemblies and Municipal Councils has, to some extent, begun to reflect the ethnic mobilizations and those carried out by so-called “traditional peoples”. Iglesias (2000)<sup>11</sup> in a careful reflection, based on data gathered by CIMI, points out that 350 Indians have run as candidates for city councilman, ten for deputy mayor, and one for mayor in the municipal elections of 2000. Eighty were elected to city council positions, seven as deputy mayors, and one as mayor<sup>12</sup>. In the municipal elections of 2004 the number of municipalities quadrupled: four Indians were elected mayors, five were elected vice-mayor, and seventy were elected to city councils.<sup>13</sup> It is noteworthy that, in the 2000 elections, forty women identifying themselves as *quebradeiras de côco babaçu* ran for the city council posts in various municipalities of Pará, Tocantins, and Maranhão. Among the *quebradeira* candidates only two were elected and a third was elected deputy mayor in São Pedro da Água Branca (MA). In the 2004 election more than fifty *quebradeiras* presented themselves as candidates for city council and three of them were elected, two from Maranhão – Maria Alaíde from Lago do Junco and Nice Aires Machado from Penalva – and one from Tocantins, Maria da Consolação, better known as Consola, in São Miguel. The Workers’ Party (PT) elected the two *quebradeiras* in Maranhão, while the one

from Tocantins was elected by the PMDB. All three participated militantly in MIQCB, two of which were part of the movement's leadership.<sup>14</sup> In 2004 the fishermen were able to elect a deputy mayor in Marajó (PA), in the municipality of Cachoeira do Arari, who was part of the leadership of MONAPE. In the case of the *quilombolas* at least five councilmen and a councilwoman were elected in Pernambuco, São Paulo, Maranhão, and Pará.<sup>15</sup> Some interpretations, overestimating these kinds of facts, claim that such electoral mobilizations in addition to the mandatory creation of municipal councils, according to the Federal Constitution of October 1988, are consolidating regionally into a fourth power. Some classify the phenomenon as "councilism" (LESSA, 2001), overestimating such institutional innovations in the administration of government policies and declaring them to be a parallel power.<sup>16</sup>

Unlike the unions, these movements are structured according to diverse organizational criteria, supported by ecological and gender principles, a heterogeneous economic base, and deep local roots (Hobsbawm, 1994)<sup>17</sup>, with little regard, as previously mentioned, for political-administrative divisions. The fishermen are organized in colonies and associations, which cross over state boundaries, in the same fashion as those established by the regional MIQCB.<sup>18</sup> Rubber tappers are organized by *seringais* and *colocações*, the *quebradeiras* by villages near *babaçu* groves, while fishermen prefer river basins as a mobilization criteria, as in the case of the Central of the Fishermen of the Araguaia-Tocantins Basin which includes twenty entities totaling 7,633 families, 6,672 of which live at the Tucuruí Dam Reservoir. Indigenous peoples group themselves by villages and "communities".<sup>19</sup> These movements are not institutionally structured into "headquarters" and "members" nor by the territorial bases that geographically confine union action, instead presenting themselves as free forms of mobilization tied to situations of potential or manifest conflict, regardless of which municipalities they occur in.

The organization of production for a circuit of segmented markets, adding value through simple technology, is another grouping factor that



should be considered. This organizational mode also breaks with the rural-urban dichotomy. A noteworthy example is that of the *quebradeiras de côco babaçu*, who in 2002 in São Luis, Maranhão, founded through ASSEMA, a commercial depot and political representation headquarters, which they named the “Embassy of Babaçu”. The depot operates in the city’s Historical Center and commercializes a line of distinctive products, including: mesocarp flour, recycled paper with *babaçu* fiber, *babaçu* coconut shell charcoal, and dehydrated fruit, as well as books and other publications relevant to extractivism. Another example is different ethnic groups coming together and forming in the center of Manaus a permanent artisans market, offering the products of various indigenous peoples. In both cases they are the beginnings of a “living museum” where “traditional communities” reveal their public face in social interactions that transcend segmented market circuits.

Ethnic factors have become basic features of group formation, indicating a new pattern of political relations. The identities of both *quilombolas* and emerging indigenous peoples in associations in the Upper Rio Negro and in the Northeast are examples of the role of ethnicity in new forms of association that cross ethnic boundaries. In Manaus, Belém, and São Paulo,<sup>20</sup> families of different ethnic groups have come together in the same organization to demand indigenous rights. In the case of Belém one such an organization, coordinated by a Munduruku Indian<sup>21</sup>, also includes families from the Tembé, Apali, Juruna, Galibi, and Urubu-Kaapor ethnicities and is represented in the City Congress (NOVAES et alli 2002).<sup>22</sup> This representation is part of a recent experience of democratic municipal management that attempts to include representatives of culturally diverse groups, a plurality of sectorial representation, by gender and by place of residence.

This diversity of groupings also consolidate themselves through different territorialization processes, be it in the countryside or in urban areas, be it in reference to land, in the strict sense, or to water resources, setting up a mosaic of social situations related to operational notions and practices that speak both of “ethnic territories”<sup>23</sup>, as in the case of

the *quilombola* communities of Alcântara (MA), and of “aquatic territories,” as in the case of fishermen in the Vila de Jenipapo on Marajó Island.<sup>24</sup> Because it is a social construction, territory is tied to intrinsic mobilization criteria and emphasizes the factor that manifests dispute and conflict. In a sense, we are witnessing the construction of new units of discourse that substantiate and diversify the meaning of “traditionally occupied lands,” reflecting the latest political mobilizations and calling attention to the subjects of action and their forms of organization.

Symbolic signs of recognition along with their evotive values, which begin to identify the different collective identities and their respective movements: the *babaçu* coconut palm became the icon of the action of so-called *quebradeiras* the same way as the *cabaça* or “gourd” symbolizes the *quilombolas* of Bahia and the Vale de Jequitinhonha (MG), the mandacaru cactus represents the *fundo de pasto* communities, the pig – or *leitão* as the *faxinalenses* call it – symbolizes the *faxinais*, the *poronga* or rubber tappers’ head lamp, signifies the rubber tappers, an Indian shooting an arrow above a map of the Amazon symbolizes COIAB, a man with open arms in an electric transmission tower with a hoe and a sickle at his feet symbolizes the “affected by dams”, and a wagon wheel on a green and blue background describes the constant movement of gypsies. Banners, posters, pamphlets, and leaflets on single sheets of paper with summary information about specific movements and organizations are adorned with these symbols, just as they adorn the packaging of goods (flour, soap, mesocarp flour, vegetable oils, dried fruit, recycled paper) produced in cooperatives by members of the organizations previously mentioned.

Symbols also politicize the intellectual property of so-called “traditional” knowledge, which cannot be reduced to a simple opposition to “modernity”, extending the types of recognition beyond the regional identities that link collective identities to states, hydrographic basins, specific ecosystems, and to certain natural hazards. In short this is a politicization of nature<sup>25</sup> linked in multiple ways to the emergence of collective identities, which lead us to redefine the scope of the meaning

of social movements and the specific territorialities to which they correspond. The humanization of natural resources through collective and kinship classifications shows the depth of such politicization. Thus, some people highlight in their group name a certain prominent element of the natural world, such as: “forest” in “forest peoples” or *cerrado* in “peoples of the *cerrado* or even “peoples of the water”. There are names in which this relationship is implied, such as in the case of the *geraizeiros* and *ribeirinhos*. The so-called *quebradeiras de côco babaçu* consider the *babaçu* palm as a “mother” figure as opposed to other peoples who evoke the “Earth mother”.<sup>26</sup> Cutting down palm trees indiscriminately is a violation of the rules governing the *quebradeiras’* way of life.

Taking into account this vast scope, we are also witnessing a politization of religious factors reflected in some of the collective identities presented here. At the First National Meeting of Traditional Communities representatives of the so-called *comunidades de terreiros*, also referred to by them as “religions of African origin”, declared the locations of their rituals and their *casas* as specific, culturally defined territorialities. Their vision of these sacred places went beyond the legal concept of *tombamento*, confirming that the *terreiros* are not mere monuments in registry books nor defined simply by their historic and ethnographic value, and therefore worthy of being protected by the state. They affirmed their condition as subjects who want to maintain their own administration of their social spaces and for this reason they invoke the situations in which the “saint is planted” defining a sacred ground, although not necessarily contiguous, with specific land use, including maintaining herbaria with information about their medicinal properties, as well as water resources, such as waterfalls and other types of cascades occasionally included in ceremonial sequences.

In a similar fashion, the *quilombolas* of the lower Amazon and Maranhão affirmed the protection St. Benedict provides for their “communities”, while the representatives of the *faxinais* evoked the Blessed João Maria and the Guerra do Contestado, and representatives of the *fundo de pasto* communities exalted Antonio Conselheiro and the Canudos War. In

the Marmeleiros Faxinal near Irati (PR), the camps of those who fled from military persecution during the Contestado War were appointed, during the First Meeting of Peoples of the Faxinais, as historic *faxinalense* landmarks, which contain an expectation of rights. Gypsy representatives, in turn, said their devotion to Our Lady of Aparecida because she is “the only Gypsy Saint in the World;” Saint Sara Kali is considered by the *Kallons* to be the Patron Saint of the gypsies. Wars, persecution, and stigma are combined with religious factors, forming identities that in addition to affirming specific territorialities establish historical links that in a certain way legitimize the disputes related to them. The saints and prophets facilitate a certain rationalization of “religious necessities”, creating favorable conditions that are linked with political mobilization, which reflects an awareness of need rather than a mere economic necessity identified in a supposedly objective way. The prophets are the bearers of revelations that reinforce new practices and discourses heralding a transformed world without refuting their underlying “origin”. The economic existence of so-called “traditional communities”, while part of a form of representation, is an instrument of tradition that guides politics through the magic. The historical discourse based on collective memory reinforces this by joining components of identity that only political affirmation may support; ensuring the coexistence of what is seemingly contradictory.

According to the narratives of the agents, the institutions associated with the common use of natural resources began to gain strength beginning in the eighteenth century when conflicts erupted with large plantations that were entering a phase of economic collapse. *Quilombos* and messianic movements have contributed directly to this, coupled with the emergence of a free peasantry that arose beyond the reach of the repressive mechanisms of the workforce. The collapse of the *seringalista* enterprise in the first decades of the twentieth century, and of the forms of immobilization that characterized the Brazil nut groves and *fazendas* with *babaçu* groves at the end of the second quarter of that century, can be explained in the same way, with social conflict as the main factor. The

emergence of organizational forms and collective identities is not contemporary with and does not coincide exactly with this economic periodization. This political dimension, suggesting a long political-organizational process, is a result of conflicts that have continued for decades and that, rather than being explained by their pre-capitalist formations, point to crises intrinsic to the development of capitalism itself.

These conflicts are, therefore, of several orders depending on regional variations and different economic enterprises (sugar mills, farms, cotton, coffee and *mate* producers, extractive enterprises, etc.), competing to show the diversity of social movements in play and a multiplicity of organizational forms and expressions of identity under which they are structured.

For the purposes of exhibition and synthesis I present a summary table (see “Social Movements”, pp. 108) of the principle social movements related to the issue of “traditionally occupied lands”, that includes: their organizational characteristics (date of creation, local headquarters, linkages to networks) and the different representations that assure them a delegation or the power to speak on behalf of a particular set of social agents.<sup>27</sup>

## NOTES – social movements

1. Despite belonging to associations defending particular interests, the *peconheiros*, extractivist women arumã gatherers, *caiçaras*, and *piaçabeiros* have not yet gathered into distinct mobilizations and do not yet constitute social movements, unlike the other collective identities mentioned. There are countless demands for the consolidation of specific *caiçara* territorialities on the coast of São Paulo that were referred to the Federal Prosecutor’s Office over the past six years. These associations present a fragmented existence, which, through continued mobilizations, could be moving towards forms of collective existence capable of configuring what Hobsbawm calls “new social movements” (Hobsbawm, 1995:406).

2. The gathering of representative organizations and voluntary associations of civil society has led to different forms of political expression. One of the most well known is the so-called “forum” that propitiates better conditions for mobilization for different organizations, functioning as a consultation mechanism in the face of government intervention. In addition to the Carajás Forum and the Eastern Amazon Forum in Southwestern Pará and Northern Mato Grosso, a Forum is being consolidated of organizations that are in favor of a “Sustainable BR-163”. In November of 2003 a meeting of these groups was held in Sinop, Mato Grosso to delineate the guidelines for action in response to government measures that address problems relating to the concession rights for the construction and paving of the BR-163 highway. For more information see: “Relatorio Encontro BR-163 Sustentável – Desafios e sustentabilidade socioambiental ao longo do eixo Cuiabá-Santarém”. Sinop (MT). Campus UNEMAT, 18 a 20 de novembro de 2003. 108 pp. Thereafter the aforementioned Forum began to act principally in the so-called “stages of public consultation” to elaborate the Regional Sustainable Development Plan for the Area of Influence of the BR-163 Highway. The first stage of consultations took place in July 2004. A second round of consultations and public hearings are scheduled to take place in April 2005 to debate a preliminary version of the Plan elaborated by the Inter-ministerial Working Group, created by Decree March 15 of 2004. I focus specifically on this case because this initiative is a pilot program for the implementation of the guidelines of the Sustainable Amazon Plan (PAS), the federal government’s principal instrument for articulating public policies that have as a priority the realization of a new development model in the Amazon region.

3. I list here the movements that have been active since at least 1985. I did not include, for example, the Union of the Garimpeiro Associations and Unions of the Legal Amazon (USAGAL), organized around the immediate interests of the so-called *donos de garimpo*, which claims to

represent 60,000 *garimpeiros*. Their goals were too circumstantial, relating mainly to the open exploration of alluvial areas, be they in reserve areas, on Indian lands, or in international border areas. This organization, after applying intense political pressure in the late 1980-90s to influence environmental policy and going head to head with the indigenous movement, with environmental groups, and with government agencies that operate on the frontiers of other Amazonian countries, suffered a number of political defeats and underwent a process of apparently irreversible decline.

Additionally, it is worth mentioning that the *garimpeiro* entities are always ephemeral and tied to circumstantial interests. Thus, in February 2004 the Union of the Garimpeiros of Western Pará (SINGOP) was created in Itaituba, bringing together those who had participated in gold extraction at Serra Pelada. I share the view of sociologist ALBERTO, Eduardo C. da Paixão in *Trabalhadores Rurais e Garimpeiros no Vale do Tapajós*, Belém, SEICOM, 1994 – that the *garimpeiros* affiliate themselves in a permanent way with Rural Workers' Unions, while at the same time joining cooperatives and other associations which bring together those who work in mining.

4. For more information read: GOMES, Eduardo – “Cresce a população indígena”. *Correio Amazonense*. Manaus, 14 de dezembro de 2005 pág. 20. The main source of the information listed here is: IBGE – *Tendências Demográficas – Uma análise dos indígenas com base nos resultados da amostra dos Censos Demográficos 1991 e 2000*. Rio de Janeiro. Estudos & Pesquisas – Informação Demográfica e Sócio Econômica n.º 16. 2005 142 pp.

5. According to data from the 2000 Demographic Census the indigenous population is distributed in following way: 350,000 Indians live in rural areas, while 384,000 thousand are located in urban centers.

6. CF. SHIRAISHI, J. *Reconceituação do Extrativismo na Amazônia: práticas de uso comum dos recursos naturais e normas de direito construídas*

*pelas quebradeiras de côco babaçu*. Dissertação de Mestrado apresentada ao Núcleo de Altos Estudos Amazônicos (NAEA). UFPA, Belém. 1997. 215 pp. e Anexos.

7. On June 2, 2005 a justice official accompanied by military police went to conduct the eviction of the *quilombo* families. An intense mobilization of diverse social movements raised barricades to impede the entry of the Military Brigade. On June 5 the *quilombolas'* lawyer succeeded in maintaining their possession rights to the area and Incra emitted a Term of Possession. On June 8 the appointed justice Luiz Gustavo Lacerda, from the 13<sup>th</sup> Civil Court, reversed the decision and ordered the eviction of the families. On June 20 in a contrary action the families were awarded "maintenance of possession" rights. (CF. "Carta à Sociedade" Comitê de Defesa da Família Silva, Porto Alegre, June 2005). On June 21, 2005 the Official Report of the Identification, Delimitation, and Occupational and Notary of the Silva Family Quilombo was officially published, making possible within ninety days its definitive titling as the "first urban *quilombo* of Brazil". To read the Report please consult the Diário Oficial da União from June 21, 2005.

8. This total was divulged in a program "folder" from the VI General Assembly of the GTA Network, titled "Meeting of the Forest Peoples – Cultural Diversity and Amazonian Sustainability", which took place in Brasília from 17-20 March 2005.

9. For INSS, rural workers may be put into four categories of beneficiaries, namely: "employee" or one who works for a business or rural land owner, including the so-called "harvesters" and *volantes*, temporary workers, with a signed work card; 2) "individual contributor" or worker that provides a service to one or more people without an employment link, doing temporary work, such as the case of the "harvesters", *volantes*, and *bóias-frias*. The so-called *parceiros*, *meeiros*, *comodatários*, *arrendatários* and artisanal fishermen, those who do ranching activities, fishing



activities, or mineral extraction with employees are also included in this category. 3) *Trabalhador avulso* or one who provides services in a rural setting without an official employment link, unionized or not, to different businesses and individuals. 4) *Segurado especial* which includes: *parceiro, meeiro, comodatário and arrendatário rural*, artisanal fishermen and their like, who work exclusively in a family economic regime, without employees, with the occasional help of third parties. In short, those who are farmers in family economic regime are considered by Previdência Social to be “specially insured”.

10. CF. BARTH, F. “Os grupos étnicos e suas fronteiras” in LASK, T. (org.) *O guru, o iniciador e outras variações antropológicas*. Rio de Janeiro, Contracapa, 2000 pp. 25-67.

11. CF. IGLÉSIAS, M. “Os índios e as eleições municipais no Acre”. Rio de Janeiro, outubro de 2000 mimeo. And also “Um breve olhar sobre a participação indígena nas eleições municipais de 2004 no Acre” in *Yuimaki-um jornal indígena do Acre*. Ano XIV. 26.<sup>a</sup> edição. Março de 2005 (publicação semestral) p. 10.

12. “Brazil has 743,000 Indians, close to 200,000 are registered voters. (...)” At the beginning of November 2003 COIAB held a meeting in Manaus to outline electoral strategies for 2004. CF. Biancareli. “Índios no Brasil Traçam plano eleitoral”. *Folha de São Paulo*, 2 de novembro de 2003 pág. A-27.

13. For more facts consult: NAVARRO, Cristiano. “O Brasil tem mais aldeia na política”. *Porantim*. Ano XXVI. n.º 269. Brasília, outubro de 2004, pp. 8, 9. “The state of Amazonas elected its first indigenous mayor (in Barreirinhas); in Minas Gerais, in the city of São João das Missões, where the majority of the population belong to the Xakriabá people, the indigenous organized themselves and elected the first Indian mayor of Minas Gerais.” (NAVARRO, C. 2004). Mecias Batista, of the Sateré

Mawé people, mayor of Barrerinhas (AM, was part of the first coordination of COIAB and directed the CGTSM (General Council of the Sateré Mawé Tribe).

14. For a more in-depth look at the participation of the *quebradeiras* in the 2004 municipal election see the keen and good-humored analysis of the economist BENJAMIN MESQUITA entitled “Eleições municipais no Maranhão” in *Assema em revista*. Edição especial dos 15 anos da Assema. Org. por Helcianne Araújo. São Luis, dezembro de 2004 pp. 15-16.

Regarding Maria Alaíde it is worth pointing out that she was reelected with a higher vote tally. In 2000 she had 260 votes and in 2004 she had 358 votes. Nice Aires was the city councilwoman who obtained the most votes in proportion to her electoral college. She obtained 3.8% of the total number of valid votes, in other words, 549 votes.

15. An electoral statistic relative to each collective identity is being disseminated. Some are linked to the notion of ethnic identity, while national identity shows declining results when we show the last two municipal elections. In the 2004 municipal elections, for example, 195 *nikkeis* were elected: thirty-one mayors, thirty-one deputy mayors, and 133 councilmen. The greatest concentration was in the states of São Paulo, Paraná, and Minas Gerais. This total indicates a reduction in relation to the legislature of 1996-2000, when 243 “nikkeis” were elected. In 2004, however, a “nikkei” woman was elected mayor in Tocantins. CF. *Jornal Nippo-Brasil*, 13 a 19 de outubro de 2004 pp. 4A and 5A.

16. A fascination with quantity nurtured an illusion of democracy in Lessa’s formulation. This author affirms that IBGE produced a census showing that 99% of the Brazilian municipalities have councils, with popular representation, functioning in the areas of: health, education, environment, and transportation. According to the author’s interpretation, “The profile of the municipalities traced by the IBGE research show that Brazil is being transformed into a soviet republic. After all, the translation

of the Russian word 'soviète' is council and the councils went on to play a definitive role in the management of Brazilian municipalities: in 1999, the average found by the survey was 4.9 Municipal Councils by municipality, a total of 26.9 thousand 'soviètes' spread over 99% of the counties in the country." CF. Lessa, R. "Conselhismo invade cidades" and "Perfil revela que o Brasil foi tomado pelos Conselhos". *Gazeta Mercantil*, 18 de maio de 2001. Also see: C. Otávio. "Os conselhos municipais se multiplicam no país". IBGE. Rio de Janeiro, 13 de novembro de 2003 pág. 16.

17. CF. HOBBSAWM, E. *Era dos Extremos – O breve século XX, 1914-1991*. São Paulo: Cia. das Letras, 1995.

18. The gender dimension, under which MIQCB is structured, can also appear in contingent mobilizations in the face of certain conflicts. For an illustration of this see: CASTRO, Edna e RODRIGUEZ, Graciela. *As mulheres de Altamira na defesa da água como direito humano fundamental*. Rio de Janeiro. A.S.C. 2004.

19. During the 34<sup>th</sup> General Assembly of Indigenous Peoples, organized by the Indigenous Council of Roraima (CIR), February 12-15, 2005, in the village of Maturuca, TI Raposa do Sol, with the participation of 186 *tuxauas* or chiefs, a new coordinator was elected for a two-year period. 177 communities participated in the election, totaling 7,539 votes. The *tuxaua* Marinaldo Justino Trajano, facing two other candidates, was elected coordinator with 2,711 votes.

20. Of the total indigenous population, according to the 2000 IBGE census, it appears that 384,000 are located in urban centers, while 350,000 live in rural areas.

21. This refers to Emílio Kabá, son of Martínho Kabá Munduruku and Maria Alice Puchu, born in 1941 in the *maloca* Itacharaiba on the banks

of the Cururu River, in the county of Jacareacanga. He left the village as a child, having been adopted by a family in Santarém. He retired as military police official and maintained regular contact with the village through his brother. (CF. Personal communication, May 2005).

22. CF. NOVAES, J. ARAÚJO e RODRIGUES, E. *Congresso da cidade- construir o poder popular, reinventando o futuro*. Belém, Labor. ed. 2002.

23. See the “Laudo Antropológico – identificação das comunidades remanescentes de quilombo em Alcântara” São Luis, setembro de 2002. 385 pp. which was elaborated by the anthropologist Alfredo Wagner Berno de Almeida, upon the request of the Sixth Chamber of the Federal Public Ministry.

24. The journal *Cadernos do IPPUR*. Vol. XVI, n.º 2. Rio de Janeiro, UFRJ, agosto/dezembro de 2002, mentions on the cover flap the so-called “aquatic territories”.

25. CF. ALMEIDA, Alfredo Wagner B. de. “Amazonia: a dimensão política dos ‘conhecimentos tradicionais’”. In: ACSELRAD, Henri. *Conflitos Ambientais no Brasil*. Rio de Janeiro: Fundação Heinrich Boll / Relume & Dumará, 2004, pp. 37-56.

26. One of the most well known examples of this involves the *quíchua*, who are distributed throughout Bolivia, Peru, and Ecuador and who venerate the “pacha mama” (Earth Mother).

27. There are 15 representatives of movements and associations that make up the National Commission of Traditional Communities.

## Social Movements

<b>Movement / Organization (1)</b>	<b>Period or of Year Foundation</b>	<b>Headquarters</b>	<b>Network of associated organizations</b>	<b>Representation</b>
COIAB (2)	1989	Manaus (AM)	75	165 indigenous peoples of the Amazon: the 495,000 indigenous inhabitants of the Amazon represent 68% of Brazil's indigenous population.
APOINME	1995	Recife (PE)	–	30 indigenous peoples, 70,000 Indians
UNI (3)	1978	São Paulo (SP) Rio Branco (AC) Tefé (AM)	Dozens of associations	–
COAPIMA	2003	São Luis (MA)	–	Six indigenous peoples
CNS	1985	Rio Branco (AC)	(4)	163,000 extractivists (rubber tappers and Brazil nut gatherers)
MIQCB	1991	São Luis (MA)	7 regional offices with dozens of associations	400,000 “quebradeiras” distributed throughout Maranhão, Tocantins, Piauí, and Pará.
CONAQ (5)	1996	São Luis (MA)	“1,098 Communities in the remnants of Quilombos” (6)	“Two million people”
GTA	1991-92	Brasília (DF)	Regional offices in the nine states of Brazi-	Represents organized civil society

			lian Amazon, more than 500 entities	organizations of the Amazon to the PPG-7
MONAPE	1990	São Luis (MA)	2 regional offices (7)	Fishermen from MA and PA
MORA (now MRRA)	1996	Manaus (AM)	Dozens of associations	Riverine Peoples of the Amazon
Movement of the Preservation of the Lakes	1990	Manaus (AM)	Dozens of associations	Riverine Peoples of the Amazon (8)
State Articulation of the Fundos e Fechos de Pasto	1974-1990 (9)	Salvador (BA)	“nearly 400 agro-pastoral associations”	20,000 families, in the semi-arid region of Bahia
MAB (10)	1989	PR, RGS	“regional offices”	“More than 1 million people” in all of Brazil
MABE (11)	2001	Alcântara (MA)	Dozens of associations organized by villages	Close to 15,000 people
Movement for the Survival of the Transamazon (12)	1989	Altamira (PA)	Dozens of associations	

### notes for social movements table

(1) Certainly this table is provisional and incomplete, but its purpose is to highlight those voluntary civil society organizations most directly related to categories understood in the significance of “traditionally occupied lands”. For this reason I did not include union entities or

militant organizations. According to a Ministry of Agrarian Development survey, completed in July 2003, there were seventy-one organizations involved in land conflicts and occupations. Besides the twenty-two federations and their respective unions linked to the National Confederation of Agricultural Workers (CONTAG), founded in 1963, we have the MST and another twenty-five entities that begin with the name of movement, among others: Movement of the Independent Landless, Movement of the Liberation of the Landless, Movement of the Deprived Landless...

CF. ÉBOLI, E. "Campo tem 71 grupos envolvidos em conflitos". *O Globo*. Rio de Janeiro, 3 de agosto de 2003.

Not included in this table, however, were the Movement of the Landless Workers (MST), founded in 1984 in Curitiba (PR) and that is currently found throughout the country, nor the Movement of Small Agriculturists, which was founded in Rio Grande do Sul beginning with the so-called "Drought Camps" that were organized in January and February 1996.

The *arumã* artisans and extractivist associations of the Lower Rio Negro, the *piçabeiros* of the Upper Rio Negro, and the *peconheiros* of the Lower Amazonas were not included either, because these movements find themselves in an embryonic phase and tend to organize themselves principally around production. In truth they are more similar to the notion of cooperatives, such as the Artisans Association of Novo Airão (AM). They refer to areas that have traditionally been used in a communal fashion, such as: açáí groves, *arumã* vine areas, and areas with an incidence of *piçaba*; which could potentially be the object of specific environmental preservation through the creation of protected areas.

According to this same criterion associations directly related to the *faxinais* were not included either. As indicated by data collected during the 1st Meeting of the Faxinais Peoples, held from 5-6 August 2005 in Irati, Paraná, at that time there were forty-four faxinais associations. The representative of the *faxinalenses* in the National Commission of Traditional Communities is the Faxinal dos Seixas in the county of São João do Triunfo (PR).

The two gypsy associations, APRECCI and CCC were not included either. The gypsies have a representative on the National Commission of Traditional Communities.

The associations of the *terras de santo* and the “brotherhoods” were not included nor those representing Brazil nut gatherers, which were started in the 1950s as “Brazil nut groves of the people”. In the latter case we start with the assumption that the representation would be covered in the ambit of the National Council of Rubber Tappers, which is also represented in the National Commission of Traditional Communities.

(2) COIAB was founded on April 19, 1989 and is structured into a network with organization members in the following states: Amazonas, 46 (FOIRN, Association of the Indigenous Communities of the District of Yauareté, UNCIDI, UNIRT, Association of the Indigenous Communities of the Tiquié River, ACIRX, ACIMRN, ARCINE, ACIBRIN, AINBAL, ACIRI, ACITRUT, ACIRU, UCIRN, ATRIART, CACIR, OIBI, OGPTB, OSPTAS, OPIM, MEIAM, CIVAJA, UNI/TEFÉ, CGTT, FOCCITT, CGTSM, CIM, Kanamari Indigenous Commission, OASISM, OPISM, AMARN, AMISM, AMIK, AMAI, AMITRUT, OPIMP, OPAMP, UPIMS, OPIPAM, COPIAM, AIPAT, AISMA, OPITTAMP, OPIAM, AC-INCTP, and Terra Preta Community); in Acre, 4 (UNI/ACRE, MPIVJ, OPITARJ AND OPIRE); in Amapá, 4 (APINA, APIO, APITU and AGM); in Maranhão, 4 (Angico Indigenous Association – Tot/Guajajara, Association of the Guajajara Peoples, Krikati and Awá, CIPK and Wyty’Caty of the Gavião People); in Mato Grosso, 3 (ASPA, FEPOIMT and Association of the Tapirapé Peoples); in Pará, 4 (CITA, CIMAT, AMTAPAMA and Pussuru/Munduruku Indigenous Association); in Rondônia, 5 (CUNPIR, Association Pamaré of the Cinta Larga People, Organization Metarelá of the Suruí People, APK and COIS); in Roraima, 3 (CIR, OPIR and APIR); in Tocantins 2 (AIX and Council of the Indigenous Organization of the Araguaia and Tocantins Watershed). Cf. COIAB. *Unir para organizar, fortalecer para conquistar*. Manaus, 2003.



Indigenous peoples have a representative on the National Commission of Traditional Communities.

(3) UNI was founded in 1978 but the organization only gained projection beginning with the National Constituent Assembly and with the formation of the union of the “Forest Peoples” in 1988. In September 1989 UNI established the Center of Indigenous Research in Goiânia (GO).

For more information consult – RICARDO, Carlos Alberto – “Quem fala em nome dos índios”. In: *Povos indígenas no Brasil: 1987/88/89/90*. CEDI. Aconteceu Especial 18. São Paulo, 1991, p.69.

(4) The Resex Associations, including among others, the Association of the Inhabitants of the Resex Chico Mendes – Brasília (AMOREB), Association of the Inhabitants of the Resex Chico Mendes – Assis Brasil (AMOREAB), Association of the Rubber Tappers and Agriculturalists of the Resex Alto Juruá (ASAREAJ), Association of the Inhabitants of the Resex of the Ouro Preto River (ASROP), Association of the Extractivist Workers of the Resex Rio Cajari (ASTEX-CA), would be included in CNS, as well as the associations of areas of “possession”, which border the reserves, like the Pinda association in Brasília (AC), and the associations of titled areas reserved for extractivism.

The associations that involve Brazilian rubber tappers who work in *seringais* in the Pando region of Bolivia would also be included here, which are surnamed *brasivianos* and participate, with voting rights, in the National Meetings of Rubber Tappers.

With respect to these workers who have migrated across international borders in the Amazon, recently occupying different areas, we could also mention: Brazilian *garimpeiros* in Suriname, assembled in the Cooperative of *Garimpeiros*, with its headquarters in Paramaribo, but who search for alluvial gold in different parts of the country, and Brazilian workers in French Guyana, including those who work with the required documentation as well as those who work clandestinely in areas near the Maroni River. For more information see:

CARVALHO MARTINS, Cynthia. *Os deslocamentos como categoria de análise-agricultura e garimpo na lógica camponesa*. Dissertação apresentada ao Mestrado em Políticas Públicas da UFMA, São Luis, 2000.

ESTEVES, Benedita M.G. *Do “manso” ao Guardião da Floresta – estudo do processo de transformação social do sistema seringal a partir do caso da Reserva Extrativista Chico Mendes*. Tese de Doutorado. CPDA – UFRR. Rio de Janeiro, 1999.

SOARES, Ana Paulina A. *Travessia: análise de uma situação de passagem entre Oiapoque e Guiana Francesa*. Dissertação de mestrado apresentada ao Departamento de Geografia da FFLCH da USP, São Paulo, 1995.

Neither the so-called *brasiguaios*, who are distributed throughout border areas with Paraguay, nor the *brasivianos*, rubber tappers who entered into Bolivia, were included here.

(5) The National Coordination of Articulation of Black Rural Quilombola Communities (CONAQ) is a national organization and was created in 1996, in Bom Jesus da Lapa (BA), in the evaluation meeting of the 1st National Meeting of Quilombos (1995). It was attended by representatives of communities of eighteen Federal Units, in addition to entities of the Black Movement linked to the agrarian question and who support the struggle of the *quilombolas*. The *quilombolas* have a representative on the National Commission of Traditional Communities.

(6) “According to studies by the Black Life Project (Society Maranhense of Human Rights and Center for Black Culture of Maranhão) and surveys by the Palmares Cultural Foundation of the Ministry of Culture, University of Brasília (UnB) and the Association of the Rural Black Quilombola Communities of Maranhão (ACONERUQ) this consists of a preliminary mapping of 1,098 *quilombola* communities. These communities are present in almost every state in Brazil, with the exception of Roraima, Amazonas, Acre, Rondônia, and the Federal District.” CF. CONAQ/ACONERUQ/ COHRE – Campanha Nacional pela Regula-

rização dos Territórios de Quilombos. *Direito à Moradia – Regularização dos Territórios de Quilombos*. São Paulo, agosto de 2003.

(7) The regional offices are designated as the Movement of the Fishermen of Pará (MOPEPA) and the Movement of the Fishermen of Maranhão (MOPEMA). MONAPE is represented in the National Commission of Traditional Communities.

(8) From July 19-23, 1999 the XV Meeting of the Riverine Peoples of Amazonas and the 1st Meeting of the Riverine Peoples of the Amazon occurred simultaneously in Moromba, in Manaus – AM, with the support of Pastoral Land Commission (CPT) and of CESE (Advocacy Services Coordinator). More than 100 delegates participated, representing *Ribeirinho* Communities from the entire Amazon region.

In 2002 during the IV Meeting of Rural and Riverine Women Workers, held in Manaus, the Movement of Riverine Women Workers of the State of Amazonas was created with the following objectives: “secure citizenship documents for 50,000 women by the end of 2005. Over a three-year period train thirty-five new leaders so they may form regional and national teams. Occupy positions in the Municipal, State, and Federal Councils.” (CF. *folder* of the MMTR-AM).

(9) The Central of the *Fundos de Pasto* of Senhor do Bomfim was founded on September 2, 1974.

For more clarification regarding this matter see the document entitled “O Fundo de Pasto que queremos – Política Fundiária e Agrícola para os Fundos de Pasto Baianos”. Salvador (BA), abril de 2003, s/autoria.

No information was collected regarding organizations structured around the use of common use pasture areas in Pernambuco and Ceará, although there were areas registered in these states under designations like: *terras soltas* and *terras abertas*.

The Geography Project – CNPq/IGEO/UFBA, coordinated by the geographer Guiomar Germani, collected information in twenty-three Bahian counties during the course of 2003, (Andorinhas, Antonio Gonçalves, Brotas de Macaúbas, Buritirama, Campo Alegre de Lourdes, Campo Formoso, Canudos, Casa Nova, Curaçá, Itiúba, Jaguarari, Juazeiro, Mirangaba, Monte Santo, Oliveira dos Brejinhos, Pilão Arcado, Pindobaçu, Remanso, Santo Sé, Seabra, Sobradinho, Uauá, Umburanas), on a total of 255 associations of small rural producers. These associations often include in their name the name of the *fundo de pasto* they represent. This name can be linked to the common use of water resources, to the individual who pioneered the use of the resources in question, or even the abundance and beauty of the land. Thus there are references to water bodies, wells, and springs, such as: Fundo de Pasto Lagoa das Baraúnas, Fundo de Pasto Olho d'Água, and Fundo de Pasto Lagoa do Anselmo. There have also been references that denote a biblical sentiment that evoke the protection of divinities such as: Fundo de Pasto Nossa Senhora da Conceição, Fundo de Pasto de Bom Jesus dos Campos, and Fundo de Pasto Bom Jardim. There are even references to those who found or opened the resources, ensuring their common use, such as the case of the Fundo de Pasto de Antonio Velho.

The *fundo de pasto* communities have a representative in the National Council of Traditional Communities.

(10) Three social situations of resistance to compulsory eviction of populations by the state, which began at the end of the 1970s, characterize the formation of the Movement of Those Affected by Dams. According to the *Caderno n.º 7 do MAB* titled “MAB: uma história de lutas, desafios e conquistas”: “First in the Northeast region, at the end of the 1970s, the construction of the Sobradinho hydroelectric power plant on the São Francisco River led to the eviction of more than 70,000 people, and later the Itaparica hydroelectric power plant was the stage for heavy conflict and popular mobilization. Secondly, in the South, almost simultaneously in 1978 the construction of the Itaipu hydroelectric power plant, in the

Paraná River basin, was initiated and the construction of the Machado and Ita Powerplants, in the Uruguai basin, was announced, which led to intense mobilization and organization in the region. Thirdly, in the Northern region, during the same period, the people began to organize themselves to guarantee their rights in the face of the construction of the Tucuruí hydroelectric power plant.” (MAB; s/d: pág. 6).

For more information about MAB and their organizational experiences see *Manual do Atingido* (VAINER, C. and VIERA, F.; 2005).

(11) The Movement of those Affected by the Alcântara Space Station was founded in July 2001 and assembles representatives of at least 139 villages, located in the 62,000 hectare area that was expropriated for the installation of the Launch Center, and nearly thirty villages in the surrounding area. It defends the recognition of the ethnic territory, which congregates different specific territorialities (*terras de preto, terras de santíssima, terras de santo, terras da santa, terras de pobreza, terras de caboclo*, among others), which are constructing their political expression and identity beginning with the systemic relationship between the families of the diverse villages, which bring together close to 12,500 people. Bonds of social cohesion were developed as a result of the resistance to the construction of the military base, which in 1986-87 forcibly evicted 312 families. One of the milestones indicated by those involved to explain the regrouping of the mobilization based on ethnicity was the seminar “Alcântara: The Space Station and the Social Impasses”, held between May 11-14, 1999.

(12) The Movement for the Survival of the Transamazon, based in Altamira (PA), since 1989, was structured according to regional criteria, including the population of counties of Pará that border or are crossed by the Transamazon highway, built at the beginning of the 1970s. At present this organization form was substituted and broadened with its members banding together with the Movement for the Development of the Transamazon and the Xingu.

This movement denounced the “Armed Occupation of the Riozinho do Anfrísio Extractive Reserve”, in the Of. Circular n.º 24, January 12, 2005.

## The territorialization processes

There are, thus, different processes of territorialization in progress that should be the object of careful reflection. *Babaçu* groves, Brazil nut groves, and *seringais*, under this prism, do not signify simply the incidence of a plant species in an area or “polygon”, as they say in cartography, but have an expression of identity reflected in territorial extensions of belonging. For the same reason the so-called *faxinais* and *fundos de pasto* cannot be reduced to common areas for animal husbandry. This expression, “territorialization process”, seeks to improve our understanding of how territories are politically constructed through mobilizations for the free access to basic resources in different regions, and in different historical moments. The process of territorialization is the result of a series of factors that involve the capacity to mobilize around a political identity; and a power game in which social agents, through their organized expressions, wage struggles and demand rights from the state. Community relations also find themselves in transition during this process, describing the transition from a unit of affection to one of political mobilization or from an individualized existence to a collective one. The so-called “traditional community” was constituted during this transition. The significance of “traditional” proves itself, in this way, to be dynamic and up to date, breaking with the essentialist view and the fixed nature of a territory, mainly explained by historical factors or by the natural en-

vironment, as if each biome corresponds necessarily to a certain identity. The political construction of a collective identity, together with the perception of social actors that it is possible to ensure secure access to basic resources, results, in this way, in a specific territoriality that is the product of demands and struggles. This kind of territoriality is a form of dialogue with antagonists and with the power of the state.

To get an idea of the magnitude of these specific territorialities, which can not be read as “isolated” or “incidental,” the following can be affirmed: of Brazil’s 850 million hectares, about ¼ do not fit within the categories “establishment” and “rural property”. In fact, about 12% of Brazilian territory, or about 110 million hectares, are held in nearly 600 indigenous lands or territories. In contrast, titled *quilombo* lands correspond to about 900,000 hectares. The *babaçu* groves over which the *quebradeiras* are beginning to extend the Free *Babaçu* Laws, correspond to a little over 18 million hectares, found especially in the so-called Middle North. However, the *babaçu* extractive reserves do not exceed 37,000 hectares.

The *seringais* are distributed over more than 10 million hectares and are the object of different forms of use. Although the Brazil Nut Polygon, in Pará, covers 1,200,000 hectares, it is known that there are Brazil nut groves in Rondônia, in Amazonas, and in Acre covering an extension of no less than 15 million hectares, in spite of extensive deforestation. Nevertheless, extractive reserves created to protect Brazil nut, rubber, and fishing resources account for less than 10% of the total of all areas related to extractivism, in other words, a total of 3,101,591 hectares with a population of 36,850 inhabitants. Certainly there are risks of double counting to be considered, since there are indigenous and *quilombo* lands in the ecological regions with high incidence of *babaçu*, Brazil nut, and rubber trees. We can add to these areas those of *açaí* and *arumã* collectors, *ribeirinhos*, *fundo de pasto* associations (in the semi-arid region), *faxinais*, and other peoples and social groups using natural resources in common use arrangements – in a network of complex social relationships that require simple cooperation in the production



process and the tasks of everyday life – which amounts to a process of territorialization that redraws the surface of Brazil, producing a unique social cartography to which other compatible social contents are attributed with the new forms social subjects use to define and organize themselves<sup>1</sup>. In truth we have the construction of specific identities together with the construction of specific territories.

The advent of categories such as the so-called *sem terra* or “landless” and the “mixed Indians”<sup>2</sup>, also permit a more accurate understanding of this process. It should be noted that new indigenous peoples are emerging, not only in the Amazon, but also in the Northeast and Southeast of the country. Take the example of Ceará, which twenty years ago had no officially registered Indians and today has more than ten indigenous peoples. Concomitant with this “emergence” there are political and organizational criteria that are structured based on demands for land. These lands are being incorporated for more than their “physical aspects”, according to an idea of a network of social relations increasingly strengthened by successive self-definitions or by ethnic affirmation.

To clearly illustrate this we can take another look at the census data: the 2000 Demographic Census states that the people classified as “indigenous” were those that had the greatest rate of population growth between 1991 and 2000. They grew at an annual rate of 10.8%, doubling their number relative to the total population of Brazil, going from 0.32% to 0.4%. It should be pointed out that during this same period the total population of Brasil grew at a rate of 1.6% per year. Those who declare themselves to be “blacks”<sup>3</sup> grew 4.2%. The growth of “indigenous people” and of “blacks” was not the result of a multiplication of the population of Indian villages and black communities, but a change in the way they self-identify in the census. People are defining themselves according to identities of ethnic affirmation, which require specific territorialities. In analyzing the Northern Region, Amazonia, we find that only 29.3% describe themselves as “white”, all others, more than 2/3 of the population, present themselves as “indigenous”, “black”, and “brown”. In other words the Northern Region would have an “ethnic composition” that apparently,

based on the percentage declaring themselves to be “white”, could be close to that of countries like Bolivia, Peru, and Ecuador.

Therefore, together with the differentiated processes of territorialization, we have the construction of a new “ethnic physiognomy” through: self-declaration in the census, a redesign of civil society, the advent of hundreds of social movements, and through collective self-definition and intrinsic organizational forms. All these factors coincide to compose the field of meanings from which “traditionally occupied lands” are defined, where the traditional is not limited to the historical, but includes the demands of the present with collective identities redefined situationally in a continuous mobilization.

Environmental and agricultural policies resist, in this sense, the incorporation of ethnic and identity factors in their instruments of direct intervention, and those other technical resources that may help them obtain a more precise understanding of the valid modalities of common use. Officially defining conservation units based only on the incidence of species<sup>4</sup> and operating with the conventional cadastral and census categories means incurring the mistake of reducing the environmental issue to an action without a subject.

Social movements present themselves as a factor of collective existence that challenges this insistence on operating procedures of action without a subject, and looks to bring down the other obstacles that impede the legal recognition of “traditionally occupied lands”. The strength of this challenge seems to be emerging as a problem on the agenda of power. The latest move in this direction, as previously noted, dates from December 27, 2004, when the federal government decreed the creation of the Commission for the Sustainable Development of Traditional Communities<sup>5</sup> in order to implement a national policy specifically directed to those communities. As a corollary, the preparations for the First National Meeting of Traditional Communities, held between the 17<sup>th</sup> and 19<sup>th</sup> of August 2005 in Brasília exemplify this. The invitation to participate already translated a certain form of recognition of the social movements in question and their basic agendas.

In the same way, the selection of the members of the National Commission of Traditional Communities, beyond any supposedly “objective” criteria (demographic, regional, by biome, by higher or lower social visibility, by extension of the network of linked associations, by the number members, etc.) signals the official recognition of a certain form of political expression that is not the equivalent of a homogenous mode of representation.

In summation, we can conclude that political and organizational diversity is prevalent as a starting point for the construction of a differentiated form of representation. This representation makes social movements a potentially relevant political place, because the mobilization of their members has led to the coexistence of ethnic differences and of different occupations and economic activities. This breaks with the usual dichotomous visions. Contrary to what one might suppose, a convergence of interests resulting in a legal homogenization, which is frequently mentioned as a positive feature of “globalization”, is not taking place. It would also be incorrect to say that this is an undefined fragmentation of collective identities, weakening the bonds of political solidarity and debilitating the forms of association, as had occurred with the labor unions, due to the effects of measures inspired by neoliberalism. In this sense, this is not a case of the “traditional” that resists “modern” government policies, but the “traditional” which is constructed from the failure of these policies to ensure, in addition to political discourse, what they call “sustainable development”. Those social actors who fifteen years ago were considered as “residual” or “remnant,” today behave in a lively and active way, able to counteract the antagonists who try to usurp their territories.

Transcending the organizational expression it can be said that it is the intensity of the demands for legal recognition of specific territorialities, for which the social movements struggle, which challenges the formal restructuring of the land market advocated by the multilateral agencies. It is from this point of view that I intend to draw attention to the importance of studying the relationship between the “traditionally

occupied lands” and the different processes of territorialization they correspond to at the moment.

#### NOTES – the territorialization processes

1. This percentage is interesting when we consider the fact that there are 200 million hectares for which the Inca registry possesses no information whatsoever. The land listings refer to only 650 million hectares. For this reason, yet another innocuous government action is being outlined without modifying the existing census and registration categories, as Inca plans to implement the National System of Registry of Rural Properties beginning in March 2004.

2. I registered the category of “mixture” as a form of self-identification in at least two situations: in the speech of the *quilombolas* from Conceição das Crioulas (PE) and in the Faxinal dos Marmeleiros (PR). The manner in which social actors, *quilombolas* and *faxinalenses* self-identify includes what they call “mixture” or in other words situations resulting from marriages between blacks and Indians or between Indians and Italian immigrants. For more information see: Pacheco de Oliveira, J. “Uma etnologia dos “índios misturados”: Situação colonial, territorialização e fluxos culturais.” P. de Oiveira (org.) *A viagem de volta – Etnicidade, política e reelaboração cultural no Nordeste Indígena*. Rio de Janeiro, Contra Capa, 1999, pp. 11-40.

3. IBGE uses the term *preto* and not the term *negro* as a classification. Between 1872 and 1991 the census category *preto*, which dates from the first Census, show a decline in percentage, in other words, in 1872 it represented 19.68% of the total population; in 1890 it represented 14.63%; in 1950 it represented 10.96%, in 1960 it was 8,71%, in 1980 it was 5.92%, and in 1991 it registered 5.01%. That is 119 years of constant decline, as if to signal a “whitening” of the population. In the year 2000,

however, there was a percentage increase superior to that of the so-called “whites”, breaking the trend of more than a century of decline. The number of people who self-identified as “blacks” rose by almost 40% between the 1991 and 2000 censuses.

4. According to the stipulations of Article 57 of Law 9985 there were recorded, according to IBAMA, 28 cases of overlap between indigenous lands and conservation units. The most conflictive cases involve the Monte Pascual, Araguaia, and Neblina national parks and the Iquê Ecological Station. In the opinion of CIMI’s legal advisor, Paulo Guimarães: “Regularizing the superposition of Integral Protection Unit (...) implies unconstitutional restrictions on the permanent possession and exclusive use of indigenous peoples to natural resources on the land they traditionally occupy, because in this type of protected area ‘only the indirect use of natural resources is permitted’”. CF. *Porantim* ano XXII – n. 230. Brasília, novembro de 2000 pág. 9.

5. CF. Decree of 27 December 2004. In *Diário Oficial da União-Seção I*, Ed. n.249 (Seção – Atos do Poder Executivo), 28 de dezembro de 2004 p.4. In April of 2005 this decree was reedited with as n. 10.408.

## **BIBLIOGRAPHIC REFERENCES**

- ACEVEDO MARIN, ROSA; ALMEIDA, A.W.B. de (org.) *Populações tradicionais – Questões de terra na Pan-Amazônia*. Belém: Unamaz, 2006.
- AIZENSTEIN, Berel (Presidente da Confederação Israelita do Brasil). “Negros, índios e ciganos: por que não?” *Tribuna Judaica*. Ano VI, n.º 143. Ed. Nacional, 26 de junho a 10 de julho de 2005.
- ALMEIDA, A.W.B. de. “Universalização e localismo – Movimentos sociais e crise dos padrões tradicionais de relação política na Amazônia”. *Reforma Agrária*, ano 19, n.º I, p. 4-7, abril/jun., 1989.

- \_\_\_\_\_. “Terras de preto, terras de santo, terras de índio – uso comum e conflito.” Belém, *Cadernos do Naea*, n.º 10, p. 163-96, 1989.
- \_\_\_\_\_. “As quebradeiras de côco babaçu: identidade e mobilização.” São Luís, MIQCB – Caderno de Formação, n.º 1, p. 17-18, 1995.
- \_\_\_\_\_. “Laudo antropológico – identificação das comunidades remanescentes de quilombo em Alcântara.” São Luís: Sexta Câmara do Ministério Público Federal, set. 2002, 385 p.
- ALMEIDA, A.W.B. DE; PRANDEL, M.A. “Palafitas do Jenipapo na Ilha de Marajó: a construção da terra, o uso comum das águas e o conflito”. Rio de Janeiro, *Cadernos do Ippur*, v. XVI, n.º 2, p. 9-55, ago./dez., 2002.
- AQUINO, Terri Valle de; IGLESIAS, M. *Kaxinawá do Rio Jordão-Histórico, Território, Economia e Desenvolvimento Sustentado*. Rio Branco (AC), 1994, 280 pp.
- BARFIELD, Thomas J. *The nomadic alternative*. New Jersey. Prentice Hall, 1993.
- BARTH, F. “Os grupos étnicos e suas fronteiras”. In: LASK, T. (Org.) *O guru, o iniciador e outras variações antropológicas*. Rio de Janeiro: Contracapa, 2000, p. 25-67.
- BARTH, F. *Nomads of South Persia – The Basseri Tribe of the Khamseh Confederacy*. Illinois: Waveland Press, Inc., 1986 (1<sup>st</sup> ed. 1961).
- BASES PARA uma política nacional da castanha. Belém: s.n., 1967.
- BIANCARELI. “Índios no Brasil traçam plano eleitoral”. São Paulo: *Folha de S. Paulo*, p. A-27, 2.11.2003.
- BORGES, P. *Do valor alimentar da castanha-do-pará*. Rio de Janeiro: SAI – Ministério da Agricultura, 1967.
- CALDEIRA, Clóvis. *Mutirão – formas de ajuda mutual no meio rural*. Ed. Brasiliense, vol. 289. Bib. Pedagógica Brasileira. São Paulo: Cia. Ed. Nacional, 1956.
- CAMPOS, Nazareno J. de. *Terras de uso comum no Brasil. Um estudo de suas diferentes formas*. Tese de doutorado apresentada ao Curso de pós-Graduação em Geografia Humana da Faculdade de Filosofia,

- Letras e Ciências Humanas. São Paulo: USP, fevereiro de 2000, 258 pp.
- CARTILHA DO Movimento Ribeirinho do Amazonas. Manaus, 2003.
- I Seminário sobre Identidade Ribeirinha. Manaus: CPT, 2003.
- CARVALHO, A. *Reforma Agrária*. Rio de Janeiro: ed. O Cruzeiro, 1962.
- CARVALHO MARTINS, Cynthia de. *Os deslocamentos como categoria de análise – agricultura e garimpo na lógica camponesa*. São Luís, 2000. Dissertação (Mestrado) – Universidade Federal do Maranhão.
- CIRNE LIMA, R. *Pequena história territorial do Brasil: sesmarias e terras devolutas*. Goiânia: Ed. UFG, 2002.
- \_\_\_\_\_. *Sesmarias e Terras Devolutas (Pareceres)*. Porto Alegre: OF Gráficas Thuruann, 1931, 101 p. (Parecer apresentado ao General Ptolomeu de Assis Brasil, Interventor Federal no Estado de Santa Catarina).
- CLAY, J. W. “Brasil nuts. The use of a keystone species for conservation and development.” In: FREESE, C. (Ed.) *Harvesting wild species*. New York: The John Hopkins University Press, 1997, p. 246-282.
- COIAB. “Unir para organizar, fortalecer para conquistar”. Manaus: s.n., 2003.
- CONAQ/ACONERUQ/COHRE. *Campanha Nacional de Regularização dos Territórios de quilombos*. São Paulo: s.n., agosto de 2003.
- COSTA, Porto. *O pastoreio na formação do Nordeste*. Rio de Janeiro: MEC – Serviço de Documentação, “Os Cadernos de Cultura n.º 121”, 1959.
- ÉBOLI, E. “Campo tem 71 grupos envolvidos em conflitos.” Rio de Janeiro, *O Globo*, 3.8.2003.
- ESTEVES, Benedita M.G. *Do “manso” ao Guardião da Floresta – estudo do processo de transformação social do sistema seringal a partir do caso da Reserva Extrativista Chico Mendes*. Rio de Janeiro, 1999. Tese (Doutorado) – CPDA da Universidade Federal de Roraima.
- GEVAERD FILHO, J. L. “Perfil histórico-jurídico dos faxinais ou com-páscuos – análise de uma forma comunal de exploração da terra.

- Revista de Direito Agrário e Meio Ambiente*. Curitiba: ITFC, 1986, pp. 44-69.
- HOBBSAWM, E. *Era dos Extremos – o breve século XX, 1914-1991*. São Paulo: Cia. das Letras, 1995.
- IGLÉSIAS, M. “Os índios e as eleições municipais no Acre”. Rio de Janeiro, Out. 2000. (Mimeo.)
- JESUS, C. P. de. *Utopia cabocla amazonense – agricultura familiar em busca da economia solidária*. Canoas (RS): Editora da Ulbra, 2000.
- MAB – Movimento de Atingidos por Barragens. *Caderno do mab*, n.º 7 – “MAB: uma história de lutas, desafios e conquistas”, s.d. \_\_\_\_\_ . *Caderno de Formação*, n.º 5, p. 3, s.d.
- NEVES, D.P. (Org.) *A irmã Adonai e a luta social dos ribeirinhos – contribuição para a memória social*. Niterói: s.n., 2003.
- NOVAES, J; ARAÚJO, L.; RODRIGUES, E. *Congresso da cidade – construir o poder popular, reinventando o futuro*. Belém: Labor, 2002.
- “O FUNDO DE pasto que queremos – política fundiária e agrícola para os fundos de pasto baianos.” Salvador (BA), abril 2003.
- OTÁVIO, C. “Os conselhos municipais se multiplicam no país.” Rio de Janeiro: *O Globo*, 13.11.2003.
- PACHECO DE OLIVEIRA, J. “Uma etnologia dos ‘índios misturados’: situação colonial, territorialização e fluxos culturais.” In: \_\_\_\_\_. (Org.) *A viagem de volta – etnicidade, política e reelaboração cultural do Nordeste indígena*. Rio de Janeiro: Contra Capa, 1999. p. 11-40.
- PORANTIM. Brasília, ano XXIII, n.º 230, nov. 2000.
- REGIS, Dom G.F. *Pistas ribeirinhos*. Prelazia de Coari, 2003.
- SHIRAISHI NETO, Joaquim. *Reconceituação do Extrativismo na Amazônia: práticas de uso comum dos recursos naturais e normas de direito construídas pelas quebradeiras de côco babaçu*. Dissertação de Mestrado apresentada ao Núcleo de Altos Estudos Amazônicos (NAEA). Belém: UFPA, 1997.
- SOARES, Ana Paulina A. *Travessia: análise de uma situação de passagem entre Oiapoque e Guiana Francesa*. São Paulo, 1995. Dissertação



- (Mestrado) – Departamento de Geografia da Faculdade de Filosofia, Letras e Ciências Humanas da Universidade de São Paulo.
- SOUZA, Barros. *Cercas Sertanejas* (Traços ecológicos do sertão pernambucano). Rio de Janeiro: MEC – Serviço de Documentação, “Os Cadernos de Cultura n.º 117”, 1959.
- TONI, F.; KAIMOWITZ, D. (Orgs.) *Municípios e gestão florestal na Amazônia*. Natal: A.S. Editores, 2003.
- ENCONTRO BR-163 SUSTENTÁVEL. “Relatório Encontro BR-163 Sustentável – desafios e sustentabilidade socioambiental ao longo do eixo Cuiabá-Santarém”. Sinop (MT), Campus Unemat, 18 a 20 de novembro de 2003. Sinop: *Anais...*, 2003. 108p.
- VAINER, Carlos e VIEIRA, Flávia B. *Movimento dos Atingidos por Barragens*. Manual do Atingido. Rio de Janeiro. MAB / ETERN / IPPUR / UFRJ, 2005.



## **“Terras de preto”, “terras de santo”, “terras de índio” – common use and conflict<sup>1</sup>**

### **COMMON USE SYSTEMS IN THE AGRARIAN STRUCTURE**

The diverse forms of common land use are a frequently ignored aspect of the Brazil's agrarian structure. Analytically, they describe situations in which the control of basic resources is not exercised freely and individually by a group of small domestic producers directly or through one of its members. Such control is carried out through specific norms established in addition to the existing legal code and incorporated, by consensus, in the intricacies of social relations formed between different family groups, who make up a social unit. They may express not only stable access to land, as in former colonial areas, but they also reveal relatively transitory forms intrinsic to regions of recent occupation.

The updating of these norms occurs in the territories in question, whose boundaries are socially recognized, including by those living nearby. Territoriality functions as a factor of identification, protection and strength. Bonds of solidarity and mutual assistance inform a collection of rules built upon a physical base considered to be common, essential, and inalienable, notwithstanding the provisions of succession

that may exist. In a generic way the occupants of these extensions, and those living in bordering areas, refer to these areas as “commons”.

Depending on its specific purposes, access to land to carry out productive activities takes place not only through the traditional intermediary structures of family, kin groups, the town or the village, but also depends to a certain degree on cohesion and solidarity obtained in facing antagonists and situations of extreme adversity, which politically strengthens the networks of social relations. Unless there are relations of kinship, close neighborhood ties and affinity, or rituals of admission that ensure the subordination of new members to the rules governing the forms of ownership and land use, closing access to basic resources.

The limitation of the imperative force of these rules to different discontinuous, geographically dispersed territories with the most diverse historical and ethnological backgrounds draws attention to possible co-extensive invariants to the constant meaning of “common lands”. But these are not known, because territories are viewed as bounded units, leading to multiple related categories, such as: *terras de parente*, *terras de preto*, *terras de índio*, *terras de santo*, which are the object of a scientific investigation of social processes that are inseparably linked to these rules and to the groups that promulgate and obey them.

preconceived notions: ignorance  
and irrelevance

Common land usufruct systems, because they blatantly collide with official legal rules and with the common sense of already crystallized unofficial economic interpretations, despite being perceived in fact, have never been the subject of any inventory in Brazil. The areas they correspond to have never been cataloged, quantified, or subjected to the statistical analysis and property registration techniques adopted by the governmental planning agencies intervening in rural areas. There is a prevailing lack of any “practical interest” to examine and understand these systems regarded as “obsolete”. Seen through this prism they

represent anachronisms more typical of historical chronicles, musty file documents, or entries in dictionaries about folklore, religious ceremonies, and traditional festivals. They are seen as an intellectual re-creation of ethnographers, incurred in the revision of ancient myths or, perhaps, within a conception of localized political action supposedly committed to the revival of utopias typical of populist ideology.

The manifestations of these systems are, however, empirically detectable by a finite set of experts. They have been reported by researchers and social scientists who develop fieldwork and direct observation, by experts from government agencies that carry out inspections of rural properties and verify *in loco* the occurrence of agrarian conflicts, as well as by members of religious and voluntary organizations that support rural workers' movements, who conduct similar activities.

The FIBGE agricultural census of 1980 reveals only so-called "common or open pasture", but only mentions them in the Introduction and in the comments regarding the conceptualization adopted in the census, without any reference to their size, the geographic areas where they are located, the relevance of their production and to similar cases in agricultural activities. By virtue of a methodological reduction, not only of ownership and possession, but also their derived forms, they seem to become diluted in the complexity of the census category "establishment", indifferent to the particularities that govern the production process of family units arranged in the aforementioned systems.

The economic analyses, omitting in their interpretations the forms of common land use, are based, in most cases, on deterministic notions to explain what they classify as their absolute irrelevance. They consider them to be backwards, inexorably condemned to disappear, or mere traces of the past, purely medieval, that continue to burden and subjugate peasants. In this approach, they refer to common use lands and to the strata of peasants corresponding to them as residual forms or "survivors" of a vanished mode of production, configured in anachronistic institutions that immobilize lands, preventing them from being placed on the market and traded freely. Ethnic factors, the logic of endogamy and preferential

marriage, rules of succession and other stipulations that may reinforce the indivisibility of the patrimony of these social units, are interpreted as obstacles to individual appropriation and, therefore, to land being freely disposed of on the market.

Through such arguments, the orthodox interpretations<sup>2</sup> delineate a scenario of the potential disintegration of these systems, which are destined to be annihilated by the forces of social progress and the development of productive forces. In summation, they consider that capitalist expansion in the countryside will undoubtedly liberate these lands to the market and to individual appropriation, provoking a radical transformation in the structures that condition their use. Economic analyses elaborated in this way, sound, therefore, completely indifferent to any of the features that characterize common land use and other forms of possession, since they will never constitute an insurmountable obstacle to capitalist development.<sup>3</sup>

#### issues raised by peasant mobilizations

In a political climate conducive to the recognition of rural workers' land rights, a profound knowledge of the specific rules governing the appropriation of basic resources has become a necessary object of reflection. The intensification of peasant mobilizations clamoring for extensive and immediate land reform reached one of its highest points at the IV National Congress of Rural Workers, held in Brasília May 15-30, 1985 when the Proposal for the I Agrarian Reform Plan of the New Republic was announced by MIRAD-Incra, which unfurled and detailed their demands meticulously, revealing the political power that the social movement had acquired. Innumerable situations, overlooked during the military dictatorship, came to represent priority issues and were thus posed to the official land agencies. Pre-existing systems of possession in areas already occupied by peasants that were subject to expropriation and settlement represented, among many others, one of these points.<sup>4</sup> From this point forward the preconditions for recognizing the relevance of

common land use systems and their economic importance were established in regions of earlier colonization as well as in areas of recent occupation. Concurrently, a swift but thorough reflection became necessary, as well as emergency measures of an urgent nature that would ensure that the workers could remain on these lands. The generally undefined nature of the land tenure situation and the difficulties of establishing a history of ownership made these areas susceptible to the actions of illegal land speculators and new groups interested in acquiring vast expanses of land. More than 150 critical zones of tension and conflict, officially registered throughout 1985 and 1986 in the North of Goiás, Maranhão, Pará, Ceará, Bahia, and the interior of Pernambuco, characterized these situations.<sup>5</sup>

They are derived, therefore, from the pressure initiated by rural workers for a preliminary investigation process with the goal of expropriating innumerable rural properties and establishing technical procedures for the recognition of so-called “common lands”, as well as some measures designed to improve the technical data of the Incra registry. The basic statistical conditions fundamental to understanding these data began to be developed. In this context, a first effort at a systematic record of these extensions of common use lands is very recent and dates from July 1986. I refer to the so-called *Laudo Fundiário (LF)*, or Land Tenure Report, elaborated by Incra, designed to gather information about rural properties and their owners, partners, and renters. In the areas where the LF was applied it would completely substitute the Declaration of Rural Property, or DP. In this document, common use lands would receive the generic denomination of “special occupations”, covering among others, the so-called *terras do santo*, *terras dos índios*, (which should not be confused with indigenous lands), *terras do negro*, *fundos de pasto*, and *pastos comuns*, also known as *terras abertas*, *terras soltas*, and *campos*.<sup>6</sup>

Thus, social demands elicited knowledge about localized realities, even if the rigor of the application of the LF questionnaires and the bureaucratic procedures to assemble the data and the final results, which

must be processed in approximately five years, cannot be trusted. The concerns in this sense, justifiably, increased with the general collapse of the “agrarian reform of the New Republic,” which was finalized with the decree, dated October 22, 1987, that set limits for the areas of rural properties subject to expropriation for social benefit, and which did away with Incra.

It is impossible to confuse, however, the time and the result of the land tenure actions with the specific characteristics of those common use systems referred to here. Such systems represent the results of a multiplicity of historically engendered solutions by different segments of the peasant population to ensure access to land, especially in situations of open conflict. For this reason consensual rules were being established consistent with magic and religious beliefs, ritual mechanisms, and positive economic reciprocities. Their acceptance as legitimate rules does not imply any kind of imposition. Therefore, they are not the result of injunctions by the use of force, political persuasion, religious influence, or knowledge. Nor do they consist of projects designed “for peasants”, from outside their intrinsic political and social frameworks, or “with peasants”, based on the experiences of mobilizations supported by formal organizations.

Making this distinction one can understand, to some extent, why these actions have not been implemented by the Catholic Church and religious organizations that encourage so-called “community gardens” and the experiences of “collectivization in the field”.<sup>7</sup> Nor was there mention of the so-called “collective exploitation” settlement projects carried out by government land agencies, such as Incra, in the case of Saco de Belém<sup>8</sup>, Ceará, and IAF, in the case of Pirituba, São Paulo<sup>9</sup>.

Other explanations arise. The reflections developed at present rely on the literature produced by the aforementioned finite group of specialists. It is, however, varied in scope and includes articles, essays, dissertations, and academic exercises, as well as works of historical research. It also includes reports, files, and technical information produced within the state bureaucracy. In short, these are different types of



knowledge based on empirically observable events. What characterizes this intellectual production and permits it to be analyzed is the fact that these systems are factually perceived and partially described, even if in a way that is tangential to the prime objective of each of the listed texts. Anthropological works predominate in this list, resulting from fieldwork conducted in the last fifteen years, followed by the work of technicians from official land reform agencies based on their direct observation and verification of local conflicts between June 1985 and December 1986. It is worth clarifying that in these works common use lands were not the highlighted objects of reflection, but were considered in the course of the analysis. This relative distinction is important because you cannot understand the economy of small producers, in the cases in question, without taking them into account. In the circumstances of direct application of knowledge, as in the case of reports alluding to people affected by dam construction (Itaparica, Brumado – BA) or military complexes (Alcântara Rocket Base), they stand out, however, as key data, given the removal and resettlement measures that have been advocated. As a matter of fact, the reports cited, without exception, concern examples of localized action in the face of conflicts and social tensions whose degree of antagonism requires emergency measures.



## Common use in regions of agrarian colonization

historical background and description

Common use systems in older colonization regions can be seen in a variety of forms but with certain fundamental aspects in common, which are not just historical, but also based on the type of agriculture developed. Such aspects clearly distinguish them, in qualitative terms, from the historic references generally driven by and concerning “survivals” and “feudal vestiges”. Contrary to evolutionist interpretations, it should be noted that although the aforementioned systems had their basis in other modes of production, such as slavery or feudalism, they represent, in truth, the results of antagonisms and tensions specific to the development of capitalism itself. They are found, on the other hand, paradoxically and concurrently in modes of land appropriation that occur on the margins of the dominant economic system. They emerged as different segments of the peasantry sought a device for self-defense and pursued alternatives to ensure their material conditions of existence in times of economic crisis also referred to by historians as the “decadence of large-scale agriculture.” They were constituted in forms approximating territorial corporations that became consolidated, especially in periphery regions, through multiple conflicts in moments of transition when the power of the large estates over historically submissive peoples (Indians, slaves and *agregados*) was weakened and debilitated.

They became stable forms of land access and maintenance that were assimilated, above all in relationships of exchange. They were distributed unevenly and discontinuously throughout numerous geographic regions without necessarily being linked, but almost always fulfilling the role of supplying food (flour, rice, beans) to urban areas.

It is worth clarifying, however, that while there are countless situations in which this dysfunctionality explains the tolerance of common land use forms, there are, on the other hand, other examples that suffered severely repressive measures and complete annihilation, especially when embedded in expressions of messianic movements and social banditry. In the midst of these religious movements and rebellions, notably at the end of the 19th century<sup>10</sup> and the early decades of the 20<sup>th</sup> century<sup>11</sup>, several attempts occurred to establish new forms of social relations with the land. They promulgated that land should be taken as a “common good”, indivisible and free, whose resulting production would be used communally. Both in the interior Northeast and in the South of the country such movements, upon becoming known and proclaimed, were considered as threats to the system of power. By encouraging free access to land outside the areas regarded as peripheral they contrasted strongly with the enforcement mechanisms adopted on the large properties, representing a “grave threat” which was eventually restrained by force of arms.

In a similar fashion the attempts by slaves fleeing large cotton and sugarcane plantations<sup>12</sup> to establish territories were severely repressed, but not necessarily wiped out. These last forms would reach their greatest expression with the multiplication of *quilombos* in the 18<sup>th</sup> and 19<sup>th</sup> centuries, which were entrenched in areas of difficult access, including gold mining areas. They were successful, in innumerable situations, in maintaining their areas.

Common use systems can be understood, in this sense, as phenomena based historically on the process of the deterioration and decline of cotton and sugarcane plantations. They represent forms that emerged from the fragmentation of large land holdings of monocultures

and from the mechanisms of controlling the work force (slavery and debt peonage). They include situations in which the landowners themselves turned over, donated, or abandoned their lands in the face of collapse. These were titled lands, already incorporated in the market since at least the publication of Law n.º 601 of September 18, 1850, which outlined the division, demarcation, and sale of so-called *terras devolutas* or “public lands” of the Empire. To some extent this was the reversal of what was seen as an upward trend in the establishment of private areas with fixed monetary values.

Fluctuations in the prices of primary products in international markets provoked successive disruptions in the productive systems of the large monoculture enterprises. Multiple cases of the dismemberment and disintegration of large estates were registered even before the abolition of slavery, which seems not to have served as an institutional framework that has fostered common land use systems. In economic terms the most immediate result of this dissolution, which intensified at the end of the 19<sup>th</sup> century in regions whose large enterprises were unable to introduce technological innovations or adopt commercial agriculture based on new work relations, consisted of the loosening of the repressive mechanisms of labor control and the formation of the peasantry, congregating segments of rural workers that had lived enslaved or immobilized on those production units. In several different situations, which will be examined later in the text, this post-plantation peasantry did not necessarily carry out a division of land into individual parcels. The guarantee of the condition of being autonomous producers, once the large landowner became absent or weakened in power, could lead to organizational forms based on the dictates of enhanced cooperation and common use of land, water, and forest resources. Such forms were imposed not only out of productive necessity, since clearing farmland and overcoming areas of forest and brush was often impossible for a single family, but, above all, for political reasons and self-preservation. Common land use systems became essential to forge closer ties and a cohesion enabling them, to a certain extent, to guarantee free access to

land in the face of other more powerful and circumstantially withdrawn social groups. A certain territorial stability was reached by the development of permanent institutions, with their rules of alliance and succession, gravitating around the common use of basic resources. This past of solidarity and intimate unity is narrated as “heroic” by the current occupants more than a century later, and is also seen as confirmation of a rule that must be observed in order to continue to maintain their areas. Beyond the idealized representation, it stands out that they established a particular economic management, in other words, not necessarily based on the principle of equality, but according to internal differences and interests of distinct segments, which are not always in agreement.

Contrary to what deterministic analyses might assume, it is verifiable that there are forms of common land use that consist of social processes resulting from contradictions in the development of capitalism itself. The interests of different segments of the peasantry have been harmonized in a consolidated fashion through these forms. Thus, precisely the same mechanisms that, in orthodox formulations, would inevitably destroy or absorb them instead become their principal sources and main determinants. A transition from ex-slaves or peasants subjugated on the plantation to proletariats would not have occurred in these cases. Instead we see the conversion into peasants of the first group, and a redefinition of the condition of the second group, transforming them, according to an expression in the economic literature, into a free peasantry.

These segments of the peasantry and their descendents began to represent themselves and to designate their areas according to specific denominations tied to common use systems. The current notion of common land is triggered as an element of identity inseparable from the occupied territory and the rules of appropriation, which is revealed by the heterogeneity of the categories, namely: *terras de preto*, *terras de santo*, *terras de Irmandade*, *terras de parentes*, *terras de ausente*, *terras de herança* (and/or *terras de herdeiros*) and *patrimônio*.

– black lands or “*terras de preto*”

This designation includes those areas donated, relinquished, or acquired, with or without legal formalization, by the families of former slaves. It also encompasses concessions made by the state to such families in compensation for their military service. The descendants of these families have remained on these lands for several generations without formally apportioning them, dismembering them, or appropriating them on an individual basis. Besides being detectable in the Baixada Ocidental<sup>13</sup>, in the Mearim<sup>14</sup>, Itapecuru, and Parnaíba<sup>15</sup> river valleys, in the state of Maranhão and in its border area with Piauí, they are also found in Amapá, Bahia<sup>16</sup>, Pará, as well as in old regions of mineral exploration in São Paulo and Minas Gerais, where commercial agriculture has not been completely developed.

Also included in this denomination we find some specific situations in which the direct descendents of large landowners, having little coercive power, adopt the *aforamento* system, in which they keep the families of ex-slaves and their descendents in a condition known as being a *foreiro*. The landholders have no major obligations whatsoever in this system, making possible a coexistence of common use forms in which they charge a symbolic amount on the plot of each family in order to avoid any doubts about its status as private land. The values stipulated for payment are generally regarded as insignificant, and the peasants themselves end up defining them as a “simple show of thanks”.<sup>17</sup> It should be noted that in these regions commercial agriculture (cacao, coffee, cotton, sugarcane) was not developed.

The expression *terras de preto* also includes those lands or areas corresponding to old *quilombos* and liberated areas in the vicinity of old mining centers, which have remained in relative isolation, maintaining rules of a conception of law that has guided a common ownership of resources. These areas have been registered in the Tocantins Goiano<sup>18</sup> and Serra Geral<sup>19</sup> regions, North of Goiás, Maracassumé Valley, Maranhão, and in the old mining areas of Goiás and São Paulo.<sup>20</sup>

It should be underlined that there are still *terras de preto* that were awarded for military services rendered to the state, notably in the Balaiada War (1838-41). The incorporation of escaped slaves into the military, who acted as “armed bands”, was negotiated and the payment consisted of freedom and the handing over of lands to the “chief of the bands”. The evocation of this common ancestry has strengthened, over a century and a half, the group’s bonds of solidarity and certain common use rules, even after the settlement promoted by Incra-MA in 1976-77, in Saco das Almas.<sup>21</sup>

These means of access to land<sup>22</sup> occur, then, with the disintegration of the plantation or “outside” their strict limits when the mechanisms for repressing the workforce are relatively deactivated. They do not correspond precisely to the situations included in the notion of the “proto-peasant slave”, that is, “the autonomous agricultural activities of the slaves on the parcels and the time to cultivate them, granted to them inside the plantation” (CARDOSO, 1987: 224) (emphasis added).<sup>23</sup>

– holy land or “*terras de santo*”

For the purposes of illustration and in a first attempt to grasp the meaning of *terra de santo*, we can say that it refers to the disaggregation of extensive territory belonging to the Catholic Church. The collapse of the cotton farms, from the second decade of the nineteenth century led, for example, in Maranhão, to the abandonment or turning over of vast expanses of land, operated by religious orders (Jesuits and later the Carmelites, and Mercedarians), to residents, *agregados*, and detribalized Indians who already worked there and were subjected to a condition of “peasanti- zation”. In these areas, as in others with similar historical underpinnings, forms of common use began to prevail even after the church authorities had interfered and formally handed over these lands to the state administration in the late nineteenth century. Depending on the patron saint of these farms, particular names were being adopted which referred to their boundaries and gave them territorial unity. For this reason, we have



the lands of Saint Theresa, of Santana, and of Saint Raimundo.<sup>24</sup> Moreover, in this respect, they are no different than the so-called *terras do preto*, whose secondary name is often the name of a religious entity, such as: São Roque, Santo Antonio dos Pretos, São Cristóvão, São Domingos, Bom Jesus, São Miguel, etc. In the so-called *terras do santo*, however, the forms of common use coexist, in the imagination of the inhabitants, with a legal legitimacy over these areas, where the saint is represented as a legitimate owner, despite the legal formalities required by the code of the national society.<sup>25</sup>

The so-called “responsible ones” or leaders of the group stand out in these social units as those with the task of maintaining festival cycles and religious ceremonies. In addition to administering the *bens do santo*, collecting the symbolic payments from the families, generally referred to as the *jóia* (PRADO, 1975 *ibid*), they maintain the cohesion of the group by conducting devotion rituals.

The so-called *terras de santo* have also been detected in the sugarcane plantation regions in the Zona da Mata of Pernambuco, whose productive units were modernized at the end of the 19<sup>th</sup> century with the advent of centralized mills and power plants. These situations are tied to a notion that encompasses tracts of available and open land for small production as opposed to large nearby estates. The *terras de santo* do not always harbor forms of common land use, and they also bear the designation of *patrimônio* or heritage, encompassing, most of the time, peasant villages embedded within large properties, which constantly threaten to intrude into their areas.<sup>26</sup>

The notion of *patrimônio do Santo* also refers to the regions of expansion of the farming frontier in the interior of the Northeast, where the fields and water holes are maintained under common use rules<sup>27</sup>.

They also refer to ambiguities surrounding the so-called *terras da Igreja*, as in the case of the *patrimônio* of Our Lady of Conception of the City of Benvides, Pará. Initially the diocesan authorities received annual contributions defined as “rent” from the peasants who worked the *patrimônio* lands. In mid 1983, however, the peasants refused to accept

a rise in the amount of the “rent”, in accordance with the legislation. They alleged that it was “terra de santa” and therefore did not belong to the ecclesiastic authorities. The so-called “rent” was viewed as symbolic, representing voluntary donations, and was not necessarily pre-determined.

The so-called *terras de irmandade* are a variant of the practice of seizing land in areas once owned by religious orders. They were also observed in the state of Rio de Janeiro in the area known as São José da Boa Morte, known to be an area of clashes and tension.<sup>28</sup>

– indian lands

These are titled areas, that were formally handed over to indigenous groups or their descendants in the second half of the last century and the beginning of the current century, in the form of donations or concessions for services rendered to the state. Opening up pioneer roads, collaborating with military expeditions of exploration and other services performed on public works explain these acts of consent. The titles, as a matter of fact, often refer to individual agreements, having been conceded to only a specific group of families.

It is noteworthy that similar administrative practices, over time, have provoked internal tensions that are difficult to reconcile, even in areas officially designated as “indigenous lands”,<sup>29</sup> as in the case of the Potiguara from the region known as the “extinct sesmaria of the Indians of Monte-Mor” (LOBATO DE AZEVEDO, 1986: 241), in Paraíba, to whom individual land titles were granted by the imperial government between 1867-69.<sup>30</sup>

Both in the Northeast and in regions in the South, those groups reached by government concessions, as in other older colonization areas, experienced a rapid process of detribalization and gradual loss of ethnic identity and are, at present, going through a process of “peasantization”. Despite this process, which implied the loss of language and other cultural aspects, it is worth noting that their descendants remain in these areas,

opposing attempts to intrude on their lands and continuing to call them by the term that were originally referred to by the law and locally, that is, *terra dos índios*.<sup>31</sup> They have continued cultivating and living on these areas for generations, without any acts of legal partitioning to authorize individual appropriation or dismemberment of land. They correspond to several extensions of land, located in the Pindaré Valley (MA) in the northeastern interior, with countless villages and hundreds of families that have adopted the common usage of basic resources and also call them “common lands” (PAULA ANDRADE, 1985 *ibid*).

The aforementioned areas are not found among the indigenous areas recognized by Funai, and their occupants are not demanding that they be included in this category, unlike other groups, such as the so-called Tapeba in Ceará. In the highlighted situations no attempt has been registered to recreate ethnic identity as a means of access to land. In these cases the maintenance of these lands is fully assured, generation after generation, in spite of possible tensions between the ownership of individual tracts and that of common use areas. There are times when the stirring up of internal tensions or conflicts with traditional and external antagonists lead these direct descendants to exhibit documents that they believe prove the rights granted to their ancestors. The effectiveness of this belief is judged to be greater when they face threats that appear to come from those who adopt the legal norms. In these contexts, which can result from the development of strategies to confront illegal land speculators or decisions regarding who should pay to cultivate land, the rules governing the social unit have been strengthened. Mechanisms to create harmony and balance between individual interests and those favorable to the common use maintain a degree of cohesion, mobilizing them constantly. To the contrary, it is apparent that the areas officially classified as indigenous,<sup>32</sup> especially in the Northeast, do not have mechanisms to reconcile interests or even adopt a consensual attitude in the face of instruments that have already usurped a considerable part of their areas.

Therefore, these cases differ from those areas identified, delimited, or legally demarcated as “Indian lands”. As a preliminary analysis they can be approximated to those situations of undivided estates, since the titles were not revalidated after the death of the legal owner and, even if parceling has occurred, they have not been appropriated for at least a century. Again, this represents a reversal of the organizing measures of the land market beginning with the legislation of October 1850. The titling of private possessions through the demarcation of individual parcels, despite being carried out, was incapable of ensuring that the occupation of land was guided by the canons of civil law. Even after the formal actions had proceeded the occupants, without significant challenges to the process, produced their own rules of ownership and land use. They jealously guarded the titles without ever renewing them (LOBATO DE AZEVEDO, *ibid*), however, and the same families known as “the inheritors” (PAULA ANDRADE, *ibid*) tried to dilute the planned parceling by establishing common land use routines.

inheritance lands or “terras de herança”

These encompass titled areas, made into estates that remain undivided over several generations, in which no formal parceling has taken place and the titles have not been inventoried and renewed, which is required by law upon the death of the registered owner in order to transmit them to legitimate heirs. The so-called *terras de preto* and *terras dos índios*, also with official title, may also be designated in this way in contexts that involve disputes over the legal legitimacy of areas. At the same time there are situations in which the disaggregation of large estates has led to the “peasantization” of the direct descendants of the families of former landlords. They differ distinctly in the first generation, since for the peasants the title is only used to defend their cultivation rights against the alleged rights of other social groups that maintain commercial relationships with the land.

Over several generations the occupation of these areas intensifies and, besides the development of specific forms of common land use, it is apparent that individual appropriation, in absolute terms, gradually loses its vigor in a context of resource scarcity in which families cannot survive without economic reciprocity. At the same time measures are adopted to overcome possible demographic pressures, since the quantity of land is constant, and to encourage the pursuit of complimentary activities. This does not include the hiring of third parties; the workforce is composed exclusively of members of the family group. Such situations are evident in traditional livestock raising regions in the interior of the Northeast<sup>33</sup>. The absence of formal land apportionment, however, is observed in almost all the country's old colonization regions.

The custody of documents and scriptures is the responsibility of family groups, which retain a considerable amount of authority, which may be due to economic attributes, religious connections, or kinship and common ancestry. Designated as "inheritors" (PAULA ANDRADE, *ibid*), such families also serve as the arbiters of disputes, such as "where to open new agricultural plots", "to whom will go the right to use secondary growth areas", "who should pay rent" or "who is exempt from certain obligations". They are responsible for discerning the applicable norms, arbitrating disputes, and updating rules.

We can also perceive the occurrence of related expressions, in the case of these estates. These refer to the expressions *terra de parente* and *terra de ausente*. This last term refers to cases in which parceling activities were conducted without the heirs having effectively appropriated the parcels that were legally theirs. These areas end up being considered open for cultivation by the other members of the family group<sup>34</sup>.

open lands or "terras soltas ou abertas"

The utilization of common use practices in territories where pastoral activities take place appears to have occurred throughout the northeastern interior since the first centuries of the expansion of ranching, as well as

in some regions of the Amazon, Marajó Island, and in the south of the country in Paraná and in Santa Catarina. In the northeastern interior the large properties were never fenced, and their boundaries, almost always imprecise, were constantly confused, generating conflicts between landowners. In accordance with the codes of municipal ordinances, watering holes were common use areas and livestock continued to be managed in a free-range system. Only agricultural plots were to be fenced to prevent their destruction by the herds of cattle. The absence of fences meant that different owners' cattle would mingle together and apparently become indistinguishable in the pastures<sup>35</sup>.

The so-called *faxinais* in the South<sup>36</sup>, in which areas are designated for grazing based on agreements among small landowners, approximate these forms. The so-called “common pastures” or *campos* of Marajó Island<sup>37</sup>, as well as the natural pastures of the Baixada Maranhense<sup>38</sup> are more similar in nature to the rules of extensive ranching found in the interior of the Northeast. In these areas the act of dividing or separating the free-range cattle in order to deliver it to its respective owners occurs before the winter and is also referred to as “partitioning”<sup>39</sup>. Expressions like *fundo de pasto* prevail in these regions, which are common areas removed from the areas where the main infrastructure of the farms or ranches is located, or *terras soltas*, that is, unfenced areas, “fields” or “common pastures” or “open lands”, according to the FIBGE Agricultural Census (1980).

In this context there is a similar notion that was already discussed under the classification of *terra de santo* or *patrimônio*. The terms have multiple meanings. The notion of *patrimônio da comunidade rural*, used by SOUZA (ibid, 29), is not to be confused, for example, with that concerning the *patrimônio dos santos padroeiros* (SOUZA, ibid, 22). This last example is restricted to the lands and the cattle donated by large landowners for the construction of religious temples or to collect funds to commemorate the respective saints. The other, in turn, refers to a cluster of essential resources – watering holes, springs, and pastures – that, in spite of being titled and privately owned, are available for common

appropriation. The notion of *patrimônio da comunidade rural* supercedes then, a land tenure structure based on the boundaries of rural properties drawn from the written legal descriptions and the area established in the land title. Under this notion even smallholders can keep their “free-range” cattle since the rules ensure the maintenance and reproduction of the herds of incredibly vast networks of neighbors in the arid lands of the Caatinga. Whoever occupies them has rights that are guaranteed, even formally through the official municipal codes. The exceptions are the cool mountain areas where farming is the activity that continues to be practiced in open areas.

Access to land, therefore, is not dependent on property title, and there are cases in which even those who “rent” lands for cultivation keep cattle in these so-called “common pastures”.<sup>40</sup> The lack of formal land partitioning added to the frequent boundary inaccuracies and some pockets of public lands, also subject to common use, contributed to consolidate a relationship with the means of production, regulated under the coexistence of two forms of appropriation: possession and common use, and private property, basically attending to the expectations for the reproduction of extensive ranching. The recent fencing of these “common pastures” and the repeated cases of cattle invading agricultural plots, a clear attempt to remove small producers from these areas, have made these areas critical zones of conflict and social tension.<sup>41</sup> The small rural producers that, traditionally, have not been the principle beneficiaries of this use system, lately have been compelled to move away due to the concentration of lands by large landowners and new groups interested in the land, whose intensive ranching projects benefit from fiscal incentives and other government benefits.





## Common use in regions of recent occupation

liberated lands and “centers”

In the expansion fronts<sup>42</sup> that are advancing unevenly into the Amazon region, some segments of the peasant population consider land an asset that is not subject to permanent individual ownership. The occupation movement acquires its most concrete expression in the small clusters that form near new farming areas, which peasants establish successively after the regeneration of the vegetation in previously farmed areas, in the interior extensions of the forest.<sup>43</sup> Known regionally as *centros*, these areas of residence and work where new agricultural plots are opened constitute the spearhead of the expansion fronts and/or their most conspicuous segments of penetration (SANTOS, 1983:23). Not only is ownership of basic resources not permanent, but also these areas are not contiguous to land that each family group works.

Peasant families who adhere to these rules do not compose a self-limited work group. Their members, in different stages of the agricultural cycle, form multiple reciprocal relationships with other family groups. Some tasks, such as the clearing of forest or the harvesting of rice, require specific levels of cooperation. The timing of the stages of the agricultural calendar brings different family groups together to set standards for mutual aid. Animal husbandry is prohibited in the so-called or *centro*, allowing the plots to be maintained without fencing. The planting of

forage is not allowed and these areas serve as reserves of forest resources, streams, and coconut groves, which cannot be appropriated individually. Common areas of appropriation are established, and criteria are defined for the admission of new domestic groups. Permission occurs through the granting of so-called “fallow licenses”, which give newly admitted families access to the basic resources they need to establish themselves. Only the improvements, which are the product of family work, become the object of virtual transactions. Such representation differs from that prevailing in older colonial areas, where peasant families are established in a permanent fashion on an extent of land that is handed down from generation to generation. These lands are characterized by a process of occupation carried out by generations of a dispossessed peasantry, who have long been involved in intermittent and continuous migrations from the Northeast to areas with available land, which they designated “free land” or “land without an owner”. The abundance of basic resources, the conditions that determine access, and frequent conflicts<sup>44</sup> due to ownership uncertainty and illegal land speculation make it impossible for them to reproduce the systems of possession and use that they employed in their regions of origin, namely, older areas of colonization.

In these so-called *centros* there would be a few instruments owned by a particular family group, which are available for generalized reciprocal use. Pestles, stoves, manioc flour production implements, and animal traction are often shared voluntarily. In these reciprocal gestures the social aspects of the relationship between peasant families transcend the material aspects, as economic calculations are not incorporated. Housing areas, game from hunting and fishing activities, and certain fruits gathered in the forest are also shared voluntarily in the *centros*.

Moreover, the area where houses will be built is chosen after consultation with the so-called *assituante*, in other words, the person who opened the *centro* by planting agricultural plots, building a house, and inviting other family groups to settle there. The clearing of paths, construction of houses, and maintenance of transit areas in the central parts of the villages are also done in a cooperative manner.<sup>45</sup> The products of

the agricultural plots, in turn, are not subject to sharing, they are indivisible, even though forms of cooperation with other groups have been employed in different stages of the agricultural cycle. This is the main activity of the family work unit and is done in an autonomous manner.

The peasants perceive their activities in these areas as part of common social interests. This generalized reciprocity represents an important component of social life in spite of the infighting, factionalism, and economic differentiation that break with the idyllic visions of peasant society. In addition, the process of “depeasantization” in frontier regions reflects a social mobility that aggravates the cruel antagonisms by illegal land speculators seeking to usurp ownership of these areas<sup>46</sup>.



## Internal differentiation and antagonisms

### I

The representation of land in areas where there are forms of common use, except in common fields and pastures, is remitted to the rules of a peasant law prescribing farming methods in extensions that can be used according to the wishes of each family group, with no requirement for adjacent and permanent areas or of having all of their productive activities confined to a given parcel.

There is no contiguity between the farming areas of the same family group. Their plots are distributed in a dispersed manner over the various areas chosen, consensually, for crop production. There is also no contiguity between these farming areas and those where other resources are appropriated. Common use areas, which do not belong to any particular family, are delineated between the areas appropriated for cultivation by individual family groups and are considered vital to the survival of all family units. These systems are articulated areas of common use and possession with rules of private appropriation. The house and yard, with their medicinal plant gardens, orchards, and small poultry areas are owned by individual family groups, as are the crop yields and other products of their agricultural plots. The result of this work effort belongs only to the family involved or to one of its members in particular, as in the case of so-called *rocinhas*, which are grown to meet a specific consumption need.

This system of linking different properties conflicts with the standard legal norms. Its significance does not agree, but instead collides with the legally designated forms of appropriation. However, it does not necessarily infringe upon the law. The relationships of exchange provide a certain degree of assurance that agricultural production will be absorbed, with relatively few exceptions.

The foundations of this confrontation cannot be reduced to the frequently established antagonism between private and communal, between individual and collective, or between legal norms and established customs. The very notion of communal *posse*, or possession, seems inappropriate as a designation for these areas, since its meaning is strongly marked by references to “primitive communes”. Interpretations inspired by evolutionism also lack rigor as they claim that the extremes, through successive approximations, blend into one other. In this type of analysis, the rules of privatization are assumed to gradually impose themselves, with the simultaneous collapse of the prevalence of family or tribal groups and their respective forms of cooperation and reciprocity, which are considered to be inhibitors of individual rights. Conversely, there are interpretations, with similar presuppositions, which consider common use arrangements as incipient forms of socialism, presenting the “communal” as “collective” and reproducing analyses similar to those of the Populists of the late nineteenth century<sup>47</sup>.

The concepts of private property and appropriation through common use appear intertwined in peasant norms, which articulate and combine them. Such notions occur inseparably in different areas of social organization. They do not represent elements that are detachable or prone to separation. They are joined and completed within a particular economic logic. The notion of private property exists in this system of social relations and is always characterized by reciprocal ties and a variety of obligations to other groups of relatives and neighbors.

Considered in this way, such common use systems differ qualitatively from those situations pertaining to the “primitive communes” in which productive activities are done collectively and the product is also divided

equally, except for the proportional shares reserved for reproduction. In these communes consumption needs determine the criteria for the repartition of crop yields.

The aforementioned systems also have nothing to do with the savant or religious recreations of communal forms nor with the recent rediscovery of the “origins of communalism,” based on utopias and on experiences such as those of R. Owen, Fourier, and J. Warren<sup>48</sup>.

## II

The social units referred to here are not completely homogenous or egalitarian units, as one might imagine. On the contrary, they often present a degree of internal differentiation that is quite marked, but not enough to cause unsolvable antagonisms to emerge. Unequal access to basic resources exists within these units, which are not entirely limited to aspects of communal cooperation. These serve as a contrasting element to the outside world and the antagonists who seek to usurp their areas with pretensions of concentrating and consolidating land through illegal land grabbing.

The management that the peasants carry out in these areas, free from the repressive mechanisms of the workforce, is not based on general principles of equality. There are hierarchies and economic differences that do not permit it to be confused with forms of collective appropriation or associative arrangements implemented by official agencies. Common use lands in both areas of recent occupation and older colonization regions are often subject to effective control by family groups of wealthier peasants; however, these common use areas also constitute a potential source of essential resources, especially for the poorest farmers. These groups monopolize the administration of religious ceremonies in the so-called *terras de santo* as well as the collection of the *jóias*, or voluntary contributions that each family offers the saint annually.

The private appropriation of the maintenance fund by the *encarregados* or responsible families, in the *terras de santo* and of the *herdeiros* in the titled but unpartitioned areas, solidifies the differences between the various segments of the population. Similarly, families of the *assituantes* in the *centros* have better opportunities for marketing their agricultural production and locating their plots on the most fertile land. These segments are responsible, in titled areas, for keeping track of the documents and are also the primary enforcers of the rules of common use.

The consolidation of differentiation in access to resources leads to acute tensions between the family members of these more advanced groups. There are those who, espousing a clear “depeasantization” project, strive to put those lands on the market. In one example on the so-called *terras de índios* a member of the family referred to as the *herdeiros* (PAULO ANDRÉ, *ibid*) aspires to sell the entire area to an agro-business, and thus enters into conflict with the entire family group and by extension the rest of the families in that social unit. In the so-called *centros*, there are cases in which family members of the *assituante* (SANTOS, 1983, *ibid*) attempt to impose a “rent” without the consent of their own leader. Therefore, it is safe to say that the wealthier families are the main beneficiaries of the common use system, and the internal tensions that occur go beyond the realm of a family dispute and affect the social unit as a whole. Technological improvements in production, increased possibilities for marketing, and the brokering of relationships with regional powers make these families, or at least some of their members, more likely to adopt “depeasantization” projects. This kind of dispute in the cases mentioned does not indicate that this project has been successful in the areas held by the group.

### III

The areas referred to, after more than a century in the case of older colonization regions, and many decades in the case of recent occupation areas,



continue to maintain common use systems and are still relevant in their regional economies.<sup>49</sup> The denominations examined here continue to function as categories of confrontation, through which a social unit distinguishes itself and opposes others, affirming its inalienable rights. The fact that they remain in use is a good indication that they have maintained their effectiveness against antagonists. On the other hand, it also indicates that the conflict and tension that threaten them are a constant challenge. In this respect, they are accentuated, when we consider that the alarming levels of violence in the countryside and the concentration of land ownership are so common. Violent measures are often directed specifically against factors that immobilize land. Such common use systems are represented as ideological forms of immobilization, which favor the peasant family, community, tribe, or ethnic group by preventing land from being perceived strictly as a commodity.<sup>50</sup> They are seen as preventing vast areas from being transacted in capitalist real estate markets. For this reason, seen in this light, they would have to be deactivated so that these markets can freely absorb these areas, with fixed monetary values. Capitalist expansion would destroy these forms by permitting common use areas to be sold to individual owners, bringing them into the marketplace by dismissing the systems that are seen as undermining private appropriation. These real estate transactions and the respective individual legal registration of these lands constitute mechanisms that are fundamental to capitalist development and are detrimental to the market practices of specific and subordinate economic systems. The informal markets include the land transactions and planting agreements among peasants, which are not written and rely on verbal contracts, such as the so-called “fallow licenses” or transactions involving so-called “itinerant possession,”<sup>51</sup> which comprise rules of succession and transfer that do not follow legal canons. These practices stand in opposition to an idea of agricultural modernization supported by credit operations, linked to banking corporations and agencies of the financial market in general.

The resulting contradiction makes the common use systems subject to constant pressure from titling programs, financed by the World Bank

(even taking into account the frustrated attempts at innovation contained in the Proposed Agrarian Reform Plan of May 1985), that aim to parcelize the land into individual lots. Attempts to acquire land illegally through fraud in the land registries also seem to be significantly increased, fomenting a climate of conflict and tension.

Generally speaking, however, it seems that the degree of cohesion and solidarity displayed by the peasants in these common use lands has been strong enough to ensure the maintenance of their areas. The strong links that maintain this territorial stability are the expression of an entire network of social relations assembled in conflictive situations and that appear to be reactivated with each new conflict, exerting a marked influence on the resistance to multiple pressures. This arrangement is one of the reasons why, with the intensification of conflicts, these areas can be classified today as among the most critical areas of conflict and social tension in Brazil's agrarian structure.

**NOTES** – “terras de preto”, “terras de santo”,  
“terras de índio”, common use and conflict

1. The first version of the present work was written in 1985. It was modified in 1986 and consists of an enlarged version with conceptual modifications, especially of the critique made regarding the notion previously used for communal possession, from the article entitled “Terras de Preto, Terras de Santo, Terras de Índio: posse comunal e conflito”, published in *Revista Humanidades*. Ano IV, n.º 15. Brasília, UnB, 1987/88, pp. 42-49. It was published, under the current title, in *Cadernos NAEA* n.º 10 edited by Edna de Castro and Jean Hébette. Belém, 1989 pp. 163-196.

2. It is noteworthy that the irrelevance dictated by the determinisms is such that, in addition to not having been officially and formally contemplated, they have also been neglected in the intense debate regarding

production relations in the countryside, which brings together copious interpretations that insist on classifying them as “feudal” or “capitalist”. For a deeper understanding of the logic of the intellectual production regarding this controversy see: PALMEIRA, Moacir G.S. *Latifundum et Capitalisme au Brésil – Lecture critique d’un débat*. Paris, 1971.

3. Surely such interpretations are based on the controversy surrounding V.I. Lenin and the Populists, since the debate took place in the late nineteenth century and has little or nothing to do with shifts associated with the original formulation beginning with the 1917 Revolution and more precisely with the *Initial Outline of the Thesis Regarding the Agrarian Question* written by Lenin in June 1920 and presented at the II International Communist Congress (See: *Programa Agrário II*. Belo Horizonte: A. Global Ed. 1979, pp. 97-100).

4. In the operational guidelines for land tenure regularization of the proposal to the I PNRA we find the following: “Land tenure regularization will take into account, in addition to family-owned property, community appropriation of land, water, and forest resources, in a way that prevents rural workers from losing their access to the basic goods that are effectively incorporated into their economy. Ownership and titling systems capable of articulating areas of common usufruct with the rules of private ownership will be established, also adopted by these family groups, *provided that rural communities have demonstrated that they are in agreement*. The regulations in question concerns the boundary demarcation of these common use areas, which do not belong to any one individual family group but are essential for everyone, and include: coconut and Brazil nut groves, springs, *babaçu* groves, natural pastures, streams and forest reserves, where the families of rural workers extract straw, stalks, firewood, timber for construction and medicinal plant species or those used in religious ceremonies. *Beginning with the assumption that the need for titling does not destroy or dislocate the pre-existing organization and system of possession*. This will require the synchronization of declaratory and land

registries to make it possible to reconcile the registration and titling systems derived from these forms of common land use that may even include combinations of agriculture and extractivism in discontinuous areas, and other types of production systems suitable for the realities of the region.” (g.n.). CF. *Proposta para a elaboração do I Plano Nacional de Reforma Agrária*. Brasília, Mirad, maio de 1985, pp. 32-33.

5. CF. data prepared by the Coordination of Agrarian Conflict of MIRAD-Incra in December 1986.

6. For more clarification consult the *Manual de Preenchimento do Laudo Fundiário – declaração para cadastro de imóvel rural e documento para habilitação de detentor*. Brasília: Incra, julho de 1986, pp. 19 e 20.

7. For more in-depth readings regarding these different experiences, in other words: *mutirão, compra coletiva de alimentos, barcos da comunidade, trator comunitário*, consult: “Roças Comunitárias & outras experiências de coletivização no campo”. *Cadernos do CEDI*, n.º 10. Rio de Janeiro, abril de 1982.

8. See: Projeto de Assentamento “Saco de Belém” em Santa Quitéria-CE. Trabalho realizado pelos professores e participantes do II Curso de Planejamento Físico para Colonização de Terras. Convênio BNB / Sudene / Incra / ISRAEI. Fortaleza, 1982, 76 pp.

9. Read: “Exposição sobre a Fazenda Pirituba” proferida pelo engenheiro agrônomo Zeke Beze, na Puc-Proter. São Paulo, 22 de maio de 1987, 69 pp.

10. For more in-depth information see: CUNHA, Euclides da. *Os Sertões*. São Paulo, Cultrix, Brasília, INL, 1973 and FACÓ, Rui. *Cangaceiros e Fanáticos*. Rio de Janeiro: Civilização Brasileira – UFC, 1980.

11. See: QUEIROZ, Mauricio Vinhas de. *Messianismo e Conflito Social*. São Paulo: Ática, 1977 and HOLANDA, Firmino. “Fortaleza nos tempos do Caldeirão”, *Nação Cariri* n.º 9, nov/dez, 1983, pp. 15-21.
12. CF. ALMEIDA, Alfredo W.B. “Quilombolas, Selvagens e Fascinosos: pânico na capital e no sertão”. In: *A Ideologia da Decadência – leitura antropológica a uma história da agricultura no Maranhão*. São Luis: FIPES, 1983, pp. 156-187.
13. See: MOURÃO SÁ, Laís. *O pão da terra: propriedade comunal e campesinato livre na Baixa Ocidental Maranhense*. Dissertação de Mestrado apresentada ao PPGAS – Museu Nacional – UFRJ, 1975, pp. 60-93.
14. See: SOARES, Luiz Eduardo. *Campesinato, ideologia e política*. Rio de Janeiro: Zahar, Eds. 1981, p. 223.
15. See: CORREIA LIMA, Olavo. *Isolados Negros do Maranhão*. São Luis, Ed. São José, 1980, p. 9 and AZEVEDO, Ramiro C. – “Uma experiência em comunidades negras rurais”. São Luis: Gráfica São Luis, 1982, p. 17.
16. See: CORREIA, Célia M. – “Populações atingidas pela Barragem do Brumado, Bahia”. Brasília, CCA/MIRAD, 1986.
17. See: ALMEIDA, Alfredo W.B. de; CORREIA, Célia M. Et ali. – “A Economia dos Pequenos Produtores Agrícolas e a Implantação do Centro de Lançamento de Alcântara”. Brasília: CCA/MIRAD, 1985, p. 10.
18. CF. LINHARES, Luis Fernando do Rosário – “Conflitos de terra na Agropig”. Brasília, agosto de 1985 (mimeo).
19. See: CARVALHO, Joãoimar – “Serra goiana tem quilombo de 150 anos”. *Jornal do Brasil*. Rio de Janeiro, 23 de agosto de 1987, p. 20.

Reference to the research work of the anthropologist Maria de Nazaré Baiocchi from the Federal University of Goiás.

20. See the file produced by SUDELPA experts about “As comunidades negras do Vale do Ribeira”. São Paulo, julho de 1986 (there is no explicit mention of the authors).

21. C. SALLES, Celecina – “Os descendentes de Timóteo – lutas dos camponeses numa area de conflito do Baixo Paranaíba”. São Luis, 1984, mimeo.

22. There were no registered cases of land acquisition by slaves or ex-slaves, although recommendations of sale were detected immediately after abolition. For the purposes of comparison, we detected a situation that occurred in the province of Esmeraldas, Ecuador, in 1885, in which 62 families acquired an area of 61,830 ha. For further information please consult: RIVERA, Fredy – “La comuna de negros del Rio Santiago en cien años de história”. In: *Campesinato y organización en Esmeraldas*. Quito: CAAP/OCAME, 1986, pp. 19-60.

23. A rigorous utilization of this notion in the present exercise would presuppose the establishment of diverse comparisons between the functioning of the large agricultural enterprises and the advent of the forms of common use in the highlighted regions. The impossibility of executing this analytical operation is what brings us to establish the “inside/outside” distinction, capable of only superficially calling attention to a possible difference. For more information about what “Sidney Mintz calls the protopeasant slave” (CARDOSO, *ibid*) consult: CARDOSO, Ciro Flamarion S. *Escravo ou Camponês? – O protocampesinato negro nas Américas*. São Paulo: ed. Brasiliense, 1987, pp. 91-125.

24. For more clarification see: MOURÃO SÁ, L. *Ibid* e PRADO, Regina. *Todo Ano Tem*. Dissertação de Mestrado apresentada ao PPGAS – Museu Nacional, UFRJ, 1975.

25. MOURÃO SÁ, L. *ibid*, pp. 60-77.
26. See: RINALDI, Doris. *A terra do santo e o mundo dos engenheiros*. Rio de Janeiro: Paz e Terra, 1981.
27. See: ALMEIDA, Alfredo W.B. de & ESTERCI, Neide. “Terras soltas e o avanço das cercas”. Rio de Janeiro, Projeto Emprego e Mudança Sócio-Econômica no Nordeste. MN/UFRJ/IPEA, 1977. v. II.
28. See: O’DWYER, Eliane – “Reconstituição do conflito de São José da Boa Morte”. Rio de Janeiro, 1979 (mimeo).
29. CF. Art. 4º, § 4º and Art. 198 of the Constitution of 1946. For a more in-depth analysis of the implications of this legal conceptualization consult: PACHECO DE OLIVEIRA, F.º, João – “Terras Indígenas no Brasil: uma tentativa de abordagem sociológica”. *Boletim do Museu Nacional* n.º 44, outubro de 1983, p.4.
30. CF. LOBATO DE AZEVEDO, Ana L. *A Terra Somo Nossa – uma análise de processos políticos na construção da terra Potiguara*. Dissertação de Mestrado apresentada ao PPGAS/MN/UFRJ, 1986, pp. 230-50.
31. There are very few bibliographic references dealing with this specific theme, available among ethnological studies and research relating to peasant societies. For more clarification read the article entitled “Terra dos Índios”, by Maristela de Paula Andrade, prepared based on fieldwork conducted in Viana (MA) during the completion of a doctoral dissertation in Sociology at USP, in August 1985.
32. For a more complete analysis of the current situation of indigenous areas, see: PACHECO DE OLIVEIRA F.º, João – “Terras indígenas: mito

e verdade” in: *Terras Indígenas no Brasil*. CEDI/Museu Nacional, 1987, pp. III-XXIX.

33. CF. ALMEIDA, A.W. e ESTERCI, N., *ibid*.

34. CF. field observations registered throughout 1986 in the municipality of Unaí, Minas Gerais by Jair Borin while working for Incra.

35. Read: SOUZA, José Bonifácio de. *Quixadá de Fazenda a cidade (1755-1955)*. Rio de Janeiro: IBGE – Conselho Nacional de Estatística, 1960, pp. 30-32. According to the author, based on documents and codes of attitude it could be affirmed that: “The pastures and watering holes were treated as if they were common use goods, and around them the first contacts between cowboys took place (*ibid*, p. 31)”.

36. For more regarding the *faxinais* consult: CARVALHO, Horário Martins de. “Da aventura à esperança: a experiência autogestionária no uso comum da terra”. Curitiba, 1984, pp. 12-32 (mimeo).

37. See: TOCANTINS, Leandro – “Campos e Currais”. In: *O rio comanda a vida: uma interpretação da Amazônia*. Rio de Janeiro: Biblioteca do Exército, 1973, pp. 115-125.

38. See: ALMEIDA, Alfredo W.B. e MOURÃO SÁ, Laís – “Questões Agrárias no Maranhão”. *Pesquisa Antropológica* n.º 9/10, Brasília, 1976.

39. CF. AZEVEDO, Guilherme. *Vocabulário do criatório norterriograndense*. Rio de Janeiro, MA – Serviço de Informação Agrícola, 1966, p. 17. BARROSO, Vieira. *Marajó: estudo etnográfico, geológico e geográfico da grande Ilha*. Belém: Imprensa Oficial s/d. pp. 162 e 163. CASCUDO, Luís da Câmara. *Dicionário do folclore brasileiro*. Rio de Janeiro: INL, 1954, p. 53.



40. In natural grasslands of Maranhão State, which extend around the gulf, we see villages populated with dozens of families of *foreiros*, located on the edge of the fields in the heart of the old sugar plantations, in areas called *terras de preto* (in the municipalities of Pinheiro, São Bento, Pericumã) and *terras de santa* (Bequimão, Alcântara), which have a certain division of labor in which only one individual from the village takes care of the cattle of the others.

41. CF. ALMEIDA, A.W.B. & ESTERCI, N. Ibid. – The controversies surrounding common use pastures refer to the beginning of the nineteenth century. See: “Memória sobre o plano que permite que se façam tapadas no terreno de Crato e sobre a inconveniência dos pastos comuns...” By Jerônimo Francisco Lobo. Corregedor da Comarca do Crato (1803-?), fls. 230-40 Doc.16, vol.22/Anac (Arquivo Nacional).

42. For more information see: VELHO, Octavio G. *Frentes de expansão e estrutura agrária*. Rio de Janeiro: Zahar, Eds., 1972.

43. CF. SANTOS, Murilo – “Fronteiras: a expansão camponesa no Vale do Rio Caru”. In: *Estrutura agrária e colonização na fronteira amazônica*. Belém: Museu P.E. Goeldi – CNPq., 1983 (mimeo).

44. With small alterations this paragraph was reproduced in the following article: ALMEIDA, Alfredo Wagner B. de. – “Estrutura fundiária e expansão camponesa”. In: *Carajás – desafio político, ecologia e desenvolvimento*. Brasília, CNPq., Ed. Brasiliense, 1986, pp. 165-198.

45. CF. SANTOS, M., *ibid*, 17.

46. The dimension that these political antagonisms acquire in frontier regions is analyzed in depth in: MARTINS, José de Souza – “Lutando pela terra: índios e posseiros na Amazônia Legal”. In: *Os camponeses e a política no Brasil*. Petrópolis: Vozes, 1980, pp. 103-124.

47. For more information regarding the polemic with the Populists see: *Dilemas do Socialismo – A controvérsia entre Marx, Engels e os populistas russos*. Rio de Janeiro: Paz e Terra, 1982. Organização, introdução e notas de Rubem César Fernandes.

48. See: Kenneth Rexroth. *Communalism: From its origins to the twentieth century*. London: Peter Owen, 1975.

49. This statement must be relativized and subjected to the results of the application of statistical methods to quantify the areas and their effective production.

50. These formulações were developed in the following research publication: ALMEIDA, Alfredo Wagner B. de – “As áreas indígenas e o mercado de terras”. *Aconteceu* – 1984. São Paulo, CEDI, 1985, pp. 53-59.

51. The figure of “itinerant possession”, contrived by the land reform agencies in the 1970s in an attempt to establish a formal approach to the peasant mode of occupation in the Amazon region, needs have to be revised, since it does not presuppose the simultaneous use of several non-contiguous extensions of cultivated land.

## **BIBLIOGRAPHIC REFERENCES**

ACSERALD, H. & COLI, L. R. “Disputas cartográficas e disputas territoriais” in, ACSELRAD, H. *Cartografias Sociais e Território*. Rio de Janeiro: Editora do Instituto de Planejamento Urbano e Regional (IPPUR)/Universidade Federal do Rio de Janeiro (UFRJ). 2008.

- ADORNO, S. “Direitos Humanos” in, *A Constituição de 1988 na vida brasileira*, OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (Eds.). São Paulo: Editora HUCITEC. 2008.
- ALMEIDA, A. W. B. de. *Carajás: A Guerra dos Mapas*. Belém: Falangola. 1993.
- ALMEIDA, A. W. B. de. “Introdução” in, FARIAS, JR. E. A., *Terras Indígenas nas Cidades. Manaus*. Universidade Estadual do Amazonas – UEA Edições. 2009.
- ALMEIDA, A. W. B. de & SANTOS, G. S. dos. (org.). *Estigmatização e território: mapeamento situacional dos indígenas em Manaus. Manaus*. Projeto Nova Cartografia Social da Amazônia/Casa 8. 2008.
- BOURDIEU, P. (et. alli.). *The Weight of the World*. Cambridge: Polity. 1999.
- FRASER, N. & HONNETH, A. *Redistribution or recognition? A Political-Philosophical Exchange*. London & New York: Verso. 2003.
- FRASER, N. “Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation” in, Fraser, N. and Honneth, A. *Redistribution or Recognition? A Political-Philosophical Exchange*, London and New York: Verso. 2003.
- HALE, C. R. “Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala” in, *Journal of Latin American Studies*, 34. 2002.
- KECK, M.E. & SIKKINK, K. *Activists beyond borders*. Ithaca and London: Cornell University Press. 1998.
- LEITE, I. B. “Os quilombos e a Constituição brasileira” in, OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (Eds.), *A Constituição de 1988 na vida brasileira*. São Paulo: Editora HUCITEC. 2008.
- LOVELL, T. (Ed). *(Mis)recognition, Social Inequality and Social Justice: Nancy Fraser and Pierre Bourdieu*. London and New York: Routledge. 2007.
- LOVELL, T. ‘Nancy Fraser’s integrated theory of justice: a ‘sociologically rich’ model for a global capitalist era?’ in, LOVELL, T. (ed.)

- (Mis)recognition, *Social Inequality and Social Justice*. London and New York: Routledge. 2007.
- OLIVEIRA, J. P. “Sem tutela, uma nova moldura da nação” in, OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (ed.) *A Constituição de 1988 na vida brasileira*. São Paulo: Editora HUCITEC. 2008.
- TURNBULL, D. *Maps are Territories: Science is an Atlas*. Victoria & Chicago: The University of Chicago Press/Deakin University. 1989.
- TURNBULL, D. *Mapping the World in the Mind*. Victoria: Deakin University, 1991.
- VIANNA Jr., A. O reencantamento da cartografia. In: *Le Monde Diplomatique Brasil*. Ano 2, n.º 23, São paulo, junho de 2009.
- VIOLA, E. “O movimento ecológico no Brasil (1978/1986)” in, PÁDUA, J.A. (ed.), *Ecologia e Política no Brasil*. Rio de Janeiro: Espaço e Tempo/IUPERJ. 1987.

## Annexes

LEGAL PROJECT OF THE MUNICIPAL LEGISLATURE N.º 04/2005 CREATES THE LAW OF FREE LICURI OR LICURI LAW, REGULATING ITS PRESERVATION, EXTRACTION, AND COMMERCIALIZATION.

MUNICIPAL CHAMBER OF ANTÔNIO GONÇALVES

Praça Eduardo Pinto Guirra, 50

Tel.: (\*\*74) 3 547-2807

Cep: 44.780-000. Antônio Gonçalves – BA

G.G.C.: 13.233.150/0001-97

LEGAL PROJECT OF THE LEGISLATURE N.º 04/2005

“Creates the free *licuri* law or *licuri* law, regulating its preservation, extraction, and commercialization.”

The municipal mayor of Antônio Gonçalves in the state of Bahia, applying his legal attributions, specifically stated in addendum IV and VI of article 201 of the organic law of Municipalities.

I would like to make it known that the Municipal Chamber has approved and I have sanctioned the following law:

## CHAPTER I

### Of the constitution

Art. 1.º – The law of free *licuri* is now created and approved, it is linked to the Municipal Secretariat of Agriculture and the Environment, as well as the council of associations that represent the rural workers of the municipality of Antônio Gonçalves.

## CHAPTER II

### Of the objectives

Art. 2.º – The objectives of this law are; to protect the *ouricurizeiros* as a plant of permanent preservation, its cultivations and income generation benefits for low-income communities and families, as well as a source of food for animals.

I – Provide for the communities and *licuri* collectors at the municipal level, to ensure the continuity of the exploration of this extractivist culture.

II – *Ouricuri* collectors or *ouricultores* will respect private property, such as: refraining from cutting wires or damaging fences, and protecting flora and fauna.

## FIRST PARAGRAPH

*Ouricuri* groves are open to access by way of gates, entryways, and passageways for common use by *licuri* collectors and their families, who utilize them within family and community economic regimes.

## SECOND PARAGRAPH

To better proportion production of the *ouricuri* palms and facilitate the development of other plants, property owners should follow a standard distance of approximately three to five meters from one plant to another.

Art. 3.º – Notice of the intent to thin the *ouricuri* palms should be communicated to the environmental organizations of the municipality of Antonio Gonçalves at least fifteen days in advance.

## THIRD PARAGRAPH

It is prohibited for collectors to: cut the sprouting leaves or the leaf buds of the *ouricuri* palm, as well as set fires indiscriminantly on private property, or cut green bunches that cannot be harvested.

## SOLE PARAGRAPH

The same as stated in the third paragraph, with the exception of handicraft artisans who produce brooms, hats, mats ..., leaving always the last two sprouting leaves.

Art. 4.º – Partner entities or bodies: Municipal Secretaries of the Environment, Rural Workers' Union of Antonio Gonçalves, Antonio Gonçalves School of Family Agriculture, and council of municipal associations that represent rural workers.

Art. 5.º – Failure to observe this law in a way that damages the environment will result in a fine.

I – The fine will be arbitrated by the environmental and agricultural secretariat of Antonio Gonçalves and the council of associations that represent the municipality’s rural workers.

II – To guarantee better production, commercialization of the products derived from *ouricuri*.

III – The Municipality provide assistance to organize associations and cooperatives.

#### FINAL PROVISIONS

The municipality will make available human and financial resources for training to better utilize and commercialize the products originating from the *ouricuri* palm. The Executive and Legislative Power, backed by this law, will make the necessary necessary effort to search for programs to improve the quality of life of the families of the municipality of Antônio Gonçalves.

Art. 6.º – This law enters into force on the date of its publication, revoking conflicting provisions.

Hall of Sessions of the City Chamber, August 5, 2005.

*Jurandy de Jesus Menezes*  
Councilman



## **Glossary of portuguese terms** (put in alphabetical order)

Açaí:

Açaizal:

Aforamento:

Afroreligioso:

Alforriado:

Agregado:

Arrendatários:

Arumã:

Arumanzal:

Assituante:

Beiradeiros:

Babaçal:

Bens do santo:

Bóias-frias:

Brasiguaios:

Brasivianos:

Caiçara:

Comodatário:

Comodato:

Compáscuo:

Castanhal:

Castanheiro:

Cerrado:

Colono:

Colônia:

Comunidades de Terreiros:

Datas:

Desterritorializado:

Encarregado:

Fazenda:

Foreiro:

Garimpeiro:

Geraizeiro:

Herdeiro:

Igarapé:

Maloca:

Maratimba:

Meeiros:

Mocambo:

Mutirão:

Negro:

Nikkei:

Patrimônio do Santo:

Peconheiro:

Parceiros:

Patrimônio da comunidade rural:

Patrimônio dos santos padroeiros:

Pescador:

Piaçaba:

Piaçabeiro:

Pomeranos:

Pomerânios:

Poronga:

Posse:

Posseiro:

Preto:

Puxirão:

Rocinha:

Sem Terra:

Sesmaria:

Soldado da Borracha:

Terra Devoluta:

Terras da Igreja:

Terras de Quilombo:

Terras Indígenas:

Terras de Índio:

Terras de Santo:

Terras de Preto:

Terras do Caboclo:

Terras Soltas ou Abertas:

Terras de Herdeiros:

Terras de Irmandade:

Terras de Parente:

Terras de pobreza:

Terras de Ausente:

Terras da santa:

Terras de santíssima:

Teso:

Tombamento:

Tuxaua:

Quebradeiras de Côco Babaçu:

Quilombo:

Quilombola:

Várzea:

Vazanteiros:

Volantes:

Babaçuais Livres:

Castanhais do Povo:

Faxinais:

Fundo de Pasto:

Ribeirinho:

Ouricuri:

Ouricuzeiro:

Licuri:

Seringueiro:





# Land, Territories and Commons

“Less than 4 percent of private land in the vast Amazon region is actually deeded and this situation has stoked violent conflicts between competing interests,” (...) stated Roberto Mangabeira Unger, Brazil’s strategic affairs minister. Former Environmental Minister Marina Silva said the [Federal Government] plan [to deed rural real estate] ‘legalizes the usurpation of land’ in the Amazon”.<sup>1</sup>

“Land disputes are seen as one of the greatest challenges the Brazilian government faces in settling the problem of illegal land occupations in the Amazon. Ubiratan Cazetta, the Federal Prosecutor of Pará [an important State in the Amazon], says (...) ‘We have to deal with people who live in remote and isolated areas. Many aren’t aware that they also have rights. It’s just too easy for big farmers to prey on these people’”.<sup>2</sup>

“The land ownership situation for roughly half of the Legal Amazon is uncertain. This lack of definition threatens economic development and environmental management in the region, stimulates social conflict and violates the rights of local populations”,<sup>3</sup> according to IMAZON’s recent research findings.

“Lack of criterions for the demarcation of indigenous reserves and quilombos’ fatten bank accounts of non-governmental organizations

and reduce the amount of land available for Brazilians that really want to produce”,<sup>4</sup> argues an article published in a widely sold weekly magazine.

These recently published extracts synthesizes the positions of the Brazilian government’s officials, humans’ rights and environmental activists statements, socio-environmental Brazilian NGO’s applied research results, and articles in the Brazilian press, and are representative of a new common sense: if one is thinking about enterprise opportunities in the Amazon, combating poverty, advocating for human rights, implementing sustainable development programs as well as protecting the rain forest, land is the main theme, the main challenge and the main issue. This should be considered obvious, as the “Legal Amazon”, defined as a policy-administrative unit by the Brazilian government in 1953, corresponds to some 500 million hectares (the equivalent to 7 times the size of Texas), or 58% of the total area of Brazil, and comprises 24 % of public land with no destination (meaning land with no owners), besides some 35% registered as private individual owned land (mostly with uncertain legal titles); 22% of recognized indigenous peoples’ lands; and, 19% of sustainable use and conservation protected areas. Despite this, in fact only recently has “land” become an issue for these diverse subjects and audiences.<sup>5</sup>

“Land” has been framed as a political issue in different ways, sometimes related to ascertain private ownership rights of landowners, at other times as a theme concerning the rights of indigenous and traditional peoples, and, more recently, as something that is crucial to combat deforestation and access to carbon markets. Within this context of public discussions, professor Alfredo Wagner Berno de Almeida published in Brazil, in 2006, the book *Traditionally Occupied Lands*, which compiles decades of in-depth research, and reframes the theme, by approaching it through the lens of: the new Brazilian social movements; territorial processes regarding traditional peoples and communities; limitation of formal categories that are registered in rural



records and census; insufficient capacity of governmental agencies in dealing with the diversity of appropriation of land as commons; conflicts concerning the common use principles of these groups; difficulties related to the actual transformation of the Brazilian land market; and, the concept of traditionally occupied lands.

The book takes us back to the eighties, in the context of the social struggles against the 1964-1985 dictatorship, when the new social movements and organizations included claims derived from distinctive “perspectives of ethnic, ‘racial’, sexual minorities, gender difference”<sup>6</sup> and environmental protection; in addition to class oriented ones, claimed by trade unions, which were more focused on redistributive demands,<sup>7</sup> both contributing to building the democratic agenda for the country and drawing up the 1988 Constitution.<sup>8</sup>

After that, new social movements of a different type were created. The author depicts and analyzes the creation of these movements in Brazil that since the late eighties have been redesigning the political arena in relation to the establishment of a new agrarian reform agenda and demands regarding land and territories. Most of these groups’ demands were officially recognized by the 1988 Brazilian Constitution and reaffirmed through decrees, state level constitutions and municipal and international legislation, such as the International Labor Organization (ILO) 169 Convention, signed by the Brazilian government. The new national organizations that were created in that period as subjects of collective actions were: the National Council of Rubber-Tappers (CNS), the MIQCB Interstate Movement of Women that Gather Babaçu Coconuts (MIQCB), the Coordination Body of the Brazilian Amazon Indigenous Peoples’ Organizations (COIAB); the National Coordination of Articulations of Black Rural *Quilombolas*’ Communities (CONAQ), followed by the National Movement of Affected by Large Dams (MAB) and local movements and organizations. Many of these new social movements were ethnic, racial or gender based and there was common ground amongst them: they all comprised cultural and social groups that identify themselves in relation to traditional uses of land and natural resources.

In a quasi paradox, they were considered “new”, as they established a discontinuity in relation to previous class-oriented rural workers trade unions movements; and “traditional”, as they were mainly based on reaffirming social and cultural identities with relevant territorial dimensions, demanding their land and territories as commons and, in this sense, directly opposing the market (land market) and the commoditization of natural resources.<sup>9</sup>

These traditional peoples’ movements, in the context of the Brazilian re-democratization process, directly influenced discussions when an institutional and legal framework was created to enforce the new laws and to implement the new policies. They obtained a great victory regarding discussions about universal and re-distributives laws and policies, contributing to including in the legal framework a comprehensive definition of the subjects (or in some cases the beneficiaries) of rights and policies, guaranteeing that they would not be identified as the generic “poor”, which was seen as a way of hiding a great diversity of social subjects. Indigenous peoples, *quilombolas*,<sup>10</sup> rubber-tappers, forest peoples, social groups with positive cultural identities, which had been expropriated of material goods in dramatic economic, social and political processes, had been expropriated symbolically, with the non-recognition of their socio-cultural identity. Therefore, recognizing these people and community identities have been, for these new social movements, a path to valorize the rich socio-cultural diversity of social groups in a positive way and guarantees access to natural resources and land as commons.

These organizations have led to a multiplicity of demands that have been partially addressed by governmental agencies through environmental, social and agrarian policies, through the creation of provisions that entitle traditional peoples to access to land in diverse ways, such as: private individually owned land (through Agrarian Reform laws and policies: Agrarian Reform Rural Settlements and individual titling processes); private community owned land (by Agrarian Reform laws and policies, and Affirmative Actions: Extractive Rural Settlements and Sustainable Use Rural Settlements, and *Quilombo’s* recognition policy);

government owned land that communities have the right to use (through Pro-Indigenous Peoples' laws that enables the recognition of Indigenous Peoples' Lands, and Environmental laws and policies that enable the demarcation of Extractive Reserves and Sustainable Use Reserves).<sup>11</sup> This was an outcome of the new social movements' actions and demands that were reframed by governmental agencies to be included in public policies.

The governmental initiatives enable traditional peoples to have access to land and territories through the previously mentioned legal instruments, create conservation protected areas, officially title farms as private propriety. This set of initiatives is analyzed in this book as actually being the enclosure of the commons, in a context of accentuated rise of prices of agricultural and mineral commodities that directly affects the land market. In addition to this, when the government legalizes land, while guaranteeing land rights for communities, pinpoints which areas are free for companies and limits future traditional peoples' claims. On the one hand, private enterprises demand the end of the identification of indigenous lands and *quilombos* in the Amazon, because they are concerned about what is called a continuous process of land claims, particularly in isolated areas, where there is supposed to be land with no dwellers. On the other, when the economic (timber, mineral, cattle or agricultural) frontier enters isolated areas in the forest it reaches indigenous and other traditional peoples' communities that have Constitutional rights over these territories even when they have not been officially demarcated. Therefore, the creation and demarcation of Sustainable Use Rural Settlements, *Quilombos*, Indigenous Peoples' lands and other protected areas for traditional peoples improves the enclosure process in, at least, four ways: a) highlighting that only the demarcated land is occupied by traditional peoples who would not demand new areas; b) limiting the traditional peoples' social and cultural reproduction by the identification and demarcation of portions of land and not traditional peoples' territories – that include sacred sites, lakes, rivers and woods, as well as areas reserved for future generations uses; c)

allowing the establishment of non environmentally sound enterprises in areas around the demarcated traditional peoples' territories that damage their environment and natural resources; and, d) demarcating land that comprises communities with diverse territorialities in relation to natural resources uses and livelihoods. I mean, an Extractive Reserve, for example, is actually a governmental administrative unit, created by the Ministry of the Environment under the Environmental Policy, co-managed by representatives of the traditional peoples' communities that live there and other local and environmental organizations. Even though the identification, recognition and demarcation of *Quilombos'* lands are closer to a territorial delimitation, their borders limit their social reproduction for future generations. However, it is important to admit that this process has been the manner of saving immense areas from the land market and guarantee community rights over land.

The content of this book is as important as the route by which the knowledge that enables the research has been built up. Professor Alfredo Wagner Berno de Almeida's work is, at the same time, the guideline and the result of the New Social Cartography of the Amazon Project (PNCSA), which is based on the previous successful initiative called the Polo Carajás Mapping Project.<sup>12</sup> This Project, also developed and coordinated by the author in the eighties, is still considered as being the main innovative social mapping initiative in Brazil, as it built a bridge between academic institutions and social movements, as it drew up maps that depicted peoples and communities lands, and the companies' enterprises that threatens traditional peoples and peasants. The social movements used maps as a tool for competing with official maps that did not depicted their communities establishing a 'war of maps' by making their demands visible in a context of conflicts over land and territories.

Following this experience, the New Social Cartography of the Amazon Project (PNCSA),<sup>13</sup> established in 2005, considers its research as the result of the dialogue between traditional knowledge and scientific knowledge.<sup>14</sup> The Project meets the existing demands of Amazon (and other regions) social movements based on ethnic, gender and other so-

cial-organizational criteria, to represent themselves geographically, giving their views about their lands and territories, not constrained by limitations of legal frameworks, governmental mapping procedures, or governmental zoning and territorial ordainment initiatives.

Therefore, the PNCSA strengths are related to its capacity to: produce scientific knowledge which is built in a dynamic dialogue with traditional spatial knowledge producers; recognize and reinforce the traditional spatial knowledge making their authors views explicit in project publications (be they books, booklets or maps); consider and respect the particular communitarian way of traditional knowledge production;<sup>15</sup> contribute to building their capacity to enable them to coordinate self-identifications initiatives in a political context that make them visible; reinforce local organizations' capacities in relation to their dialogue with regional and national institutionalized social movements as well as NGO's and governments; and, produce maps which depict a community view and knowledge of their territorial demands and threats.

The PNCSA has held more than 80 participatory social mapping workshops in partnership with some 200 local based organizations, in which over 1,800 local community leaders participated. It has published 50 booklets containing maps that show where several traditional peoples' communities live in the Amazon. The Project has also published books about new laws concerning traditional peoples' rights to land and cultural issues, as well as lessons learned about the uses of maps in claims to land. Each of these maps and booklets mobilizes some 3 to 4 local organizations and these organizations have been using these maps as a way to gain visibility and to demand land and/or public policies. So far, the project has printed some 70,000 copies of the brochures, 9,000 copies of books, and 7,400 copies of maps.

As was mentioned before, these communities are using these maps as tools to discuss issues and make demands; and in some cases they have been used as a discussion channel among diverse communities in negotiations regarding uses of land and natural resources. One successful case was the Beija-flor indigenous people's village, in the Amazon, where

the community participated in building a map which was used in its request for demarcation and regularization of the community's lands.<sup>16</sup> These maps are also being used by governmental officials that are planning new projects in the Amazon, and as a tool for dialogue amongst diverse development views and proposals, as was the case of enforcement of the law of forest concessions.<sup>17</sup>

The main outcome of the PNCSA, besides publishing material, wide-ranging public diffusion and supporting the recognition of traditional peoples' communities and of their lands, was its decisive participation in drawing up Federal Government Policy on Traditional Peoples, and in recently setting up a national Reference Center of Communities and Traditional Peoples in Manaus, State of the Amazon (Brazil). This Center brings together traditional peoples' movements' leaders and a network of some 40 researchers from diverse universities.

In spite of more than three decades of public concern about the fate of the Amazon, only recently has the government taken up the challenge of recognizing diverse land and territorial rights seriously. Land rights are central to land use, which in turn are crucial for both the livelihoods of the forest dwellers and the fate of the environment. This book emphasizes the importance of identifying traditional peoples' communities and recognizing their rights over territories as a path to build a new and inclusive development model for the Amazon. These communities firmly territorialized are not "poor people with basic needs" but groups with different demands and voices, people who are aware of their cultural and development needs. Professor Alfredo Wagner Berno de Almeida highlights in this work the actual subjects of the processes related to land, territories and the environment in the Amazon.

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## NOTES – LAND, TERRITORIES AND COMMONS

1. “Brazil trying to legalize Amazon landholdings”, in *Herald Tribune*, 12/12/2008 [www.mre.gov.br/portugues/noticiario/nacional/selecao\\_detailhe3.asp](http://www.mre.gov.br/portugues/noticiario/nacional/selecao_detailhe3.asp)
2. CABRAL, P. “Could land law stoke Amazon conflict?”. London (England), BBC ONE-MINUTE WORLD NEWS, 11/09/2009.
3. BRITO, B. & BARRETO, P. “The risks and the principles for landholding regularization in the Amazon” in, *State of the Amazon*, Belém (Brazil); Imazon, 2009: p. 1.
4. COUTINHO, L.; PAULIN, I. & MEDEIROS, J. “A Farra da Antropologia Oportunista: Critérios frouxos para a delimitação de reservas indígenas e quilombos ajudam a engordar as contas de organizações não governamentais e diminuem ainda mais o território destinado aos brasileiros que querem produzir”, in *Veja* (Magazine), São Paulo: Abril Ed. 05/05/2010.
5. Even these data are under debate, as there is a lack of sufficient and accurate information about land in Brazil, particularly, the so-called private land and public ones in the Amazon. See, among others, the following recent articles about this theme: OLIVEIRA, A. U. “A raposa e o galinheiro” in *Le Monde Diplomatic – Brasil*, São Paulo: Polis Ed., 2009; BRITO, B. & BARRETO, P. “The risks and the principles for landholding regularization in the Amazon” in *State of the Amazon*, Belém: Imazon, 2009; and, BRITO, B. & BARRETO, P. “Impactos das novas leis fundiárias na definição de direitos de propriedade no Pará”, in *O Estado da Amazônia*, Belém: Imazon, Março, 2010.

6. FRASER, N. "Social Justice in the Age of identity Politics: Redistribution, Recognition, and Participation" in, Fraser, N. and Honneth, A. *Redistribution or Recognition? A political-Philosophical Exchange*, London and New York: Verso. 2003: p.7

7. Nancy Fraser and Axel Honneth deeply discussed these paradigms in Fraser, N. and Honneth, A. *Redistribution or Recognition? A political-Philosophical Exchange*, London and New York: Verso.2003. I agree with Fraser when she states that it is important not to consider redistribution and recognition as antithesis, what I think is the case of the Brazilian's laws regarding traditional peoples.

8. See about the creation of the environmental (or ecological) movement in Brazil, VIOLA, E. "O movimento ecológico no Brasil (1978/1986)" in, PÁDUA, J.A. (ed.), *Ecologia e Política no Brasil*. Rio de Janeiro (Brazil): Espaço e Tempo/IUPERJ, 1987; on transnational human rights, environmental and on violence against women movements that influenced Brazilian civil society organizations in the eighties, KECK, M.E. & SIKKINK, K. *Activists beyond borders*. Ithaca (USA) and London (England): Cornell University Press, 1998. It is also important to mention new published books that review the importance of the resistance to the dictatorship in the process of building a new political agenda. See more about this in relation to the human rights agenda and movement, ADORNO, S. "Direitos Humanos" in , OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (Eds.), *A Constituição de 1988 na vida brasileira*. São Paulo: Editora Hucitec. 2008. It is important to mention the Hale contribution to the broader discussion of the relationship between the redemocratization process in Latin America and multicultural policies and, following his remarks, highlight that maybe the case of Brazil would be viewed as a process closer to what would be seen as a redistributive and recognition combined policy and not simple a multicultural one. "...powerful political and economic actors use neoliberal multiculturalism to affirm cultural difference, while retaining the prerogative to discern



between cultural rights consistent with the ideal of liberal, democratic pluralism, and cultural rights inimical to that ideal” (HALE, C. Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala. *Journal of Latin American Studies*, 34, 485-524. 2002. p. 491). Following the Hale perspective, I think that the ethnic based Brazilian social movements that have been demanding land and territories as commons are the ones that are opposing neoliberal policies in Brazil, especially in relation to land.

9. In this sense, it would be possible to analyze the Traditionally Occupied Lands explicit and non-explicit dialogue with, at least, Pierre Bourdieu works (BOURDIEU, P. *et alli*. *The Weight of the World*, Cambridge: Polity, 1999; and, *Distinction*, London: Rouledge and Kegan Paul, 1994) and Nancy Fraser (FRASER, N. and HONNETH, A. *Redistribution or Recognition? A political-Philosophical Exchange*, London and New York: Verso, 2003), particularly in the original way that Lovell (LOVELL, T. ‘Nancy Fraser’s integrated theory of justice: a ‘sociologically rich’ model for a global capitalist era?’ in LOVELL, T. (Ed.), *(Mis)recognition, Social Inequality and Social Justice*. London and New York: Routledge:, 2003) builds theoretical linkages amongst these authors. I would say that all these authors despite dealing with “domination” (Bourdieu) and “injustice” (Fraser), thinking in terms of power structures as well as dispositions, in a more pessimistic (Bourdieu) or optimistic (Fraser) ways, do not consider processes that, in my view, are beyond “redistribution”, “recognition” and “representation” issues, as the ones analyzed by Professor Alfredo Wagner. I mean, peoples and communities have been identifying themselves and demanding territories reaffirming their relation to these goods as commons, therefore maybe the focus here would not be redistribution or recognition processes, but demands for maintaining commons as a traditional way of building a future.

10. *Quilombos* are rural Afro-Brazilian communities’ areas that were set up after rebellions of African slaves as a form of organization and

resistance against slavery. Generally speaking, quilombos are communities founded by Afro-Brazilians. The 1988 Constitution recognized the quilombolas' (people who lived in quilombos) rights to their traditional lands. See more in [www.cpisp.org.br](http://www.cpisp.org.br)

11. In addition to these areas, there are the conservation protected areas (such as Parks and Ecological Reserves) and military camps.

12. Almeida, A. W. B. de. *Carajás: A Guerra dos Mapas*. Belém: Falangola. 1993.

13. See more in [www.novacartografiasocial.com](http://www.novacartografiasocial.com)

14. “The Project seems to subscribe the following and interesting perspective, related to another important research about traditional knowledge and mapping: “The claim advanced here is that though the two knowledge systems are different, neither one is superior at the cognitive or epistemological level, they are on par” (TURNBULL, D. *Mapping the World in the Mind*. Victoria: Deakin University, 1991).

15. In the same sense that Turnbull highlights: “... the two knowledge systems are embedded in different cultural frameworks, rely on different social arrangements and incorporate different values. (...) they differ in the kinds of collective communal work required to sustain them”, TURNBULL, D. *Mapping the World in the Mind*. Victoria: Deakin University. 1991. p.4

16. See more about this process in, ALMEIDA A. W. B. & SANTOS, G. S. *Estigmatização e território: mapeamento situacional dos indígenas em Manaus*. Manaus. Projeto Nova Cartografia Social da Amazônia/Casa 8. 2008.

17. The Brazilian government issued a bill that establishes rules related to the concession of public forests for logging. The Ministry of

Environment elaborated it in an attempt to deal with the problem of timber exploration in the Amazon, most of which is concentrated on public lands. See more in [www.socioambiental.org](http://www.socioambiental.org)

## REFERENCES

- ACSERALD, H. & COLI, L. R. “Disputas cartográficas e disputas territoriais” in, ACSELRAD, H. *Cartografias Sociais e Território*. Rio de Janeiro: Editora do Instituto de Planejamento Urbano e Regional (IPPUR)/Universidade Federal do Rio de Janeiro (UFRJ), 2008.
- ADORNO, S. “Direitos Humanos” in, *A Constituição de 1988 na vida brasileira*, OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (Eds.). São Paulo: Editora HUCITEC, 2008.
- ALMEIDA, A. W. B. de. *Carajás: A Guerra dos Mapas*. Belém: Falangola, 1993.
- ALMEIDA, A. W. B. de. “Introdução” in, FARIAS, JR. E. A., *Terras Indígenas nas Cidades*. Manaus. Universidade Estadual do Amazonas – UEA Edições, 2009.
- ALMEIDA, A. W. B. de & SANTOS, G. S. dos. (org.). *Estigmatização e território: mapeamento situacional dos indígenas em Manaus*. Manaus. Projeto Nova Cartografia Social da Amazônia/Casa 8, 2008.
- BRITO, B. & BARRETO, P. “The risks and the principles for landholding regularization in the Amazon” in *State of the Amazon*, Belém: Imazon, 2009.
- BRITO, B. & BARRETO, P. “Impactos das novas leis fundiárias na definição de direitos de propriedade no Pará” in *O Estado da Amazônia*, Belém: Imazon, março, 2010.
- BENATTI, J. H. *Posse agroecológica e manejo florestal*. Curitiba: Juruá Editora, 2003.
- BOURDIEU, P. (et. alli.). *The Weight of the World*. Cambridge: Polity, 1999.

- CABRAL, P. “Could Land Law Stoke Amazon Conflicts?” In *One-Minute World News* London, BBC 11/09/2009
- COUTINHO, L.; PAULIN, I. & MEDEIROS, J. “A Farra da Antropologia Oportunista: Critérios frouxos para a delimitação de reservas indígenas e quilombos ajudam a engordar as contas de organizações não governamentais e diminuem ainda mais o território destinado aos brasileiros que querem produzir”, in *Veja* (Magazin), São Paulo: Abril Ed. 05/05/2010.
- FRASER, N. & HONNETH, A. *Redistribution or recognition? A political-philosophical exchange*. London & New York: Verso, 2003.
- FRASER, N. “Social Justice in the Age of identity Politics: Redistribution, Recognition, and Participation” in Fraser, N. and Honneth, A. *Redistribution or Recognition? A political-Philosophical Exchange*, London and New York: Verso, 2003.
- HALE, C. R. “Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala” in *Journal of Latin American Studies*, 34, 2002.
- HERALD TRIBUNE. “Brazil trying to legalize Amazon landholdings”, in *Herald Tribune*, 12/12/2008.
- KECK, M.E. & SIKKINK, K. *Activists beyond borders*. Ithaca and London: Cornell University Press, 1998.
- LEITE, I. B. “Os quilombos e a Constituição brasileira” in, OLIVEN, R., RIDENTI, M. & BRANDÃO G. (Eds.), *A Constituição de 1988 na vida brasileira*, . São Paulo: Editora Hucitec, 2008.
- LOVELL, T. (Ed). *(Mis)recognition, Social Inequality and Social Justice: Nancy Fraser and Pierre Bourdieu*. London and New York: Routledge, 2007.
- LOVELL, T. ‘Nancy Fraser’s integrated theory of justice: a ‘sociologically rich’ model for a global capitalist era?’ in LOVELL, T. (ed) *(Mis)recognition, Social Inequality and Social Justice*. London and New York: Routledge, 2007.
- OLIVEIRA, A. U. “raposa e o galinheiro” in *Le Monde Diplomatic – Brasil*, São Paulo (Brazil): Ed. Polis, 2008.

- OLIVEIRA, J. P. “Sem tutela, uma nova moldura da nação” in, OLIVEN, R., RIDENTI, M. & BRANDÃO, G. (Eds.) *A Constituição de 1988 na vida brasileira*. São Paulo (Brazil): Editora Hucitec, 2008.
- TURNBULL, D. *Maps are Territories: Science is an Atlas*. Victoria & Chicago: The University of Chicago Press/Deakin University, 1989.
- TURNBULL, D. *Mapping the World in the Mind*. Victoria: Deakin University, 1991.
- VIOLA, E. “O movimento ecológico no Brasil (1978/1986)” in, PÁDUA, J.A. (ed.), *Ecologia e Política no Brasil*. Rio de Janeiro: Espaço e Tempo/IUPERJ, 1987.

