

Seeking Common Ground

Artisanal fishing communities in the Brazilian Amazon are struggling to maintain their traditional ways of life in the face of threats to tenure rights

Discussing small-scale artisanal fishing in Brazil is a major challenge, considering the immense length of the coastline and continental water systems. The activity is a combination of numerous and complex characteristics, based on regions, biomes, landscapes and their people; then there are cultural, social, political and economic aspects. Even with this enormous diversity, common conditions, transformations and challenges emerge in the contemporary context. Several groups of Brazilian artisanal fishermen and fisherwomen struggle to maintain and reproduce their traditional ways of life.

In the environmental context, the degradation and imbalance of ecosystems, chemical contamination and the impacts generated by large enterprises are widely known. In the social context, the pressures on the natural landscape and the health of fish stocks add to the conflicts over territories, which are associated with land issues, tourism, fully protected conservation units, real estate speculation and major infrastructure initiatives.

On the coast, local artisanal fishing communities are facing the impacts of tourism, shrimp farming, industrial fishing, salt pans, wind farms and recent oil spills. They also struggle to hold on to their traditionally occupied territories because large hotel developments and luxury condominiums move forward with the support and incentives of local and State governments. The situation is similar in continental water systems; traditional communities, Afro-descendants (Quilombolas), riverside communities and Indigenous Peoples face environmental impacts and the advance of large infrastructure enterprises, such as hydroelectric dams,

in addition to territorial pressures. Regarding fisheries legislation, there is an urgent need to revise the regulations to modernize legal instruments and ensure that they respond more appropriately to local and regional conditions, to their specific realities.

Faced with this complex and challenging scenario, we seek to understand how small-scale fishing communities can guarantee their rights to remain in their territories,

Regarding fisheries legislation, there is an urgent need to revise the regulations to modernize legal instruments and ensure that they respond more appropriately to local and regional conditions, to their specific realities

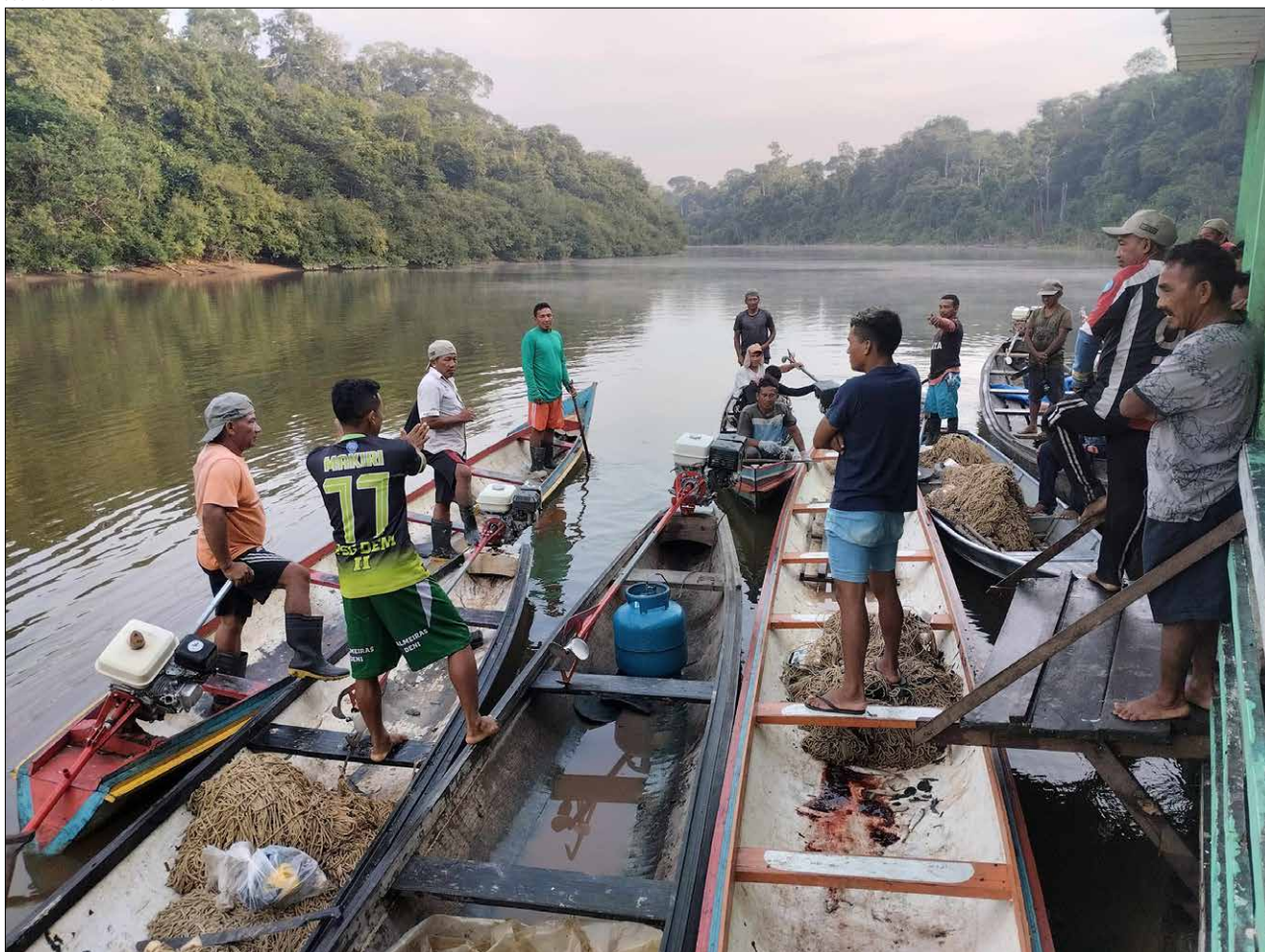
with access to fishing resources and under appropriate social and cultural conditions that allow them to care for the environment, manage resources and social development based on their understanding and autonomy. In this context, we would like to offer some observations from the Brazilian Amazon, more specifically in the State of Amazonas, where we work directly with fishing communities belonging to Indigenous Peoples and riverine and extractive communities.

Need assessment

Guaranteeing the territorial rights of Indigenous Peoples and traditional populations is a *sine qua non* for the continuation of their ways of life. The historical struggle of Indigenous Peoples for the guarantee and recognition of their territories with the demarcation of indigenous lands is an example of this challenge, which began with the colonization of Brazil and the

This article is by Felipe Rossoni (felipe@amazonianativa.org.br), project coordinator of Operação Amazônia Nativa (OPAN), and Gustavo Silveira (gustavo@amazonianativa.org.br), Technical Coordinator of OPAN, a member of the Amazon Waters Alliance, Brazil

JOSÉ CÂNDIDO / OPAN



38

Deni Indigenous People fishing, Brazil. Indigenous lands are official demarcations (boundaries) of the Brazilian state for the exclusive use and enjoyment of the group(s) for which they were claimed

consequent processes of dispossession. Similarly, other social groups, such as the communities of African descent that make up the Quilombo territories and the extractivist and riverside communities, also make great efforts and risk clashes to protect what is most sacred and integral to their way of life, represented in their ancestral/traditional territories.

In Brazil, the formally planned protected areas are made up of different categories and decreed based on the analysis of various studies and perspectives that seek to consider human presence in areas of integral protection. Indigenous lands are official demarcations (boundaries) of the Brazilian state for the exclusive use and enjoyment of the group(s) for which they were claimed. Quilombos are processes of recognition and titling of the area for communities of African

origin. There are also conservation units, such as Extractive Reserves and Sustainable Development Reserves in the direct-use group; another group is that of full protection, where human presence is only allowed for research and environmental education. There are cases of these units being created in territories already occupied by social groups, leading to territorial conflict.

Different mechanisms

Legal recognition of the use and ownership of these territories, and land regularization are achieved through different mechanisms: for indigenous lands, the exclusive use and enjoyment of the people(s)/ethnicity(ies) is automatically recognized. For Quilombos, there is the recognition and subsequent titling of the area passed on to a formal representation of the social collective. In conservation units, this

recognition takes place through the Concession of Real Right of Use (CRRU) instrument.

Within the framework of public policies, these areas are managed through varying arrangements, depending on their nature and category. The officially demarcated indigenous territories are under the National Policy for Territorial and Environmental Management of Indigenous Lands (NPTEMIL), which was built with the participation of the indigenous movement and seeks to provide conditions for the peoples to have autonomy in the care of their territories. The management structure can take different forms, from Territorial and Environmental Management Plans (TEMPs), Life Plans, zoning and structuring of rules for use, monitoring and management plans, consolidation of partnerships, consultation protocols and other management instruments that can be drawn up and implemented in the different axes of the policy.

Along the same lines, in 2023 the mobilization efforts and work were resumed to build the National Policy for Quilombola Territorial and Environmental Management (QTEM). Conservation units fall under the National Conservation Unit System (NCUS) and, in the case of the state of Amazonas, a state system. The governance structure for the management of these units is based on a management council led by the official body. In the case of direct-use units, deliberative councils are set up, with representation from local residents, and in the case of integral protection units, advisory councils are formed. Management mechanisms are provided for in the unit's management plan, which can foresee, limit or prohibit activities based on studies and analyses of the situation.

Not enough

Despite these official structures for the management of protected areas, there are numerous challenges to the effectiveness of these mechanisms. The lack of dynamism in public processes, the shortage of professionals in official bodies, and low investment,

considering the scale of the demands, make the preparation of plans and their implementation time-consuming and unable to respond in sufficient time to the dynamics of the real-life challenges facing the territories and their social groups.

There are still a number of indigenous groups whose territories have been requested to be titled and no action has been taken. As a result, the indigenous movement in the Amazon and other regions have levelled harsh criticism against the current federal government, which has committed itself to the demarcations, pending resolution, in the wake of the previous government's environmental and social agendas. The same situation surrounds Quilombos, which are stagnating in formal land titling procedures. There are also social groups that have been, for years, demanding the creation of conservation units for use that involve their territories, but no action has been taken by the competent bodies.

As for the traditional communities living outside protected areas, they commonly report intrusions, illegal logging, predatory fishing, deforestation and threats. In this sense, the need for innovations that make it possible to recognize and ensure the territorial rights of these populations is urgent.

Directly associated with fishing, one management instrument that has become well known in the Amazon is the fishing agreement. As a legal instrument, it is structured to regulate fishing in a given area, under the condition that it is used by more than one social group and, in many cases, in conflict with each other. Through this mechanism, discussions for the management of fish stocks are initiated to reach agreement built on consensus, based on the users' knowledge of the conditions of the environments and strategies that are compatible with the local reality. These fishing agreements can be formalized for different protected areas and also encompass communities from open (non-protected) areas. This tool is recognized for generating social engagement and collaboration. It still needs to be developed to more effectively support social groups in a

participatory manner and strengthen the implementation of the necessary strategies and actions.

A forum has been set up in the Amazonas to discuss and seek a resolution to historical land conflicts in the state. It is made up of civil society, grassroots organizations, the Amazonas Federal Public Prosecutor's Office and the Amazonas State Attorney General's Office. In 2021, the Amazonas land law made provision for the concept of Common Use Territories (CUTs) for land regularization of populations on the margins of any kind of territorial security. The regularization of these non-protected areas is usually done through individual use concessions.

However, this regularization mechanism excludes the possibility of areas of common use that are fundamental to the reproduction of traditional communities' ways of life, such as forest extraction activities, subsistence hunting and small-scale fishing. In this way, the issuing of collective CRRU is an innovation in the application of legislation, to guarantee the areas are recognized as collective by the requesting social groups, both for conservation units and for communities located outside the boundaries of protected areas.

Biodiversity conservation


Another innovation that has been discussed under the Convention on Biological Diversity (CBD) is the concept of other effective area-based conservation measures, which aim to identify, recognize and strengthen conservation and management initiatives implemented by local communities, Indigenous Peoples, governments and the private sector. Although they are not yet institutionalized in Brazilian environmental policies, other effective area-based conservation measures are potentially good tools to complement the national system of protected areas and the other protected areas institutionalized at the national, state, and municipal levels.

Discussion has also been taking place in some of the countries that make up the Amazon basin, which could lead to cross-border arrangements of singular importance, especially for the

conservation of large migratory catfish species, which are of fundamental significance in Amazonian fisheries and depend on large areas for the development of their life cycles, as they cross borders of local territories, states and countries.

Connectivity is a central issue in the discussion of river basin conservation and the sustainability of Amazonian fisheries. Based on studies of the biology and ecology of fish species, fisheries and ecological processes, the need to maintain connectivity in the large Amazon basin system is clear. This connectivity must be guaranteed longitudinally, from the connections between the smaller tributaries to the channels of the large tributaries, and laterally, guaranteeing the flooding dynamics of the river floodplains.

In this same context, we understand that connectivity must also be recognized, fomented and guaranteed in a social sense, by promoting the role of Indigenous Peoples, traditional communities and fishing groups living in Amazonian cities. Strengthening local governance structures and recognizing the essential role of small-scale fisheries for food security, managing fisheries resources and conserving fish species are urgent tasks for governments at various levels.

Discussions on drafting fisheries legislation and public policies should also be brought closer together to achieve greater popular participation, and resolutions should be structured to be more appropriate to local realities. Investing in infrastructure and qualification processes to modernize small-scale fishing value chains is also a basic need today to promote the Amazon's socio-biodiversity to achieve its fullest potential. 

For more

A Script for Success

https://www.icsf.net/wp-content/uploads/2023/08/Sam_89_art06_Brazil_A-Script-for-Success.pdf

Woes Compounded

https://www.icsf.net/wp-content/uploads/2021/10/4513_art_Sam_85_art08_Brazil_BeatrizMesquita.pdf

The contribution of fishing to human well-being in Brazilian coastal communities

<https://pdf.sciencedirectassets.com/271824/1-s2.0-S0308597X22X00146/1-s2.0-S0308597X23000489/am.pdf>

Fisheries as a way of life: Gendered livelihoods, identities and perspectives of artisanal fisheries in eastern Brazil

https://www.researchgate.net/publication/283344206_Fisheries_as_a_way_of_life_Gendered_livelihoods_identities_and_perspectives_of_artisanal_fisheries_in_eastern_Brazil