

# Endless Conflicts

The access of Brazil's fishers to coastal land and sea resources has, in recent years, been hampered by increased urbanization, tourism and construction of harbours

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**Q** : In Brazil, do small-scale fishing communities have secure tenure rights—for their habitation, for shore-based activities, and for their fishing? Is there any conflict between different departments that regulate tenure arrangements?

A: In Brazil, all coastal land extends from the high-tide line up to 30 m, and it belongs to the Union. When fishers' land is situated in this area, fishers do not have any legal property right to the land, but usually they are not financially charged for the use of this land, particularly when such land is located outside urban areas.

In recent years, the Federal Government (through the Union Patrimony Service) has started a programme of officially granting this area for the use of artisanal fishers (for housing, as places to store fishing gear, etc.) for a longer period (20-30 years), which is renewable, as they belong to the social category of 'traditional communities'. As this programme was started by the previous (more socially oriented) government, we have no guarantee that it will be continued by the present government.

In recent years, due to the increase in urbanization, tourism and construction of harbours, some artisanal fisher communities have been (and are being) displaced; only some of them are receiving any kind of compensation, but frequently they lose access to traditional fishing grounds. In case they sell their land to outsiders, they also lose access to the beach and to places where their fishing gears are stored. Coastal waters within 12 nautical miles belong to the Union. In principle, no industrial boats or large trawlers are allowed to operate within 1.5 nautical miles from the shoreline, but the law is broken frequently, and there is no surveillance.

Access to fishing in coastal areas is entitled to those fishers (and vessels)

that are properly registered in fishing guilds (*colônias*) or associations. There is no area restriction along the entire coast for fishers (men and women) if they are regularly registered, except for marine protected areas. There is a special regime for the fishers' communities that belong to an officially recognized 'marine extractive reserve'. Only fishers residing inside this type of reserve can use the natural resources of the reserve that are administered both by a director belonging to the Chico Mendes Environmental Institute (IcmBio) and the fishers' association(s).

There are frequent conflicts between the Department of Fisheries under the Ministry of Agriculture, responsible for the fishing as an economic activity, and IcmBio responsible for the protection of fish species. An example of this conflict is the list of endangered fish species prepared by IcmBio, often without consulting the Ministry of Agriculture (Fisheries), resulting in endless conflict.

**Q: Are there indigenous/tribal communities in Brazil that utilize the aquatic resources? Are their rights safeguarded? Have they suffered marginalization of any kind?**

A: In Brazil, there are two kinds of what we call 'traditional communities': Indigenous (Indian) peoples and non-Indian traditional communities as *quilombolas* (ex-slaves) communities of artisanal fishers. Officially-recognized Indigenous peoples or coastal fishers have their rights over land and way of life safeguarded by the nation's Constitution. There are a few Indigenous fishers along the coast, as the majority of them live along the rivers and lakes in continental regions.

There is an increasing number of conflicts due to the construction of large dams, and expansion of agribusiness, particularly in the Amazonian rivers. There are also conflicts between the

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establishment of non-use protected areas (National Parks) and Indigenous land. There is a tendency for government environmental institutions to take for granted that overall environmental restrictions in land use are applied also for Indigenous peoples, although Indigenous peoples' rights are guaranteed by the Constitution, which is the greatest source of rights, ranking above Government laws and decrees.

*Quilombolas* (descendants of African slaves) fishers also have their territorial rights guaranteed by the Constitution. There are already a number of *quilombola* communities that live along the coast and have got their rights over their territory. Again, there is a great pressure over these territories from harbour expansion, growth of tourism facilities, and coastal monoculture like sugarcane plantations; usually, these conflicts end up in court and take years to be resolved. There are many traditional non-Indigenous communities in Brazil; some of them are artisanal fisher communities that were recognized by the previous governments through decrees. However, territorial rights are only recognized to those living within some 30 Marine/Coastal Extractive Reserves.

**Q: Are there instances when the government has granted fishing access to the disadvantage of the SSF? Are there fishing communities in your area displaced by development activities? Are they consulted before implementation of large projects?**

A: The present Federal Government is openly favouring only private interests, privatizing important public firms (like ex-State-owned electricity firms), harbours, and so on. The fisheries sector, which earlier had a Ministry to oversee its development, is now in a downgraded status, with merely a Department in charge, first within the Ministry of Industry and now in the Ministry of Agriculture, totally controlled by agribusiness for export and commercial aquaculture.

Fishers' organizations, such as the Movement of Fishers and Fisherwomen (Movimento de Pescadores e Pescadoras), linked to the Catholic Pastoral for Fisheries (CPP) that was more active during the previous government's regime,

appear to be losing ground now. The Movimento is, however, the most active movement that has appeared in the last few years. The reaction to fishers' displacement by harbours and other tourism activities depends mainly on local movements/organizations, and do not have enough political support in a Congress dominated now by strong financial groups.

Local communities are rarely consulted about the implementation of large projects in coastal areas. They are displaced to places far from their fishing grounds, receiving only a plot to build their houses (mere shacks), as has occurred in the northern state of Maranhão, Espírito Santo, etc. Sometimes there is a project to 'recycle' communities into other non-fishing activities (usually construction work). Only few of those displaced return to their previous fishing activities. Fishing rights are being reduced drastically, particularly those related to social services (mainly, health and education).

**Q: What is the role of women in Brazilian small-scale fisheries?**

A: There is an increase in the participation of women in artisanal fisher associations/movements, particularly in some Northeastern States, such as Bahia, Pernambuco, etc. This increased participation has led to greater recognition of their rights until 2012. These rights, however, have been reduced since then. One example is a recent legislation in regard to women working in fish processing and marketing, who have lost their rights as 'fishers' and are now included under the head, 'fishing auxiliary activities'. As a result, they have lost access to the closed-season allowance (under the Seguro defeso pesca scheme, for example). There are also examples of processing projects where women are the majority participants (for example, in Rio Grande do Norte). In some Provinces (like Bahia), women are a majority in the shell harvesting subsector. In recent years, due to a dramatic increase in unemployment—Brazil has still around 12.5 mn unemployed people, mainly youngsters—fishing has become an important subsistence activity also for unemployed women, particularly in the Northeast of the country. 3

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