Traditional populations and forests
An overview of Brazilian policies

Forests and Common Lands:
Rights, Conflicts, FRA, and PESA
New Delhi, December 18, 2012
<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Area (sq km)</th>
<th>Forest area (sq km)</th>
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</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>197 million</td>
<td>8,514,876</td>
<td>5,170,885</td>
</tr>
<tr>
<td>Brazilian Amazon</td>
<td>23 million</td>
<td>4,200,000</td>
<td>3,564,293</td>
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• 1500 – the Portuguese arrive: colonization based on distribution of land to Portuguese, land grabbing and forest conversion.

• No rights for the indigenous peoples (but serious opposition to IP slavery)

• 1961 – First IP land: Xingu
Recent History

• **1967** - Constitution: land occupied by IP belongs to the Union (and not to the States)

• **1985** - Democracy

• **1988** - Constitution
  
  Human rights + Environment

• **Rio 1992** and international context

• **Perception** by public, media and government of the need to stop deforestation and protect native Brazilian and traditional population rights
1988 Constitution

• Acknowledges **IP cultural identity and originary rights**

• The Union ought to demarcate their lands and protect the people

• “Lands traditionally occupied by IPs are those permanently inhabited, those essential to the preservation of environmental resources necessary to their well-being and to their physical and cultural reproduction, according to their uses, customs and traditions”.
Land allocated to Indigenous Peoples

98% in the Amazon

Area (1,000 sq km)

Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Area (1,000 sq km)</th>
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<tbody>
<tr>
<td>1989</td>
<td>144</td>
</tr>
<tr>
<td>1992</td>
<td>408</td>
</tr>
<tr>
<td>1994</td>
<td>462</td>
</tr>
<tr>
<td>2002</td>
<td>873</td>
</tr>
<tr>
<td>2009</td>
<td>1,062</td>
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Implementation

- International programme (PPG7) financed most land demarcation
- Programmes for health and education
- Socioeconomic indicators difficult to come by

- Indigenous peoples population increased 200% (1990/2010)
  - Large proportion of increase due to the self-identification as IP
  - Now: 896,000 people
  - Brazilian population increased 35% over the same period
Other Traditional Groups

• Forest extractivists, fishermen and peasants

• New approaches to conservation areas and settlements to allow for sustainable use
  – Extractive Reserves
  – Sustainable Development Reserves
  – Extractive Settlements
  – Sustainable Settlements
  – Quilombola Lands
National protected areas in the Amazon

Protected areas

Area (1,000 sq km)

Year

Sustainable Use Conservation Areas in the Brazilian Amazon (sq km) - 2010
Benefits of Land Rights

• Protection
• Identity
• Access to
  – Agricultural bank loans
  – Housing development projects
  – Energy programs
  – Forest management and other activities legal
National Program For Community Forestry

- First concept presented at Acre in 2007
- First plan launched in 2009
- Strong civil society participation

- Coordinated by Forestry Service and Ministry of Agrarian Reform
- Other agencies are members of the council
Gurupá case study

- Two decades of community and union organization
- 1997 - necessary to tackle the issue of tenure if natural resource management was to be successful.
- Starting in 2004 tenure rights were formalized using 5 different legal tools:
  - Extractivist Settlement Project
  - Sustainable Development Reserve
  - Extractivist Reserve
  - Usage Concession Agreement
  - Quilombola Territory (for ex-slaves descendants).
- Emphasis on socioeconomic development (health, education and water quality, among others)
- Development of new technologies: one on shrimp traps that received 2 major awards for social technology.
Gurupá case study

- Community-defined environmental rules and forest management activities *before* formal tenure rights were ensured.
- Forest is managed mostly for assahi production
- Forest management is considered a strategy to maintain a way of life and to pursue better living conditions.

**Food security**
- assahi is essential to local nutrition
- fishing and hunting improve in managed areas
Gurupá: lessons learned

• Strong link between tenure and community based forest management in Amazonia.

• Tenure solutions must consider community characteristics, their forms of using the resources and their wishes.

• Community-based guidelines for resource use very important. It has set the basis for the type of tenure most appropriate for each community

• The struggle for tenure and resource use has a positive impact on citizenship and on the creation of social capital.
Deforestation rates in the Amazon

Taxa de Desmatamento Anual na Amazônia Legal

Km²/ano

Ano

88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12
Deforestation inside and outside protected areas

As percentage of deforested area - 2003

Source: Ferreira et al, 2005
Present situation

• Slow progress and a couple of **setbacks**

• Political forces grouped around traditional view on the use of natural resources
  – geographical area where agriculture is main economic activity
  – agribusiness production chain
  – conservatives

• Changes to the **Forest Code**

• Changes to Conservation Areas

• **Attempts to limit IP rights** on their allocated areas
Conflicts

Guarani Kaiowa

- IP outside allocated areas murdered
- Suicide trend
- Decadence
Conflicts

• Belo Monte

• Hydroelectric dam 11233 MW
• Being built without proper consultation
• Strong impact on livelihoods
Conflicts

• Awa
• Encroached by farmers and illegal loggers
Luiz Carlos Joels

lcjoels@gmail.com

skype: lcjoels